

# Public Document Pack

## Mid Devon District Council

### Cabinet

Thursday, 29 October 2020 at 6.00 pm  
Remote Meeting

Next ordinary meeting  
Thursday, 3 December 2020 at 6.00 pm

**Important** - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

<https://zoom.us/j/91319859832?pwd=OFIWSHNwQ2pHQtcxT2F2MDBwdEIPZz09>

Meeting ID: 913 1985 9832

Passcode: 167866

One tap mobile

08003582817,,91319859832#,,,,,0#,,167866# United Kingdom Toll-free

08000315717,,91319859832#,,,,,0#,,167866# United Kingdom Toll-free

Dial by your location

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free Meeting ID: 913 1985 9832

Passcode: 167866

Find your local number: <https://zoom.us/u/acQE9QjQVv>

Join by Skype for Business

<https://zoom.us/skype/91319859832>

## Membership

Cllr R M Deed

Cllr R J Chesterton

Cllr R Evans

Cllr D J Knowles

Cllr B A Moore

Cllr C R Slade

Cllr Ms E J Wainwright

Cllr Mrs N Woollatt

# **A G E N D A**

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

1. **Apologies**  
To receive any apologies for absence.
2. **Protocol for Remote Meetings (Pages 5 - 10)**  
To note the protocol for remote meetings.
3. **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
4. **Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
5. **Minutes of the Previous Meeting (Pages 11 - 20)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 1 October 2020.
6. **Syrian Vulnerable Persons Refugee Scheme and the new United Kingdom Resettlement Scheme (Pages 21 - 28)**  
Arising from a report of the Group Manager for Public Health and Regulatory Services, the Homes Policy Development Group has made the following recommendations:
  - a) The proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the district under the existing Syrian Refugee Resettlement Scheme be approved.
  - b) The Council should take part in the new United Kingdom Refugee Scheme (UKRS).
  - c) A maximum of 5 additional families are supported through either the existing or the new scheme. Should the existing Syrian scheme reopen and be available locally then under existing commitments 2 of these additional 5 families should be supported through that scheme, leaving a balance of 3 families to be supported under the new UK scheme. If none or just 1 family can be supported under the Syrian scheme then the balance of placements should be rolled over into the new scheme.
7. **Public Spaces Protection Order (Pages 29 - 238)**  
Following consideration of a report of the Environment and Enforcement Manager, the Environment Policy Development Group has made the

following recommendations: that the PSPO be redrafted to take account of the public consultation responses before it goes out for further public consultation on additional areas proposed. The revised PSPO be brought back to Environment PDG for recommendation to the Cabinet.

8. **Operations Directive Enforcement Policy** (*Pages 239 - 344*)  
Following consideration of a report from the Group Manager for Public Health and Regulatory Services, the joint Policy Development meeting held on 20 October has recommended that the revised Enforcement Policy attached in Annex 1 be adopted, subject to minor grammatical amendments as highlighted by the joint Community, Environment and Homes PDG.
9. **Draft Budget 2021-22** (*Pages 345 - 378*)  
To consider a report of the Deputy Chief Executive (S151) outlining the initial draft 2021/22 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.
10. **Treasury Management Strategy and Mid Year Review** (*Pages 379 - 386*)  
To receive a report of the Deputy Chief Executive (S151) informing the Cabinet of the treasury performance during the first six months of 2020/21, to agree the ongoing deposit strategy for the remainder of 2020/21 and a review of compliance with Treasury and Prudential Limits for 2020/21.
11. **Mid Devon Design Guide Supplementary Planning Document** (*Pages 387 - 584*)  
To consider a report of the Head of Planning, Regeneration and Economy informing members of the outcome of the public consultation on the Design Guide, the amendments that have been made in response to comments received, and a request to adopt the Mid Devon Design Guide as a Supplementary Planning Document.
12. **Measured Term Minor Structural Works Contract 2020 - 2024** (*Pages 585 - 590*)  
To consider a report of the Repairs Manager advising Members on the results for the tendering of the Measured Term Minor Structural Works Contract 2020 – 2024 to Council houses and confirm the award of the contract.
13. **19 High Street, Cullompton (former Harlequin Valet site)** (*Pages 591 - 600*)  
To consider an update report from the Group Manager for Corporate Property and Commercial Assets on the sale of this property.
14. **3 Rivers Developments Limited** (*Pages 601 - 616*)  
To consider an options report, interim funding request and update.

15. **Notification of Key Decisions** (Pages 617 - 630)  
To note the contents of the Forward Plan.

**Stephen Walford**  
Chief Executive  
Wednesday, 21 October 2020

### **Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Sally Gabriel  
E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *“Welcome to Zoom, enter your meeting ID followed by the hash button”*

- **Enter Meeting ID followed by #**

Wait for next message which will say *“If you are a participant, please press hash to continue”*

- **Press #**

Wait for next message which will say *“Enter Meeting Password followed by hash”*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*“You are currently being held in a waiting room, the Host will release you from 'hold' in a minute”*

**Wait.....**

*“You have now entered the meeting”*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 1 October 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, R Evans, D J Knowles,  
C R Slade and Ms E J Wainwright

### **Apologies**

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

B A Moore and Mrs N Woollatt

### **Also Present**

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

G Barnell, S J Clist, Mrs C P Daw, F W Letch, R F Radford  
and B G J Warren

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Ian Chilver (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Arron Beecham (Forward Planning Officer), Tina Maryan (Area Planning Officer), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## 232. **APOLOGIES (0.02.33)**

Apologies were received from Cllr B A Moore and Cllr Mrs N Woollatt

## 233. **PROTOCOL FOR REMOTE MEETINGS (0.02.55)**

The Cabinet had before it, and **NOTED**, the \*Protocol for remote meetings

Note: \*Protocol previously circulated and attached to the minutes

## 234. **PUBLIC QUESTION TIME (0.03.24)**

Nick Quinn a local resident, referring to item 10 on the agenda, stated:

“In paragraph 1, it states that this is “to deliver a brief update since the last Cabinet report which was considered on the 3 September 2020”.

In paragraph 3.1, it states that: “since the last Cabinet report.....The necessary release for seconded staff has been put in place”.

At Cabinet on 9 July 2020, I asked whether the terms and conditions of any Officer had ever been amended in connection with 3 Rivers.

Within days, I received a written response from the Chief Executive - who wrote: "I have since followed this up and can confirm that the necessary release has been officially provided from the HR department to the employee that has been seconded on a full-time basis to the company".

So, this update says the release "has been put in place" since the beginning of September, but the Chief Executive stated, in July, that this had already been done.

Both cannot be right...

So my question is: On what date was this release actually given to the seconded Officer?"

The Leader responded that the date was 15<sup>th</sup> July 2020

Mr Welchman, a local resident, also referring to item 10 on the agenda stated that Members may have seen a letter that he had submitted to the Gazette concerning the massive amount of money being put at risk and that scrutiny of 3 Rivers Development was secretive. He hoped that the Leader could raise his concerns and asked how he was going to rectify the state of affairs.

The Leader confirmed that his question would be addressed at item 10 on the agenda.

#### **235. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.07.07)**

Members were reminded to make declarations of interest when appropriate

#### **236. MINUTES OF THE PREVIOUS MEETING (0.07.35)**

The minutes of the previous meeting were approved as a correct record.

#### **237. CLIMATE STRATEGY AND ACTION PLAN (0.09.01)**

Following consideration of a \*report of the Group Manager for Corporate Property and Commercial Assets, the Environment Policy Development Group had made the following recommendation that: the Climate Change Strategy and Action Plan be approved.

Prior to the debate, a Member question was raised with regard to a budget being allocated to the Carbon Zero Agenda.

The Cabinet Member for Climate Change responded that she was in agreement and that a specific resource was required so that the Council could deal with Climate Change like the emergency it was. She referenced the action plan and stated that work was underway.

The Deputy Chief Executive (S151) explained that the Council had been at the forefront of carbon reduction in implementing solar power on its council houses and

leisure centres, installation of a biomass boiler and additional electric car charging points. He stated that officers were looking at grant schemes and that the carbon pledge required a plan with clear targets. He stated that a key action was going to be the appointment of a dedicated Climate Change officer.

The Cabinet Member for Climate Change outlined the contents of the report and explained that she had enjoyed working on the plan but there was no dedicated officer resource in place at this time. She stated that the timings of the roll out of the plan had been affected by the pandemic but that a lot of work had still been completed. She stated that the Climate Change officer would bring all of the work required together.

The Group Manager for Corporate Property and Commercial Assets explained that the Environment Policy Development Group had provided questions with regard to the Action Plan and he updated the Cabinet on the actions and suggested delegation to complete amendments in consultation with the Cabinet Member for Climate Change.

Consideration was given to:

- The amendments suggested by the Environment PDG
- The actions taken to address these amendments
- The number of electric car charging points in the District
- The status of the DCC task force and that due to Covid the citizens assemblies would commence again in 2021
- Tree planting opportunities in the District
- Carbon reduction measures as a requirement for new planning applications
- The scope of the post of Climate Change officer
- A commitment to a costed Climate Change plan for the 2021-2022 budget
- The Climate Change Plan did not carry the same weight as policies in the adopted Local Plan for the refusal of planning applications
- Local developers taking the lead in the implementation of carbon reduction solutions in new build developments

**RESOLVED** that:

- a) That the Climate Change Strategy and Action Plan be approved, subject to incorporating those changes proposed by the Environment Policy Development Group as reported to the meeting; and
- b) Delegated authority be given to the Group Manager for Corporate Property and Commercial Assets, in consultation with the Cabinet Member for Climate Change, to finalise the wording of the Strategy and Action plan to incorporate such changes

(Proposed by Cllr Ms E Wainwright and seconded by Cllr C R Slade)

Reason for Decision – there is a need for the Climate Change Strategy and Action Plan to be in place in order the further the Net Zero aspirations of the Council

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

238. **MID DEVON DISTRICT COUNCIL'S RESPONSE TO THE GOVERNMENT CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM (1.04.15)**

The Cabinet had before it a \*report of the Head of Planning, Regeneration and Economy considering two current consultation papers published by the Government: "Changes to the current planning system – consultation on changes to planning policy and regulations", and "Planning for the Future – White Paper" and responses by Mid Devon District Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Government were holding consultations which would have a significant changes to current planning policy. He explained that the Planning Policy Advisory Group (PPAG) had debated the Council's response and he provided members with the details of comments submitted.

Consideration was given to:

- The comments of the PPAG in relation to the Government's consultation "Planning for the Future – White Paper"
- The comments made by the Cabinet Member for Climate Change in relation to the Government's consultation "Planning for the Future – White Paper"
- The effect that the change in planning policies would have on the Climate Change agenda

**RESOLVED:**

- a) The Cabinet approves the submission of the draft responses in Appendix 1 incorporating the additional suggestions put forward by PPAG which were confirmed at the meeting to the Government's consultation on the technical paper "Changes to the current planning system"
- b) Members of the Cabinet inform the Head of Planning, Economy and Regeneration of any further responses needed in Appendix 2 to the Government's consultation "Planning for the Future – White Paper"
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the appendix 2 response to the Government's consultation on the "Planning for the Future – White Paper" and to submit these to the Government.

(Proposed by Cllr R J Chesterton and seconded by Cllr D J Knowles)

Reason for the Decision The recommendations sought were to approve the responses for submission to the Government, so that the Council has engaged with the consultation in the interests of Mid Devon.

Note: \*report previously circulated and attached to the minutes

239. **S106 GOVERNANCE (1.31.55)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration which followed a previous audit report which flagged up the need to review and formalise governance arrangements. Draft proposals were subsequently drawn up and sent out for consultation with Parish and Town Councils and the report brought together the output from that consultation and subsequent amendments.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a Planning Policy Advisory Group Working Group had been formed especially to look at S106 Governance.

He explained that the new arrangements would see views sought from Parish or Town Council and Ward Members within the catchment area in advance (28 days allowed). A S106 Board would be introduced for spend in excess of £10k.

Consideration was given to:

- The 28 day timeframe for Town and Parish Council's to respond and that this could be assessed on a case by case basis
- That Development Delivery Advisory Group (DDAG) should have oversight of S106 matters on large developments and a meeting of this group would take place once the membership of the Group had been established

**RECOMMENDED** to Council that:

- a) The governance arrangements in appendix 1 be adopted subject to the inclusion of the Cabinet Member for Climate Change in paragraph 2b (spend >£10,000)

(Proposed by Cllr R J Chesterton and Seconded by Cllr R B Evans)

Reason for the Decision There remains a need to agree governance arrangement for S106 agreements even in light of likely legislative change which would require a further review. The arrangements set out in **Appendix 1** had been updated following consultation with Parish and Town Councils and input by the Planning Policy Advisory Group.

Note: \*report previously circulated and attached to the minutes

240. **APPOINTMENT OF CONSULTANTS IN RESPECT OF A DRAFT MASTERPLAN SPD FOR THE EAST CULLOMPTON ALLOCATION AND A DRAFT FRAMEWORK MASTERPLAN FOR CULM GARDEN VILLAGE (1.44.36)**

The Cabinet had before it a \*report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to progress the production of the East Cullompton Masterplan SPD and Culm Garden Village Framework Masterplan, including the commissioning of necessary evidence base reports.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the appointment of consultants was to build on the engagement and work done to date.

He stated that the engagement work to date identified a number of priorities that needed to be addressed within the Masterplans. These included:

- 1) should be landscape-led, building on the area's natural assets and creating quality green and blue infrastructure.
- 2) Climate change, including opportunities for low carbon development, should be a key focus for the development.
- 3) Natural flood management and sustainable urban drainage should form a key aspect of flood risk mitigation.
- 4) Active transport (walking, cycling, public transport) should be the main transport choice.
- 5) The garden village should promote links (physical, social and economic) with Cullompton.
- 6) The garden village should be self-sustaining with good employment and skills opportunities.
- 7) Urban design should focus on a high quality living environment, taking into account the health and well-being of future residents.

Consideration was given to:

- How the gap in the wider proposed allocation could be plugged following the demise in the Greater Exeter Strategic Plan
- If additional sites could be fast tracked through the system
- A need to update the Local Development Scheme

**RESOLVED** that :

- a) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to progress the production of the East Cullompton Masterplan SPD and Culm Garden Village Framework Masterplan, including the commissioning of associated evidence base reports.

(Proposed by Cllr C R Slade and seconded by Cllr D J Knowles)

Reason for the Decision: The first phase of public consultation has been undertaken. The engagement of consultants is necessary to develop the draft East Cullompton Masterplan SPD and draft Culm Garden Village Framework Masterplan SPD ahead of the second stage of public consultation.

Note : \*report previously circulated and attached to the minutes

#### 241. **MID DEVON DISTRICT COUNCIL - EMERGENCY BUDGET (01.52.07)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) which sought to present a revised budget for 2020-2021 which would address the loss of income and the additional expenditure arising from the pandemic and those actions

which had been taken to control it. The report also set out some in-year changes to the budget and the capital programme.

The Deputy Chief Executive (S151) outlined the contents of the report and explained that the emergency budget was important but it had been challenging due to uncertainties. He explained that it was a positive overview and that the Council's overspend may only be in the region of £250k which was much lower than other local authorities of similar size.

He explained that the Government support, whilst welcome, would leave a deficit and that there were concerns with the collection rates for council tax and business rates slipping moving forward.

Consideration was given to:

- The final salary and job title for the proposed Climate Change officer had not been determined at this stage and therefore the budget allocation of £30k in the 2021-2022 was indicative

It was therefore **RESOLVED** that:

- a) Cabinet **NOTED** the Council's revised spending proposals in respect of its General Fund.
- b) Cabinet **AGREED** an amendment to budget of £7,500 in 2020/21 to create a Climate Coordinator post on a fixed term contract for one year.

Reason for Decision: To assist in delivery of the Council's pledge to become carbon neutral by 2030. Whilst the annual cost is expected to be £30k, the in-year budget change will meet the anticipated costs in 2020/21, assuming recruitment is completed by January 2021

- c) Cabinet **AGREED** additional expenditure in the current year of £14k for the installation of a solar array at Carlu Close.

Reason for Decision: The solar array at Carlu Close will be increased in capacity to maximise its environmental advantage. There is an existing approved budget for 2020/21 of £18k and the additional expenditure will meet the increased cost of the increase.

- d) Cabinet **RECOMMENDED** to COUNCIL that £270k was added to the Capital Programme for 2020/21.

Reason for Decision: The Heritage Action Zone (HAZ) project relating to Cullompton (which spans the 4 years from 2020/21 to 2023/24) is expected to result in up to £270k expenditure in 2020/21. It can be noted that £130k is funded from external bodies with the balance coming from existing earmarked reserves.

(Proposed by the Chairman)

Note: \*report previously circulated and attached to the minutes

#### 242. **FINANCIAL MONITORING (2.01.15)**

The Cabinet received a verbal report from the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Deputy Chief Officer (S151) explained that the forecast deficit for 2020-2021 was originally £1.2m but this had reduced significantly to £41k and that the Finance team were looking at the Governments income protection scheme.

Consideration was given to:

- The Council had used the Governments furlough scheme during the pandemic but very few staff were now furloughed
- The Revenues team had administered and delivered £22m in grant funding
- 2 new Government schemes for business rates and hardship were due to be launched
- The Governments spending review due in November was unlikely to be delivered in that timeframe

#### 243. **PERFORMANCE AND RISK (2.06.38)**

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.

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

#### 244. **3 RIVERS DEVELOPMENTS LIMITED - UPDATE (2.08.52)**

The Cabinet had before it, and **NOTED**, a \*report of the Chief Executive providing an update on current project performance, emerging risks and progress with recommendations emanating from the Cabinet report of 9<sup>th</sup> July 2020.

The Cabinet Member for Housing and Property Services outlined the contents of the report and explained that continued governance and oversight would be conducted by himself and the Cabinet Member for Finance.

He stated that he and the Cabinet Member for Finance were committed to bringing a brief update to every Cabinet meeting moving forward.

He explained that if any Members had any questions or concerns about 3 Rivers then the Directors of 3 Rivers and the Cabinet Members were willing to provide information and speak directly to them. He then provided an update including current projects, future schemes and progress on the Cabinets recommendations.

Consideration was given to:

- The project timetable for St Georges Court was due from the developers on 06.10.2020 and would be available to Members and would be made available to Scrutiny for the 12.10.2020 meeting
- The recruitment of new Directors was advancing and would be going through an external recruitment agency
- The Directors were due to provide a written report on the future of the Company to Cabinet on 29.10.2020

In response to the public questions raised in public question time the Leader stated that a written response would be provided.

Note: \*report previously circulated and attached to the minutes

#### 245. **NOTIFICATION OF KEY DECISIONS (02.22.11)**

The Cabinet had before it and **NOTED** its \*rolling plan for September 2020 containing future key decisions.

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

(The meeting ended at 8.23 pm)

**CHAIRMAN**

This page is intentionally left blank

## HOMES POLICY DEVELOPMENT GROUP 15 SEPTEMBER 2020

### SYRIAN VULNERABLE PERSONS REFUGEE SCHEME & THE NEW UNITED KINGDOM RESETTLEMENT SCHEME

15 SEPTEMBER 2020

**Cabinet Member(s):** Councillor Bob Evans  
**Responsible Officer:** Mrs Claire Fry, Group Manager for Housing Services

**Reason for Report:** To provide a written briefing on latest developments relating to the Syrian Refugee Settlement Scheme and the new United Kingdom Resettlement Scheme and to seek decisions relating to the Council's continuing involvement; and approval for a proposal made by a community sponsorship group to support the resettlement of an additional household in Mid Devon, and to agree consent to enable this to move forward

**RECOMMENDATION:** That Members note the report and agree the following recommendation to the Cabinet:

1. To approve the proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the District under the existing Syrian Refugee Resettlement Scheme and to agree consent
2. Whether or not the Council should take part in the new United Kingdom Refugee Scheme (UKRS)
3. If this is agreed, the number of households which should be settled in the District under UKRS

**Financial Implications:** Costs associated with the resettlement of refugees through the current or proposed schemes can be reclaimed from the Refugee Resettlement team operated by Devon County Council (DCC) on behalf of Districts in the county. The team manages budgets funded by Central Government.

Currently, Mid Devon District Council (the Council) has contracted with a third party to manage one privately rented property in Crediton for use through the scheme and all the associated costs are reclaimed from DCC, meaning that there is no financial impact upon Council budgets. If the Policy Development Group (PDG) agrees to resettle more households in Mid Devon, this is the model which would be used going forward.

The other two properties currently in use for this purpose are managed by the Housing Service and relevant costs are reclaimed, as necessary. However, the Council has entered directly into leases with two landlords in the private sector and there is a potential that the Council could become liable for any costs arising from void periods.

**Legal Implications:** There is no statutory duty for the Council to participate in the resettlement programme although mandatory quotas could be introduced, for example, through the Immigration Bill 2015/2016, in the event there are not enough places available nationally. All families will have legal status. The existing resettlement scheme ends shortly. It is currently paused as a result of the pandemic but once the quota has been reached, a new scheme will be started, which has a wider scope, being a worldwide resettlement scheme.

**Risk Assessment:** None arising from this report.

**Equality Impact Assessment:** Persons settled through the existing scheme have been accommodated in private rented properties. They are treated in the same way as any other local residents with regard to places at schools, GP and dentist lists and waiting lists for secondary care. In the more rural areas of the District, rural isolation may be an issue due to the distance from Exeter where there are more services able to provide for the needs of refugees.

**Relationship to Corporate Plan:** This initiative supports work relating to local communities working in partnership with Town and Parish Councils and the voluntary sector.

**Impact on Climate Change:** Whilst Officers will endeavour to plan their work in advance in order to minimise environmental impact, there will be times when they have to visit refugee families in order to respond to a pressing matter. In such cases, this work must take priority and will involve an unplanned journey to and from a property which cannot necessarily be organised to coincide with other visits elsewhere within the District.

## 1.0 Background

- 1.1. On 2 February 2017, the Cabinet approved the recommendation that the Council support / house up to 5 refugee families in the District, with these families being supported / housed as and when properties came forward, for the duration of the scheme. This was on the basis that the costs were met by the Devon County Council (DCC) led resettlement programme and that this be reviewed four months after the arrival of the first family.
- 1.2. Income for the county-wide scheme from the Home Office (HO) is received in various instalments, including annually. DCC therefore carries forward any apparent surplus or deficit shown at the end of each financial year into the next year. There is sufficient funding available for the full duration of the programme, based on the families arrived to date. Families' needs become evident at different levels and rates.
- 1.3. It was agreed that those refugee families re-settled in Mid Devon would be accommodated in Private Sector accommodation. At the time, it was agreed that consideration should be given to the need for support which would involve a minimum of weekly visits by one or more officers to each family; and also an exit strategy involving the landlord, the Council and DCC.
- 1.4. On 13 August 2019, the Homes PDG agreed that representations be made to DCC requesting it to develop a scheme that allowed landlords to accept Syrian

refugees with a direct contract with the landlord through the Home Office Scheme. It was noted that Mid Devon District Council would not expand the scheme.

- 1.5. At the Homes PDG meeting on 3 December 2019 (item 49), it was agreed that the Council should enter into a contract with a third party to manage another property.
- 1.6. On 18 December 2019, the Home Office confirmed an accommodation offer in Crediton for a third family for Mid Devon and identified a family consisting of two adults and two children who could be accommodated in the property.
- 1.7. This property had been offered by a concerned landlord and this offer was taken up with effect from 15 January 2020. The management of the property and family was contracted to a third party, due to capacity issues, and this was a lettings agency wholly owned by two other local authorities in Devon.

## 2.0 **Update**

- 2.1 The family accommodated in this property arrived in Crediton in early March 2020, bringing the total to three refugee families in Mid Devon. No further accommodation offers have come forward for the scheme since then but given the current circumstances this is not unexpected.

## 3.0 **The National Emergency**

- 3.1 Since the restrictions on personal movement commenced on 23 March 2020, the existing refugee resettlement scheme has been put “on pause”. Due to restrictions on movements related to the pandemic both overseas and in the United Kingdom (UK), there has been an inability to undertake any resettlement activity. The HO has identified a number of tests which need to be met before the pledge to resettle 20,000 families can be met. Restarting the programme will be dependent on several factors, including:

- restarting of flights from refugee hosting countries,
- lifting of restrictions imposed by the governments of those countries, and in the UK,
- the ability of international partners (the United Nations’ Refugee Agency - UNHCR and the International Organisation for Migration - IOM) to operate,
- the re-opening of the UK’s visa application centres.

- 3.2 As a result, there have been no refugees resettled in the UK since 12 March 2020, following the outbreak of COVID-19 (meaning that the family accommodated in Crediton was one of the last, if not the last, family to be accommodated ahead of the restrictions). All refugee resettlement arrivals to the UK planned prior to the current crisis have now been cancelled.

- 3.3 The Home Office (HO) is still not expecting any new offers of accommodation and will not be allocating any cases to new property offers previously received.

- 3.4 The HO are actively keeping this situation under review.

- 3.5 Support for families in Mid Devon has continued to be provided between Devon County Council, Refugee Support Devon and a range of other local services.
- 3.6 All support services have been providing resettled families with relevant advice from the GOV.UK and NHS England websites in both an English and Arabic format. Weekly engagement with families has been undertaken electronically through WhatsApp and video calling.
- 3.7 Online resources have also been made available for children to continue with their learning/education and adults with their ESOL (English Language) studies. We understand that generally, the families have reported positively about their wellbeing and the support which they have been receiving through the “lock down” period.
- 3.8 During the pandemic, the families have been provided with support to minimise the financial impact and to help them resolve issues relating to schooling. Support workers are using IT and distance learning and remain in frequent contact.
- 4.0 General update/issues for resettled families in Mid Devon**
- 4.1 Other issues which were identified prior to the current national emergency related to an ability to travel to and from Exeter (for ESOL classes) which could be problematic throughout the year, but especially in the winter.
- 4.2 During adverse weather periods, families often reported black mould in homes. In response to this, the Council has provided advice to families on suitably ventilating their homes and understanding climate differences.
- 4.3 Support services can assist with medical appointments, translation services and with accessing other services, as necessary. In addition, they can help families to establish financial independence
- 5.0 Tenant Challenges due to location**
- 5.1 The locations of two of the properties have caused problems for both families. This is mainly due to the lack of access to local places of worship, access to Halal food/shopping, friends, health services and educational services. Both families are finding it difficult with transport costs and travel time commuting to Exeter to access health services and education facilities. One family is now requesting financial help from the Council to move to Exeter. Any financial assistance given will be reclaimed from the Devon County Council budget.
- 6.0 Indefinite Leave to Remain**
- 6.1 Over the next 12 months, some of the Syrian Refugees families in Devon will be applying for indefinite leave to remain in the country. Some families may have to seek legal advice which is not a free service due to restrictions on legal aid immigration advice in the South West.
- 7.0 Government Refugee resettlement programme**

- 7.1 When resettlement resumes, at present, it is the HO's intention to complete the pledge to accommodate 20,000 families before they launch a new scheme, the United Kingdom Resettlement Scheme (UKRS). There are about 200 further families to be housed in order to reach the target.
- 7.2 There are indications that the emphasis of the new UKRS will be changing and that it will operate in a different way to the existing resettlement scheme. In particular, it will have a wider focus and be open to other nationalities on a worldwide basis, rather than restricted to Syrian refugees.
- 7.3 In February 2020, the United Nations High Commissioner for Refugees, International Organization for Migration and the HO held an event in London which focused on the future plans for resettlement in the UK. At this event, the HO confirmed the development of the new consolidated scheme. When pressed for information regarding what would be happening with regard to this beyond 2021, the Home Office reiterated their commitment to the principle of resettlement. Going forward, future resettlement numbers and allocated funding will be tied to the forthcoming spending review.
- 7.4 It is expected that the focus will remain on the resettlement of families from Syria during 2020/21 and that other nationalities will be gradually incorporated into the UKRS. High resettlement needs have been noted in Africa, particularly South Sudan. The rationale for a gradual change to the scheme is that this will provide some time in which support services can adapt and change to meet the broader resettlement needs.
- 7.5 Three nationalities were highlighted during the conference as being part of UKRS:

<b>Nationally</b>	<b>Host County</b>	<b>Languages Spoken</b>
Afghan	Iran	Dari, Pashto
Somali	Kenya	Somali, Arabic, Oromo
Sudanese	Libya	Sudanese Arabic

- 7.6 DCC has asked the second tier authorities in Devon for confirmation as to whether they will be making a further pledge in respect of the UKRS. If there is to be a commitment to the UKRS in Mid Devon, the Council will then need to agree the number of families which could be resettled in the local authority area.
- 7.7 There are several considerations which must be taken into account with regard to the widening of the scheme. In particular, the current situation worldwide may influence the willingness and ability of landlords in the private sector to make suitable accommodation available to accommodate refugees in Mid Devon. In a recession, the sale of some of those homes bought on a buy to let basis can be anticipated.
- 7.8 In addition, the Refugee Resettlement team at DCC has identified a need for existing infrastructure to be developed to enable the resettlement of those from other areas outside of Syria.

## **8 Transition to the UKRS**

- 8.1 The UKRS will start the day after 20,000<sup>th</sup> arrival under the existing Vulnerable Persons Resettlement Scheme. At that point the HO will make a public statement and formally launch UKRS. This will be underpinned by cross-departmental support within Central Government but in the context of the economic impact of the pandemic, this may be an issue especially given that any further commitment to refugee resettlement will, as stated, be linked to the next spending review.
- 8.2 There will be no further acceptances under the existing scheme. However, there are still approximately 1,000 individuals awaiting resettlement under the previous programmes and these people will be given priority. It should be noted that these households have some of the most complex needs. Most of the individuals concerned are Syrian.
- 8.3 With regard to the UKRS, 3,000 pledges have been received so far from other local authorities nationally against the 2020/2021 target of 5,000.
- 8.4 The UKRS will operate using broadly the same structure as the existing scheme, including the same tariffs which includes provision for ESOL (English Language lessons) and Education.
- 8.5 For information, it can be noted that the other local authorities in Devon have made the following commitments to resettle refugee households in their areas:

Area	LA Pledge(s)
East Devon	5 (over three years)
Exeter	3
Mid Devon	TBC
North Devon	2
South Hams & West Devon	3 (Shared)
Teignbridge	1
Torridge	1 (20/21), 1 (21/22)
<b>Total (20/21)</b>	<b>12</b>

- 8.6 Some local communities offer Community Sponsorship of individual families. One such group has recently come forward seeking consent to assist with the resettlement of a family in the District. It should be noted that the management and support functions in this case would fall to the sponsorship group itself and that the involvement of the Council following the granting of any consent is likely to be minimal.
- 8.7 DCC has advised that the Government will not count any such offers within the 5,000 target. However, local authorities will still need to offer consent to such groups which are planning to resettle a household within their area.

8.8 DCC has also advised that the total number of family arrivals across Devon is likely to meet or exceed the total pledged, due to a small number of ongoing property offers and Community Sponsorship applications.

8.9 Given the changes being effected by the transition to the UKRS, it is likely that the DCC communication strategy relating to the resettlement strategy will be changed to make it clear that the offer will be more ethnically diverse.

## 9 Conclusion

9.1 Members are asked to note the report and agree the following recommendation to the Council:

- 1 To approve the proposal made by a community sponsorship group with regard to the resettlement of an additional refugee household in the District under the existing Syrian Refugee Resettlement Scheme and to agree consent
- 2 Whether or not the Council should take part in the the new United Kingdom Refugee Scheme (UKRS)
- 3 If this is agreed, the number of households which should be settled in the District under UKRS

**Contact for more Information:** Claire Fry, Group Manager for Housing Services, email: [cfry@middevon.gov.uk](mailto:cfry@middevon.gov.uk) tel: 01884 255255 or Simon Newcombe, Group Manager for Public Health and Regulatory Services, email: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk) tel: 01884 255255

**Circulation of the Report:** Councillor Bob Deed, Leader of the Council; Councillor Bob Evans, Cabinet Member for Housing and other Members of the Cabinet; Simon Newcombe, Group Manager for Public Health and Regulatory Services; Jill May, Director of Corporate Affairs and Business Transformation

This page is intentionally left blank

## ENVIRONMENT PDG 19<sup>TH</sup> OCTOBER 2020

### PUBLIC SPACES PROTECTION ORDER - DOGS

**Cabinet Member(s):** Cllr Colin Slade, Cabinet Member for the Environment  
**Responsible Officer:** Vicky Lowman, Environment & Enforcement Manager

**Reason for Report and Recommendations:** This report sets out the key findings from the consultation on a Public Spaces Protection Order (PSPO) for the Mid Devon area which ran from 12 May to 17 July 2020, to update the Environment PDG (and the Cabinet) on the feedback received from the PSPO public consultation and to seek approval on a Revised PSPO to be made in response to the consultation.

#### **RECOMMENDATION: that Cabinet be asked:**

- 1. To agree the making of the PSPO in accordance with the draft attached at Appendix A and the Schedules to it.**
- 2. To authorise the Head of Legal (Monitoring Officer) to make the PSPO and take all necessary steps to bring it into force.**

**Financial Implications:** Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices, income generation is not a reason for introducing a new PSPO. There will be no other costs incurred as the District Officers are already carrying out dog fouling allocated days as part of their discretionary hours.

**Budget and Policy Framework:** The Council already has measures in place to control dogs under dog control orders made under the Clean Neighbourhood and Environment Act 2005. These dog control orders expire on the 19<sup>th</sup> October 2020. The proposed making of the PSPO is to ensure approved measures continue to control dogs with a minimum of interruption. There will be cost implications for signage on the new areas listed.

**Legal Implications:** The current PSPO is due to expire on the 19<sup>th</sup> October 2020. If a new PSPO is not adopted by that date, officers will not be able to enforce the current measures designed to curb anti-social behaviour arising from dog fouling and other matters until such time as the new Order is in place. Any Order approved by the Council is for a period of no more than 3 years, but in practice it may be appropriate to make new orders on a more frequent basis, either to remove or add new measures or protected spaces.

**Risk Assessment:** As the legislation changes and our policies are not updated this may leave the Council at risk of not being able to enforce infringements which could result in reputational damage for not taking appropriate action against offenders. We will also be at risk of not meeting statutory duties.

**Equality Impact Assessment:** The equality issues are addressed within the draft order, part 8 of which states Clause 10 of the draft PSPO sets out certain exemptions. These cover those needing assistance dogs or with some form of disability which might prevent them from complying with the Order. There are also

exemptions for certain working dogs i.e. those involved in law enforcement, military duties, statutory emergency services and search/rescue.

**Relationship to Corporate Plan:** The street scene enforcement service works throughout the District, ensuring cleanliness and attractiveness of our public realm through both education and enforcement. The policies that are enforced by the street scene team contribute to the environment aspects of the corporate plan.

**Impact on Climate Change:** There are no climate change implications associated with this project. However, reduced levels of dog related anti-social behaviour improve the attractiveness and pleasantness of our open spaces. PSPOs are an established method of reducing levels of anti-social behaviour.

## 1.0 INTRODUCTION/BACKGROUND

1.1 The Council had dog control orders made under the Clean Neighbourhood and Environment Act 2005. These became PSPOs under transitional provisions in the Anti-social Behaviour Crime and Policing Act 2014, but these PSPOs will automatically expire on the 19th October 2020.

1.2 The Street Scene, Education & Enforcement Team undertook an internal review and has requested support from Legal Services to produce a draft PSPO which is attached at Appendix B of this report (hereinafter referred to as the "Consultation Draft PSPO"). Cabinet, on the 23 April 2020 resolved that the Consultation Draft PSPO should go out to consultation before a decision was made whether to make the PSPO.

1.3 The Anti-social Behaviour Crime and Policing Act 2014 (the Act) provides local authorities with a set of powers, including PSPOs, to prevent and reduce anti-social behaviour which have a negative or detrimental impact on the local community and the local community's quality of life. A PSPO can require or prohibit certain activities from taking place in certain places in order to prevent or reduce any detrimental effect caused by those activities to local people. A local authority can only make a PSPO if it is satisfied on reasonable grounds that the following conditions have been met:-

1.3.1 The activities carried on in the public place have or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place in that area and that they will have such an effect; and

1.3.2 The effect of the activities are, or are likely to be, of a persistent or continuing nature such as to make them unreasonable and justifying any restrictions or requirements imposed in the PSPO.

1.4 Although there have been several educational interventions to tackle people who allow their dogs to foul public spaces and do not pick up after them, there continue to be issues in the district with irresponsible dog ownership, specifically where dog faeces is not being removed. The Council is aware that the majority of dog owners are responsible and control their dogs in public spaces, however there is still a significant minority of people who do not take

full responsibility for their animals, who are willing to put public health at risk and who and ignore the Council's bylaws. Consequently, a significant number of complaints are continuing to be received by the Council in relation to dog fouling.

- 1.5 Currently, the Enforcement Officers will approach a dog walker and ask whether they are carrying dog bags. If they are not, the Enforcement Team will give advice and remind them that it is offence not to pick up dog mess. At the moment, our officers are unable to enforce this requirement.

## **2.0 CONSULTATION**

- 2.1 The Consultation Draft PSPO went out to public consultation from 12 May 2020 to 17 July 2020. It is now not recommended that the Consultation Draft PSPO is made, approved and enacted but instead a revised draft PSPO, which can be found at appendix A, (the "Revised Draft PSPO") is made.

- 2.2 The purpose of the consultation was to seek views on the Council's intention to implement a new PSPO in relation to dog controls within the Mid Devon District Council boundary. As a result of the views expressed in the consultation exercise it is recommended the Revised Draft PSPO is now made. The overarching responses are set out below in section 3 of this report, but the specific comments are to be found in the spreadsheet accompanying this report (Appendix B). As members will note, some of the key/common concerns expressed were:

- Dogs require off lead exercise and not everyone has access to a vehicle to drive to a rural location without livestock to give their dog/s off lead exercise.
- A dog that is not appropriately exercised is far more likely to display "bad" behaviour, such as barking, or aggressive behaviours
- Well behaved dogs should have freedom to walk off the lead when they are supervised by an adult responsible walker
- Dogs should be on leads in ANY public space
- Large dogs hard to control - some dog walkers use very long leads and they roam many yards and intimidate other users of the spaces. If households choose to keep more than two dogs, they can walk them separately.

- 2.3 The main provisions of the Revised Draft PSPO (which were also contained in the Consultation PSPO) are as follows:-

2.3.1 To require in any public spaces that if a dog defecates at any time, the person in charge of the dog must remove the faeces from the land forthwith;

2.3.2 To require in any public spaces that a person in charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable;

2.3.3 "Public spaces" means land within the District of Mid Devon which is open to the air, including covered land which is open on at least one

side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land;

- 2.3.4 In all public spaces a person in charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable;
  - 2.3.5 A person in charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any enclosed children's play area listed in section 5 of this report;
  - 2.3.6 In any of the public cemeteries listed and shown in Schedule B of the Consultation Draft PSPO, any person in charge of a dog, at any time, must put and keep the dog on a lead and under proper control;
  - 2.3.7 In any of the of public parks listed and shown in Schedule C of the Consultation Draft PSPO, any person in charge of a dog, at any time, must put and keep the dog on a lead and under proper control;
  - 2.3.8 No person in any public spaces shall be in charge of more than 4 dogs at any time.
- 2.4 The Revised Draft PSPO is centred on improving and protecting the local area for people residing, working, trading and visiting the area. The Council values public opinion on this action which seeks to strengthen communities and partnerships to improve our environment, reduce crime and to develop a sense of pride and safety for where people live and work.
- 2.5 Following a request from Willand Parish Council, plan 63 - Sycamore Play area Willand, has been removed from Schedule C Parks and Open Spaces.
- 2.6 No other changes have been made following the consultation however members are able to make recommendations

## **3.0 CONSULTATION RESULTS**

### **3.1 Part A – Dog fouling**

The Consultation Draft PSPO prohibited dog fouling in certain areas within the district of Mid Devon. The areas where dog fouling is prohibited are known in the order as 'Public Spaces', which is a defined term. The term 'Public Spaces' means all land within the district of Mid Devon which is open to the air, including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment. Forestry Commission land is excluded. The district of Mid Devon is shown in Schedule A in the draft order.

### 3.1.1 The two controls in Public Spaces proposed are:

- You must pick up your dog's faeces, and
- You must always have something to pick up the faeces with, eg bags, and produce evidence of this if asked by an Enforcement Officer or the Police.

Q1	Do you agree that those in charge of a dog (owners and walkers), should pick up their dog's faeces in Public Places (as defined)?		
		Number	Percentage
	YES	682	99.13%
	NO	6	0.87%

Q2	Do you agree that every person in charge of a dog (owners and walkers) should carry enough bags or other means to pick up after the dog?		
		Number	Percentage
	YES	667	98.38%
	NO	11	1.62%

## 3.2 Part B – Dogs on leads

3.2.1 This is a control measure to further assist with tackling dog fouling concerns. Between April 2019 and March 2020, 128 reports had been logged in relation to aggressive behaviour from dogs, both on and off leads within public areas. These reports ranged from growling dogs/aggressive behaviour to dog on dog/person attacks.

3.2.2 The Consultation Draft PSPO required dogs to be on leads in any of the following scenarios:

- In public cemeteries which are listed in Schedule B to the Consultation Draft Order and shown on the relevant plans to the draft
- In public parks which are listed in Schedule C to the Consultation Draft Order and shown on the relevant plans to the draft
- If requested by an authorised officer or a Police Constable
- 

Q3a	Do you agree that dogs should be kept on leads In the named public cemeteries?		
		Number	Percentage
	YES	606	88.99%
	NO	75	11.01%
Q3b	Do you agree that dogs should be kept on leads? In the named public parks		

		Number	Percentage
	YES	347	49.78%
	NO	350	50.22%

Q3c	Do you agree that dogs should be kept on leads If requested by an Enforcement Officer or the Police??		
		Number	Percentage
	YES	587	86.83%
	NO	89	13.17%

### 3.3 Part C – Excluding dogs from children’s play areas

3.3.1 The Council already has dog control orders in place excluding dogs from certain play areas and is now proposing to bring that restriction into the PSPO. The play areas are listed in Schedule D to the Order and shown on the relevant plans.

Q4	Do you agree that dogs should be excluded from the named Children's play areas		
		Number	Percentage
	YES	561	85.52%
	NO	95	14.48%

### 3.4 Part D – Limit on the number of dogs

3.4.1 The Council is concerned about dog owners and walkers having sufficient control of their dogs whilst they are being walked or exercised in Public Spaces (as defined). The proposal is to set a maximum limit of 4 dogs per owner/walker at any one time. There is an exception of reasonable excuse and also where the owner of the land has given permission.

Q5	Do you agree that a limit should be set on the number of dogs under the control of the owner/walker when in Public Spaces?		
		Number	Percentage
	YES	499	77.24%
	NO	147	22.76%

Q6	Do you agree that the limit should be set at 4 dogs		
		Number	Percentage
	YES	347	53.72%
	NO	299	46.28%

### 3.5 Part E – Additional questions

Q7	Do you have any alternative or additional proposals on dog controls		
		Number	Percentage
	YES	334	47.04%
	Skipped question	376	52.96%

Q8	Are there additional areas that need to be added or removed to/from the draft order?		
		Number	Percentage
	YES	265	37.27%
	Skipped	446	62.73%

Q9	Are there any adverse impacts to the proposals which you wish highlight?		
		Number	Percentage
	YES	245	34.51%
	Skipped	465	65.49%

Q10	Do you agree that the Fixed Penalty amount for any breaches of the PSPO should be £100 (the maximum permissible under the legislation)?		
		Number	Percentage
	YES	473	74.72%
	NO	160	25.28%

Q11	Do you own or walk dogs?		
		Number	Percentage
	YES	484	74.01%
	NO	170	25.99%

Q12	Do you walk dogs in Mid Devon?		
		Number	Percentage
	YES	488	74.62%
	NO	166	25.38%

3.6 Following a request from Willand Parish Council, plan 63 - Sycamore Play area Willand, has been removed from Schedule C Parks and Open Spaces.

3.7 The Revised Draft PSPO therefore differs from the consultation draft by incorporating the changes set out in paragraph 3.6. Members are invited to consider, in light of the consultation, whether they wish to make further

changes to the Revised Draft PSPO in response to the consultation - but subject to advice on the implications of making such changes. For example, adding in a new area would give rise to a legitimate expectation of further consultation. It is suggested that, if members were thinking along those lines, that this would be something to pursue in a fresh PSPO at a future date.

#### **4.0 ENFORCEMENT**

4.1 If the Order is made, consideration will also need to be given to enforcement as there will be raised expectations from the public which will need to be managed. A stepped and proportionate approach to sanctions will need to be developed. The Council's enforcement policy must be followed in all instances.

4.2 If the amount of time spent on statutory and mandatory duties remains unchanged a total of 300 discretionary annual hours will be allocated to discretionary duties such as litter enforcement, compulsory recycling, Cleansing inspections and dog fouling patrols.

Duties	Allocation of Remaining Time
Compulsory Recycling	40%
Cleansing Inspections	10%
Litter Patrols	40%
Dog Fouling Patrols	10%

4.3 Although PSPOs are made by the Council, enforcement should be the responsibility of a wider group. Council officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, Police officers and PCSOs will have the ability to enforce the order.

#### **5.0 District of Mid Devon**

Plan 1 – Map of District

#### **5.1 Public Cemeteries**

Plan 2 – St Matthews Cheriton Fizpaine

Plan 3 – Black Dog Crediton

Plan 4 – Crediton

Plan 5 - St Andrews Colbrooke

Plan 6 - Wembworthy

Plan 7- Halberton

Plan 8 Bradninch

Plan 9 - All Saints Culmstock

Plan 10 – Culmstock  
Plan 11 - Hemyock  
Plan 12- St Mary’s Hemyock  
Plan 13 – Uffculme  
Plan 14 - Uffculme  
Plan 15- St Mary’s Uffculme  
Plan 16- St Andrews Cullompton  
Plan 17 – Tiverton  
Plan 18 - St Mary’s Willand  
Plan 19 - Willand Parish Cemetery

## 5.2 **Parks & Open Spaces**

Plan 20 - Amory Tiverton  
Plan 21 – Ashley Close Uffculme  
Plan 22 Beacon Park Crediton  
Plan 23 - Bluebell Avenue  
Tiverton Plan 24 - Blundells  
Road Tiverton  
Plan 25 - Burma Star Garden Tiverton  
Plan 26 - Chawleigh Chumleigh  
Plan 27 - Chestnut Drive Willand  
Plan 28 - Church Road Silverton  
Plan 29 - Cottey Brook Tiverton  
Plan 30 - Cranmore View Tiverton  
Plan 31 - Cromwells Meadow Crediton  
Plan 32 - Crossparks Cullompton  
Plan 33 - Crow Bridge Cullompton  
Plan 34 - Cudmore Park Tiverton  
Plan 35 - Culm Valley Uffculme  
Plan 36 - Forcefield Road Cullompton  
Plan 37 - Gables Lea Willand

Plan 38 - Glebelands Road Tiverton  
Plan 39 - Gornhay Lane Tiverton  
Plan 40 - Graters Copse Tiverton  
Plan 41 - Great Close Culmstock  
Plan 42 - High Bullen Silverton  
Plan 43 - Landunvez Place Bradninch  
Plan 44 - Meadow Lane Cullompton  
Plan 45 - Millhayes Meadows Hemyock  
Plan 46 - Moutbatten Road Tiverton  
Plan 47 - Newcombes Meadow  
Crediton Plan 48 - Oak Close Tiverton  
Plan 49 - Old Park Tiverton  
Plan 50 - Palmerston Park Woods  
Tiverton  
Plan 51 - Peoples Park Crediton  
Plan 52 - Peoples Park Tiverton  
Plan 53 - Phoenix House Tiverton  
Plan 54 - Queen Elizabeth Drive  
Crediton Plan 55 - Railway Walk  
Tiverton  
Plan 56 - River Exe Recreation Tiverton  
Plan 57 - School Road Silverton  
Plan 58 - Southfield Drive Crediton  
Plan 59 - St Andrew Street Tiverton  
Plan 60 - St Lawrence's Green Crediton  
Plan 61 - Starkey Close Tiverton  
Plan 62 - Stoneyford Cullompton  
Plan 63 - Blank  
Plan 64 - The Oval Tiverton  
Plan 65 - Tidcombe Railway Walk Tiverton  
Plan 66 - Tree Field Tiverton

Plan 67 - Victoria Close Willand  
Plan 68 - Victoria Crescent Crediton  
Plan 69 - West-Exe Recreation Ground  
Tiverton  
Plan 70 - Willand Moor Road Willand

### 5.3 **Enclosed Children's Play Areas**

Plan 71 - Amory Park, Tiverton  
Plan 72 - Ash Drive Cullompton  
Plan 73 - Ashley Rise Tiverton  
Plan 74 - Banksia Close Tiverton  
Plan 75 - Barnfield Crediton  
Plan 76 - Barns Close Bradninch  
Plan 77 - Bockland Close Cullompton  
Plan 78 - Chaffinch Drive Crediton  
Plan 79 - Churchlands Bow  
Plan 80 - Coles Mead Tiverton  
Plan 81 - Conifer Close Cullompton  
Plan 82 - Cornlands Sampford Peverell  
Plan 83 - Cotteylands \_ Cameron Close Tiverton  
Plan 84 - Cudmore Park Tiverton  
Plan 85 - Culm Valley Way Uffculme  
Plan 86 - Dove Close Cullompton  
Plan 87 - Ellerhayes Hele  
Plan 88 - Everett Place Tiverton  
Plan 89 - Fernworthy Coplestone  
Plan 90 - Fulda Crescent Crediton  
Plan 91 - Glebelands Cheriton Bishop  
Plan 92 - Godfreys Garden Bow  
Plan 93 - Greenaway Morchard Bishop  
Plan 94 - Greenway Crediton

Plan 95 - Halsbury Road Tiverton  
Plan 96 - Harpitt Close Willand  
Plan 97 - Hawthorne Road Tiverton  
Plan 98 - Haymans Close Cullompton  
Plan 99 - Haymans Green Cullompton  
Plan 100 - Headweir Road Cullompton  
Plan 101 - Knightwood Cullompton  
Plan 102 - Lapford Play Area  
Plan 103 - Larks Drive Cullompton  
Plan 104 - Linden Road Cullompton  
Plan 105 - Logan Way Hemyock  
Plan 106 - Lords Meadow Crediton (1)  
Plan 107 - Lords Meadow Crediton Skate Park Crediton  
Plan 108 - Lords Meadow Crediton  
Plan 109 - Mallow Court Willand  
Plan 110 - Millhayes Hemyock  
Plan 111 - New Buildings Sandford  
Plan 112 - Orchard Leigh Tiverton  
Plan 113 - Orchard Way Willand  
Plan 114 - Palmerston Park Tiverton  
Plan 115 - Pathfields Uffculme  
Plan 116 - Pippins Field Uffculme  
Plan 117 - Ploudal Road Cullompton  
Plan 118 - Primrose Close Tiverton  
Plan 119 - Priory Road Tiverton  
Plan 120 - Puddington Play Area  
Plan 121 - Queen Elizabeth Drive Crediton  
Plan 122 - Queensway Tiverton  
Plan 123 - Recreation Ground Willand  
Plan 124 - Rivermead Cullompton  
Plan 125 - Siskin Chase Cullompton

Plan 126 - South View Willand  
Plan 127 – Spencer Drive Tiverton  
Plan 128 - Spindlebury Road Cullompton  
Plan 129 - Spinning Path Gardens Crediton  
Plan 130 - St Martins Close Bow  
Plan 131 - Starkey Close Tiverton  
Plan 132 - Starlings Roost Cullompton  
Plan 133 - Station Road, Bray Close Burlescombe  
Plan 134 - Sunnymead Copplestone  
Plan 135 - Tiverton Adventure Playground  
Plan 136 - Town Barton Sanford  
Plan 137 - Townlands Bradninch  
Plan 138 - Trickey Close Tiverton  
Plan 139 - Tuckers Meadow Crediton  
Plan 140 - Tufty Park Cullompton  
Plan 141 - Victoria Close Willand  
Plan 142 - Walnut Drive Crediton  
Plan 143 - Water Meadow Cullompton  
Plan 144 - Waylands Road Tiverton  
Plan 145 - West-Exe Recreation Ground & Pool  
Tiverton  
Plan 146 - Wilcombe Tiverton  
Plan 147 - Worcester Crescent Willand  
Plan 148 - Tanners Close Clover Drive Cullompton  
Plan 149 - The Hams BMX Track Tiverton

## **6.0 HUMAN RIGHTS**

6.1 In deciding whether to make a PSPO, the Act says councils must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights. The need to “have particular regard” to Articles 10 and 11 suggests

that Parliament, in passing the Act, has sought to give these rights an elevated status in relation to deciding whether to make a PSPO.

- 6.2 PSPOs are a powerful remedy because they affect the behaviour of every person within a specified area rather than being targeted at individuals. For this reason the Council will need to take care to ensure that they balance the need to tackle anti-social behaviour, crime and disorder against the desire and entitlement of the public to use a public space.

*Article 10: freedom of expression*

1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary*

*Article 11: freedom of assembly and association*

1. *Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.*

2. *No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State*

- 6.3 It is considered that making the Revised Draft PSPO will not unnecessarily interfere with what would otherwise be legitimate and lawful activity.

## **7.0 CONCLUSION**

- 7.1 The Revised Draft PSPO, if made, will introduce a range of reasonable and proportionate prohibitions and requirements on the use of publicly accessible land that would better control the harmful activities of irresponsible dog owners whilst enabling responsible dog owners to continue to exercise their dogs without undue restrictions.

Contact for more Information: Vicky Lowman Environment & Enforcement Manager

(01884 244601 [vlowman@middevon.gov.uk](mailto:vlowman@middevon.gov.uk))

**Circulation of the Report:** Cllr Colin Slade, Cabinet, Leadership Team

Appendix B – Consultation responses Summary

This page is intentionally left blank

**The Mid Devon (Public Spaces Protection)  
(Dog Control) Order 2020**

**Section 59 of the Anti-Social Behaviour, Crime  
and Policing Act 2014**

DRAFT

## Contents

1. Introduction
2. Scope
3. Duration
4. Title
5. Dog Fouling
6. Dog on Leads
7. Dogs Excluded (Enclosed Children's Play Areas)
8. Limit on number of dogs
9. Offences and Penalties
10. Exemptions
11. Appeal
12. Validity (Severance)

DRAFT

## **Introduction**

Pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Mid Devon District Council (in this Order called “the Council”), in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order.

### **1. Definitions and Interpretation**

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order

“District of Mid Devon” means the land shown edge red on the plan marked “District” and referred to in Schedule A

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession

“Plans” means the plans attached to the Schedules to this Order.

“Police Constable” means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable

“Public Spaces” means land within the District of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

1.4 References to articles clauses and Schedules are to the articles, clauses and Schedules of this deed.

1.5 Where land is listed in a Schedule the location and extent of the land is shown in the corresponding Plan referred to in the Schedule.

### **2. Scope**

This Order applies to the Public Spaces, Public Parks Public Cemeteries and enclosed play areas cited in this Order within the District of Mid Devon, and shown on the plans to Schedules A,B,C and D hereto.

### **3. Duration**

This Order shall come into effect on [       ] 2020 and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

#### **4. Title**

This Order may be cited as "The Mid Devon (Public Spaces Protection) (Dog Control) Order 2020" and imposes the following requirements and prohibitions.

#### **5. Dog Fouling**

5.1 In any Public Spaces -

5.1.1 If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and

5.1.2 A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

5.2 For the purposes of Article 5.1.1 -

5.2.1 Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and

5.2.2 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

#### **6. Dogs on Leads**

6.1 In any Public Spaces which is also a public cemetery or part of it listed in Schedule B to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.

6.2 In any Public Spaces which is also a public park or part of it listed in Schedule C any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.

6.3 In all other Public Spaces a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.

6.4 For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.

#### **7. Dogs Excluded (Enclosed Children's Play Areas)**

A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any enclosed children's play area described or listed in Schedule D to this Order.

#### **8. Limit on number of dogs.**

No person in any Public Spaces shall be in charge of more than 4 dogs at any time. This article does not apply to enclosed children's play areas referred to in Article 7 as dogs are prohibited from the said enclosed children's play areas.

## **9 Offences and Penalties**

9.1 Any failure to comply with the requirements or prohibitions imposed in Articles 5, 6, 7 and 8 of this Order shall constitute a criminal offence, unless:

9.1.1 The person has a reasonable excuse for failing to do so;

9.1.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or

9.1.3 The person is exempt under Article 10 of this Order.

9.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1,000).

9.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

## **10. Exemptions**

10.1 The requirements and prohibitions imposed by this Order shall not apply to any person who:

10.1.1 is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;

10.1.2 has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance; or

10.2.3 is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

## **11. Appeal**

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

## **12. Validity (Severance)**

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF Mid Devon District Council

was hereunto affixed

in the presence of:-

Authorised Signatory

DRAFT

## THE SCHEDULES

### List of Plans

#### **SCHEDULE A      District of Mid Devon**

Plan 1 – Map of District

#### **SCHEDULE B –      Public Cemeteries**

Plan 2 – St Matthews Cheriton Fitzpaine

Plan 3 – Black Dog Crediton

Plan 4 – Crediton

Plan 5 – St Andrews Colbrooke

Plan 6 - Wembworthy

Plan 7 – Halberton

Plan 8 – Bradninch

Plan 9 - All Saints Culmstock

Plan 10 – Culmstock

Plan 11 – Hemyock

Plan 12 – St Mary's Hemyock

Plan 13 – Uffculme

Plan 14 – Uffclume

Plan 15 – St Mary's Uffculme

Plan 16 – St Andrews Cullompton

Plan 17 – Tiverton

Plan 18 – St Mary's Willand

Plan 19 – Willand Parish Cemetery

## **SCHEDULE C -- Parks & Open Spaces**

- Plan 20 - Amory Park Tiverton
- Plan 21 – Ashley Close Uffculme
- Plan 22 – Beacon Park Crediton
- Plan 23 - Bluebell Avenue Tiverton
- Plan 24 - Blundells Road Tiverton
- Plan 25 - Burma Star Garden Tiverton
- Plan 26 - Chawleigh Chumleigh
- Plan 27 - Chestnut Drive Willand
- Plan 28 - Church Road Silverton
- Plan 29 - Cottey Brook Tiverton
- Plan 30 - Cranmore View Tiverton
- Plan 31 - Cromwells Meadow Crediton
- Plan 32 - Crossparks Cullompton
- Plan 33 - Crow Bridge Cullompton
- Plan 34 - Cudmore Park Tiverton
- Plan 35 - Culm Valley Uffculme
- Plan 36 - Forcefield Road Cullompton
- Plan 37 - Gables Lea Willand
- Plan 38 - Glebelands Road Tiverton
- Plan 39 - Gornhay Lane Tiverton
- Plan 40 - Graters Copse Tiverton
- Plan 41 - Great Close Culmstock
- Plan 42 - High Bullen Silverton
- Plan 43 - Landunvez Place Bradninch
- Plan 44 - Meadow Lane Cullompton
- Plan 45 - Millhayes Meadows Hemyock
- Plan 46 - Moutbatten Road Tiverton
- Plan 47 - Newcombes Meadow Crediton
- Plan 48 - Oak Close Tiverton
- Plan 49 - Old Park Tiverton
- Plan 50 - Palmerston Park Woods Tiverton

Plan 51 - Peoples Park Crediton  
Plan 52 - Peoples Park Tiverton  
Plan 53 - Phoenix House Tiverton  
Plan 54 - Queen Elizabeth Drive Crediton  
Plan 55 - Railway Walk Tiverton  
Plan 56 - River Exe Recreation Tiverton  
Plan 57 - School Road Silverton  
Plan 58 - Southfield Drive Crediton  
Plan 59 - St Andrew Street Tiverton  
Plan 60 - St Lawrence's Green Crediton  
Plan 61 - Starkey Close Tiverton  
Plan 62 - Stoneyford Cullompton  
Plan 63 - Blank  
Plan 64 - The Oval Tiverton  
Plan 65 - Tidcombe Railway Walk Tiverton  
Plan 66 - Tree Field Tiverton  
Plan 67 - Victoria Close Willand  
Plan 68 - Victoria Crescent Crediton  
Plan 69 - West-Exe Recreation Ground Tiverton  
Plan 70 - Willand Moor Road Willand

**SCHEDULE D - Enclosed Children's Play Areas**

- Plan 71 - Amory Park, Tiverton
- Plan 72 - Ash Drive Cullompton
- Plan 73 - Ashley Rise Tiverton
- Plan 74 - Banksia Close Tiverton
- Plan 75 - Barnfield Crediton
- Plan 76 - Barns Close Bradninch
- Plan 77 - Bockland Close Cullompton
- Plan 78 - Chaffinch Drive Crediton
- Plan 79 - Churchlands Bow
- Plan 80 - Coles Mead Tiverton
- Plan 81 - Conifer Close Cullompton
- Plan 82 - Cornlands Sampford Peverell
- Plan 83 - Cotteylands \_ Cameron Close Tiverton
- Plan 84 - Cudmore Park Tiverton
- Plan 85 - Culm Valley Way Uffculme
- Plan 86 - Dove Close Cullompton
- Plan 87 - Ellerhayes Hele
- Plan 88 - Everett Place Tiverton
- Plan 89 - Fernworthy Copplesstone
- Plan 90 - Fulda Crescent Crediton
- Plan 91 - Glebelands Cheriton Bishop
- Plan 92 - Godfreys Garden Bow
- Plan 93 - Greenaway Morchard Bishop
- Plan 94 - Greenway Crediton
- Plan 95 - Halsbury Road Tiverton
- Plan 96 - Harpitt Close Willand
- Plan 97 - Hawthorne Road Tiverton
- Plan 98 - Haymans Close Cullompton
- Plan 99 - Haymans Green Cullompton
- Plan 100 - Headweir Road Cullompton
- Plan 101 - Knightwood Cullompton

Plan 102 - Lapford Play Area  
Plan 103 - Larks Drive Cullompton  
Plan 104 - Linden Road Cullompton  
Plan 105 - Logan Way Hemyock  
Plan 106 - Lords Meadow Crediton (1)  
Plan 107 - Lords Meadow Crediton Skate Park Crediton  
Plan 108 - Lords Meadow Crediton  
Plan 109 - Mallow Court Willand  
Plan 110 - Millhayes Hemyock  
Plan 111 - New Buildings Sandford  
Plan 112 - Orchard Leigh Tiverton  
Plan 113 - Orchard Way Willand  
Plan 114 - Palmerston Park Tiverton  
Plan 115 - Pathfields Uffculme  
Plan 116 - Pippins Field Uffculme  
Plan 117 - Ploudal Road Cullompton  
Plan 118 - Primrose Close Tiverton  
Plan 119 - Priory Road Tiverton  
Plan 120 - Puddington Play Area  
Plan 121 - Queen Elizabeth Drive Crediton  
Plan 122 - Queensway Tiverton  
Plan 123 - Recreation Ground Willand  
Plan 124 - Rivermead Cullompton  
Plan 125 - Siskin Chase Cullompton  
Plan 126 - South View Willand  
Plan 127 - Spencer Drive Tiverton  
Plan 128 - Spindlebury Road Cullompton  
Plan 129 - Spinning Path Gardens Crediton  
Plan 130 - St Martins Close Bow  
Plan 131 - Starkey Close Tiverton  
Plan 132 - Starlings Roost Cullompton  
Plan 133 - Station Road, Bray Close Burlescombe

- Plan 134 - Sunnymead Copplesstone
- Plan 135 - Tiverton Adventure Playground
- Plan 136 - Town Barton Sanford
- Plan 137 - Townlands Bradninch
- Plan 138 - Trickey Close Tiverton
- Plan 139 - Tuckers Meadow Crediton
- Plan 140 - Tufty Park Cullompton
- Plan 141 - Victoria Close Willand
- Plan 142 - Walnut Drive Crediton
- Plan 143 - Water Meadow Cullompton
- Plan 144 - Waylands Road Tiverton
- Plan 145 - West-Exe Recreation Ground & Pool Tiverton
- Plan 146 - Wilcombe Tiverton
- Plan 147 - Worcester Crescent Willand
- Plan 148 - Tanners Close Clover Drive Cullompton
- Plan 149 - The Hams BMX Track Tiverton

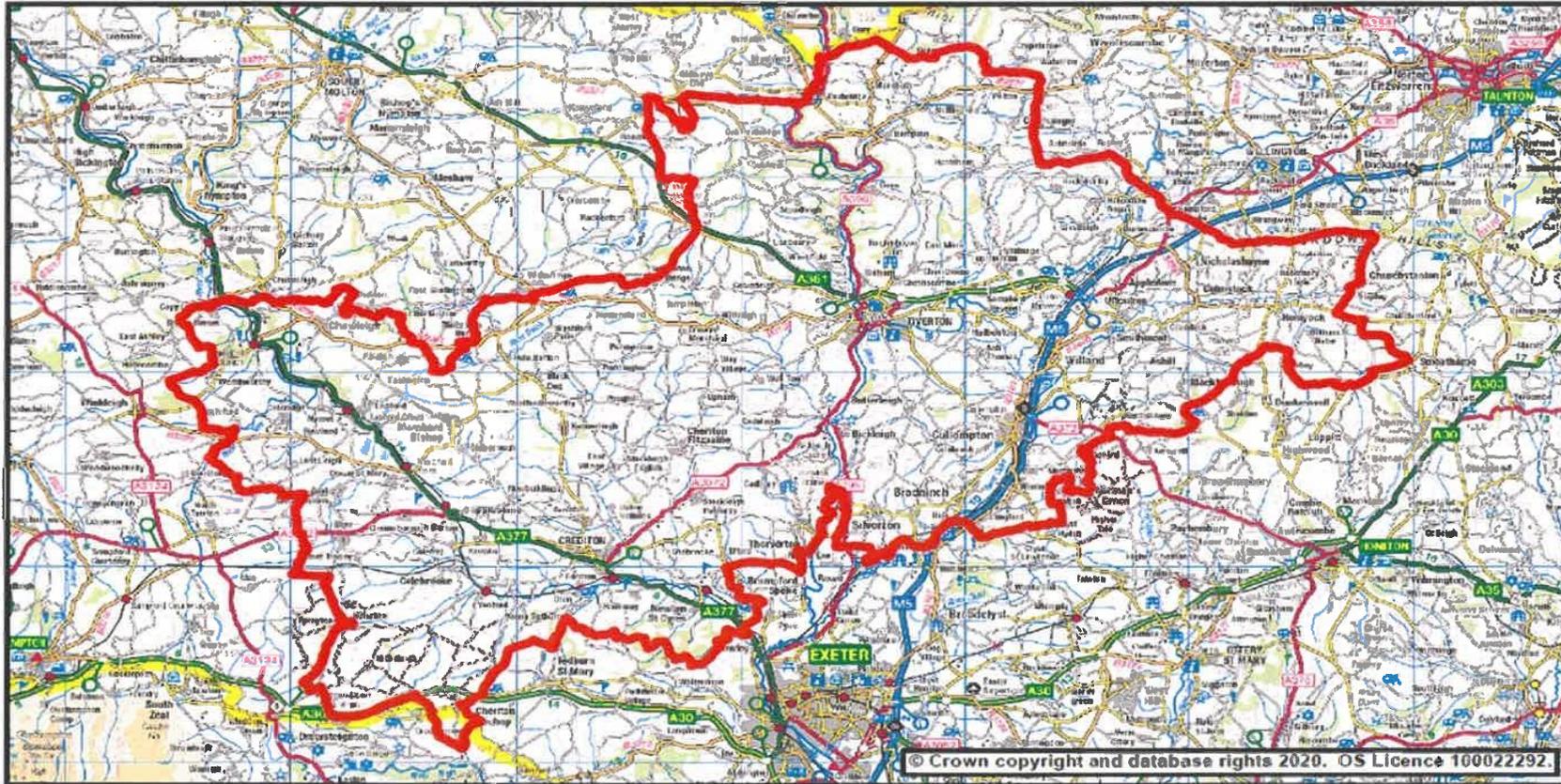


# Street Scene Plan 1

Scale	1:245,373 @ A4	Date	05 February 2020
Drg. No. Mid Devon District Boundary		Produced by GMS Unit	

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





This page is intentionally left blank

This page is intentionally left blank



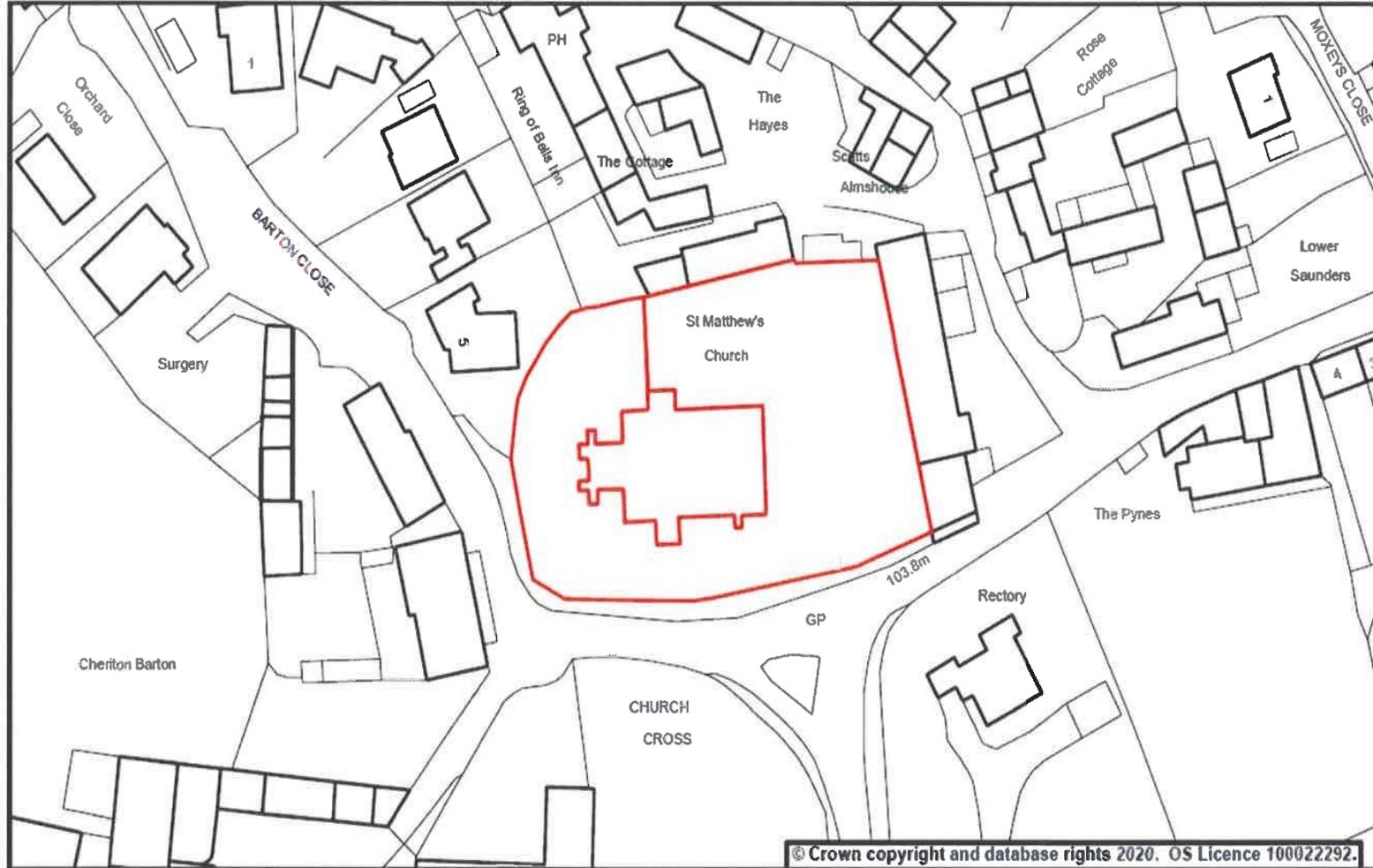
# Street Scene Plan 2

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale	1:750 @ A4	Date	06 February 2020
Drg. No.	St Matthew's Church, Cheriton Fitzpaine	Produced by	GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 3

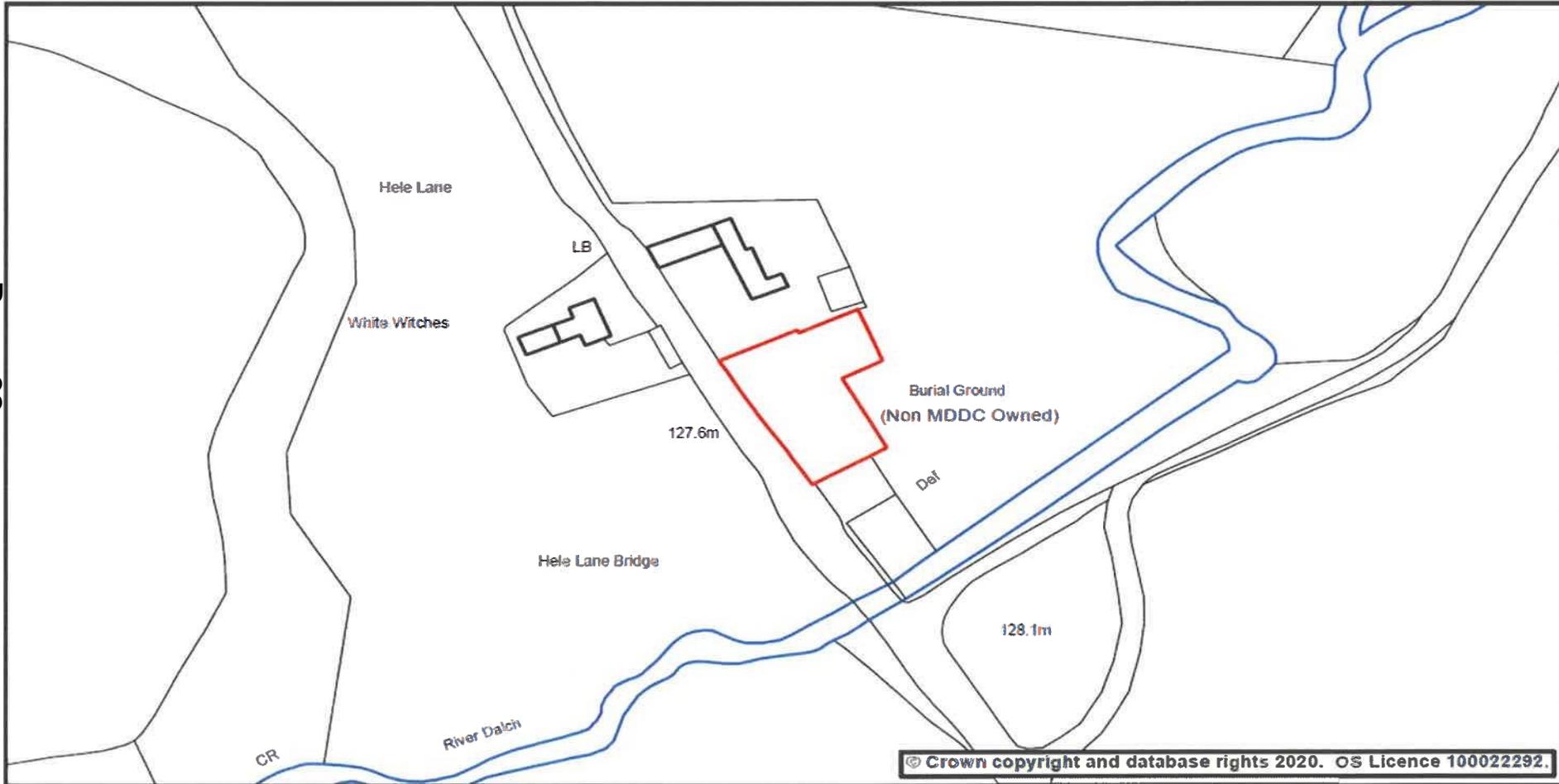
Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,000 @ A4	Date 24 January 2020
Drg. No. Cemetery, Black Dog	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 62



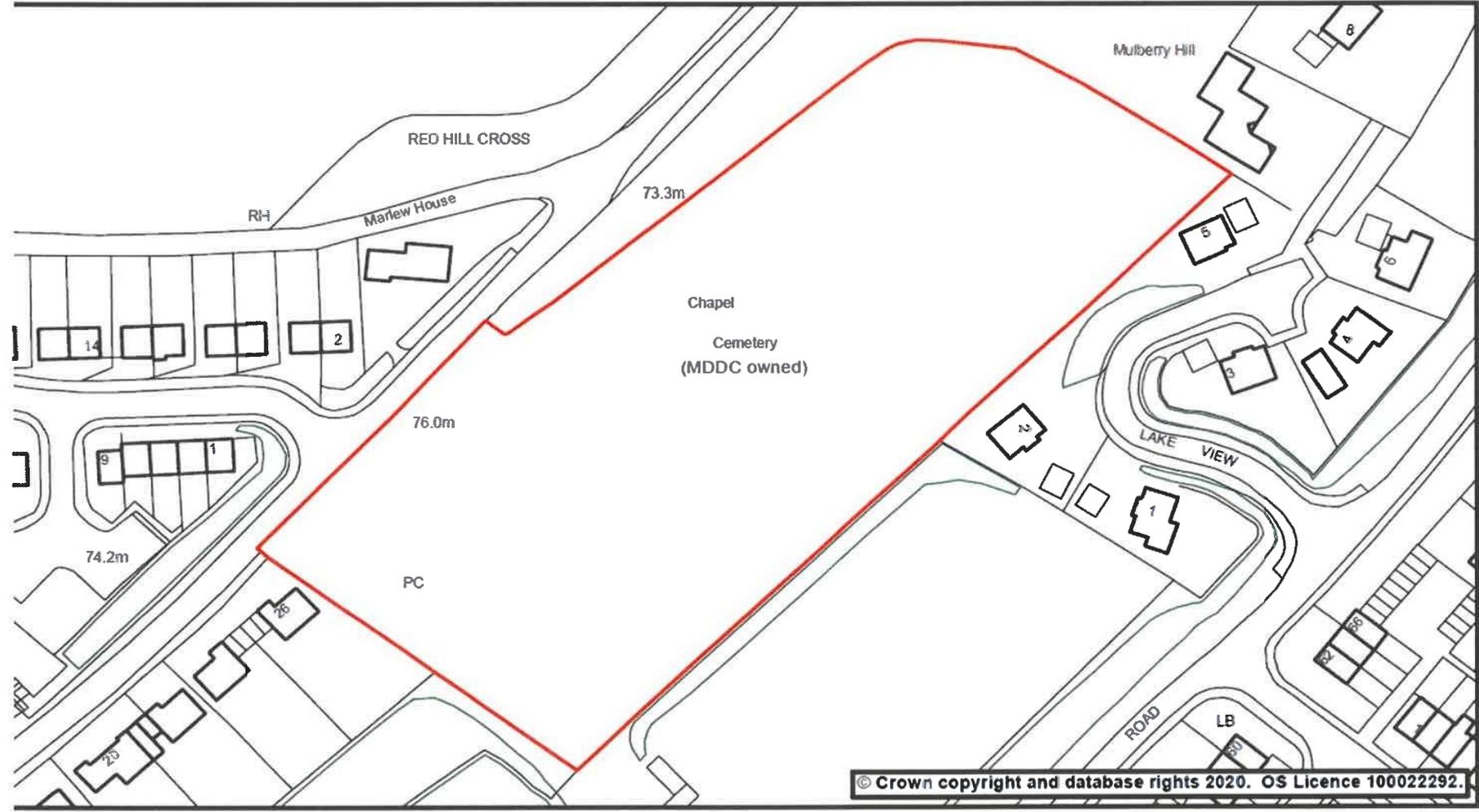
Page 42



# Street Scene Plan 4

Scale 1:1,130 @ A4	Date 05 February 2020
Drg. No. Crediton Cemetery	Produced by GMS Unit

Phoenix House  
 Phoenix Lane, Tiverton EX16 6PP  
 Tel: 01884 255255  
 Website: www.middevon.gov.uk





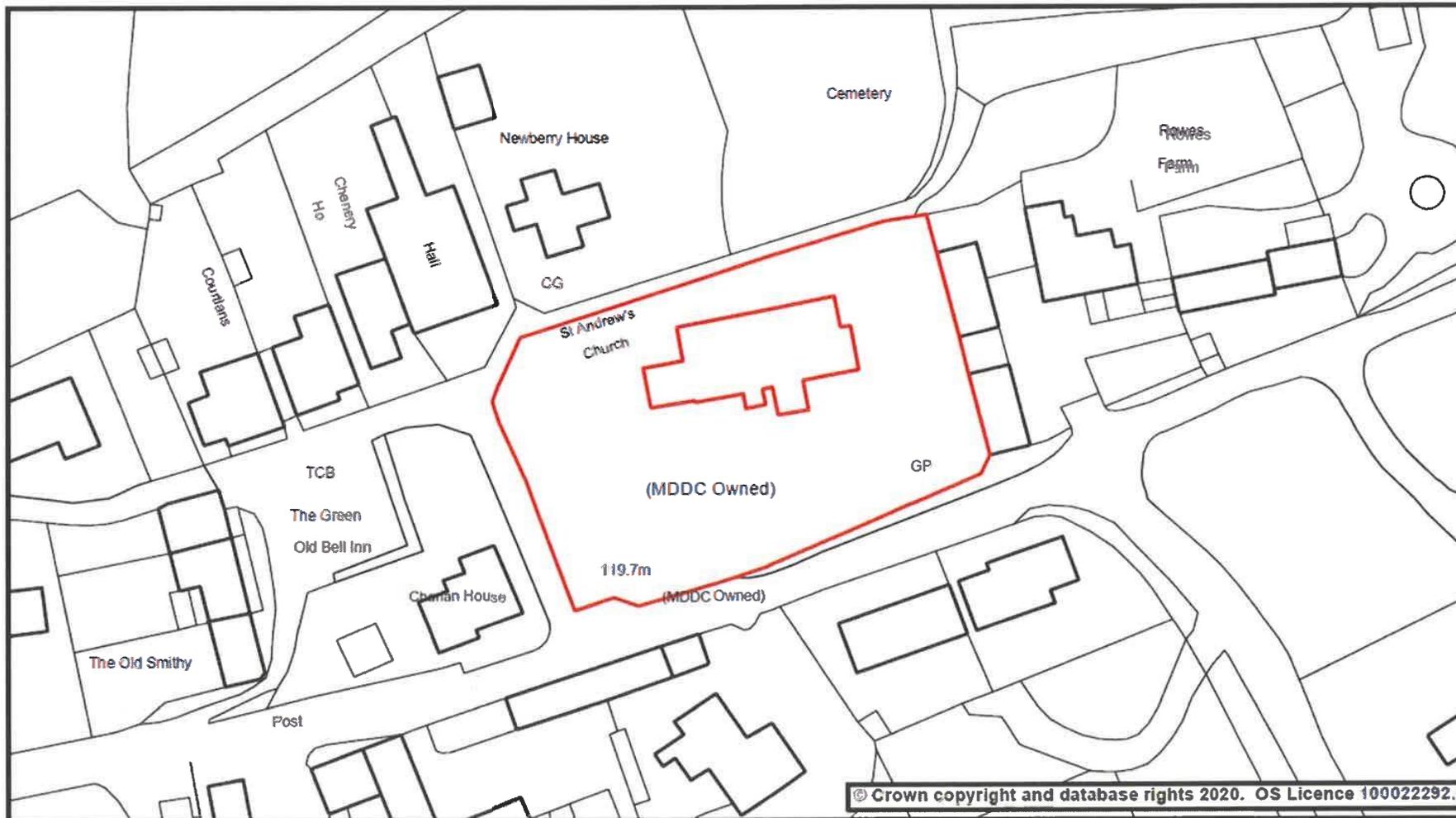
# Street Scene Plan 5

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale	1:750 @ A4	Date	24 January 2020
Drg. No.	St Andrew's Church Cemetery, Colebrooke	Produced by	GMS Unit





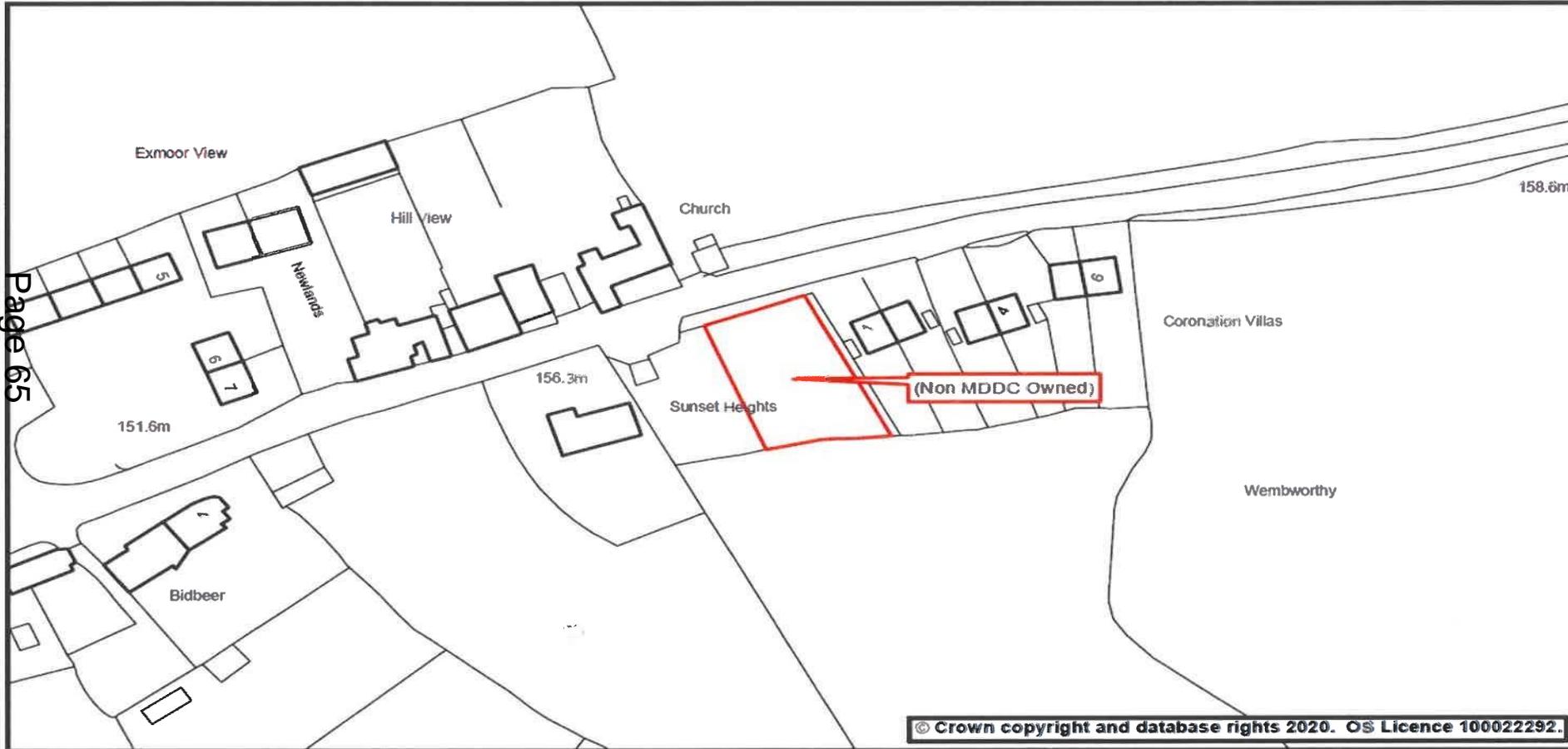
# Street Scene Plan 6

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,000 @ A4	Date 27 January 2020
Dwg. No. Cemetery, Wembworthy	Produced by GMS Unit





Scale 1:1,250 @ A4	Date 27 January 2020
Drg. No. Cemetery, Halberton	Produced by GMS Unit





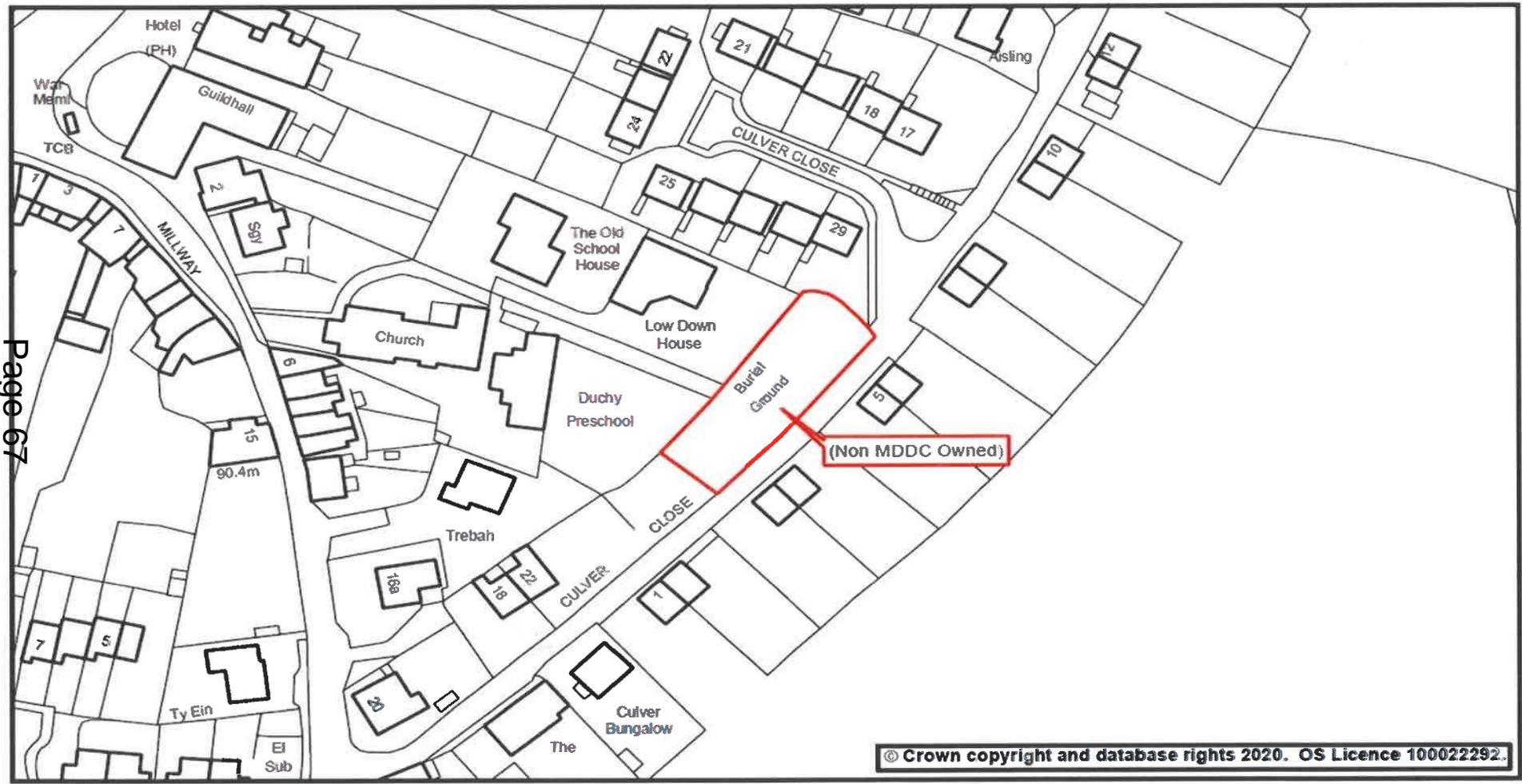
# Street Scene Plan 8

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,000 @ A4	Date 27 January 2020
Drg. No. Cemetery, Bradninch	Produced by GMS Unit



Page 67



# Street Scene Plan 9

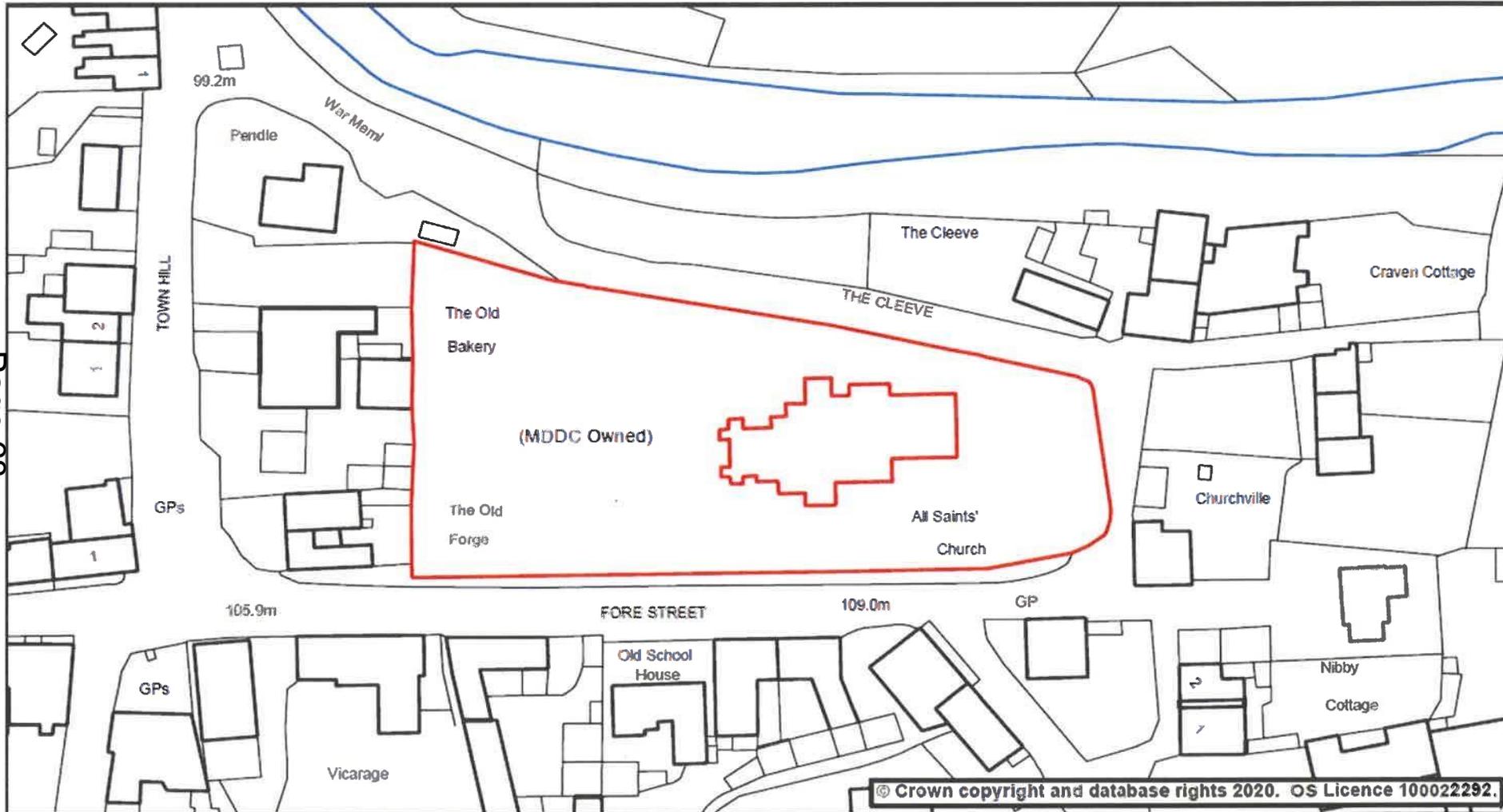
Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale	1:750 @ A4	Date	24 January 2020
Drg. No.	All Saints' Church Cemetery, Culmstock	Produced by	GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 68





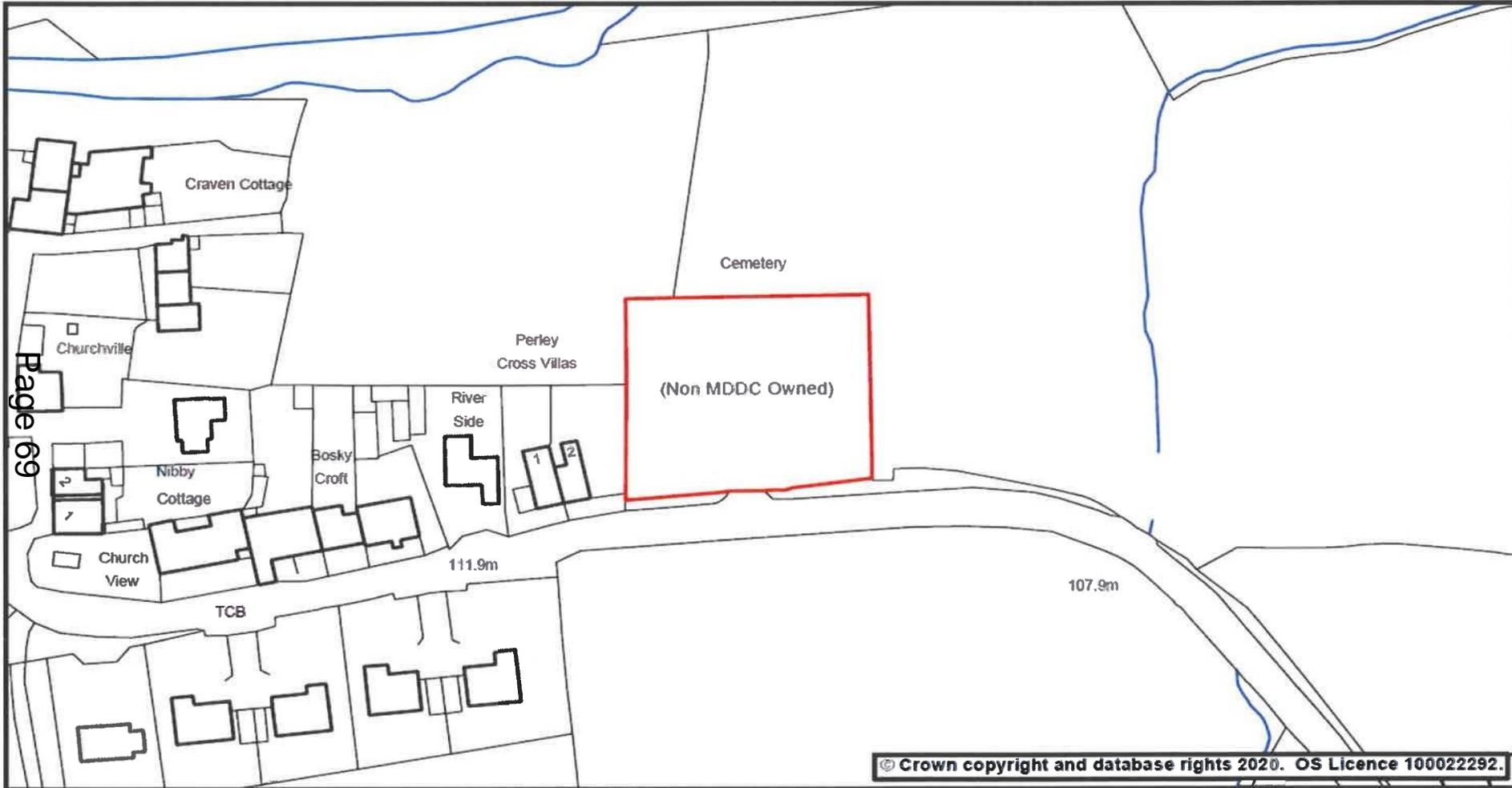
# Street Scene Plan 10

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,000 @ A4	Date 27 January 2020
Drg. No. Cemetery, Culmstock	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





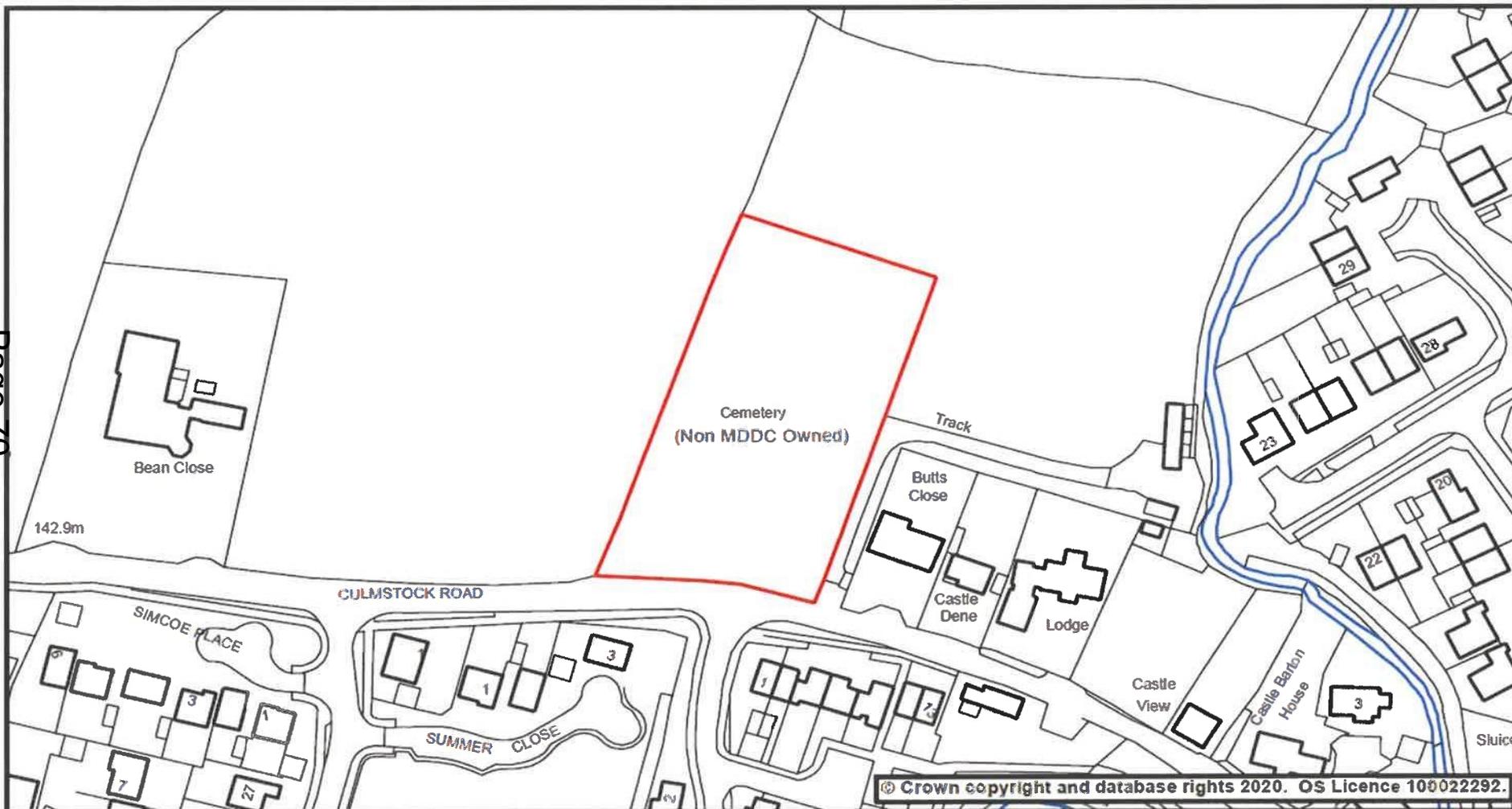
# Street Scene Plan II

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,250 @ A4	Date 27 January 2020
Drg. No. Cemetery, Hemyock	Produced by GMS Unit



Page 70



# Street Scene Plan 12

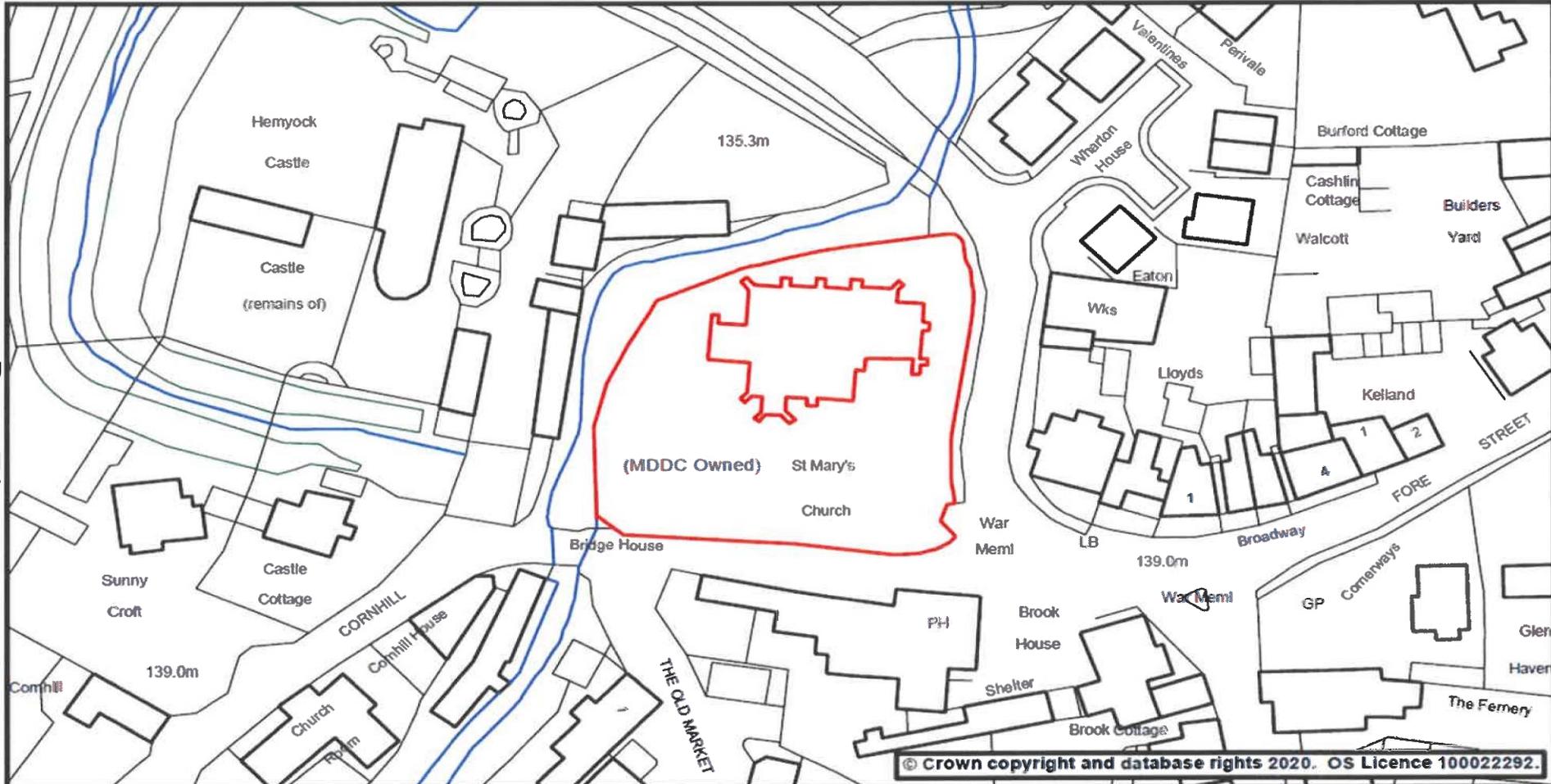
Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale	1:750 @ A4	Date	24 January 2020
Drg. No.	St Mary's Church Cemetery, Hemvock	Produced by	GMS Unit

Page 71



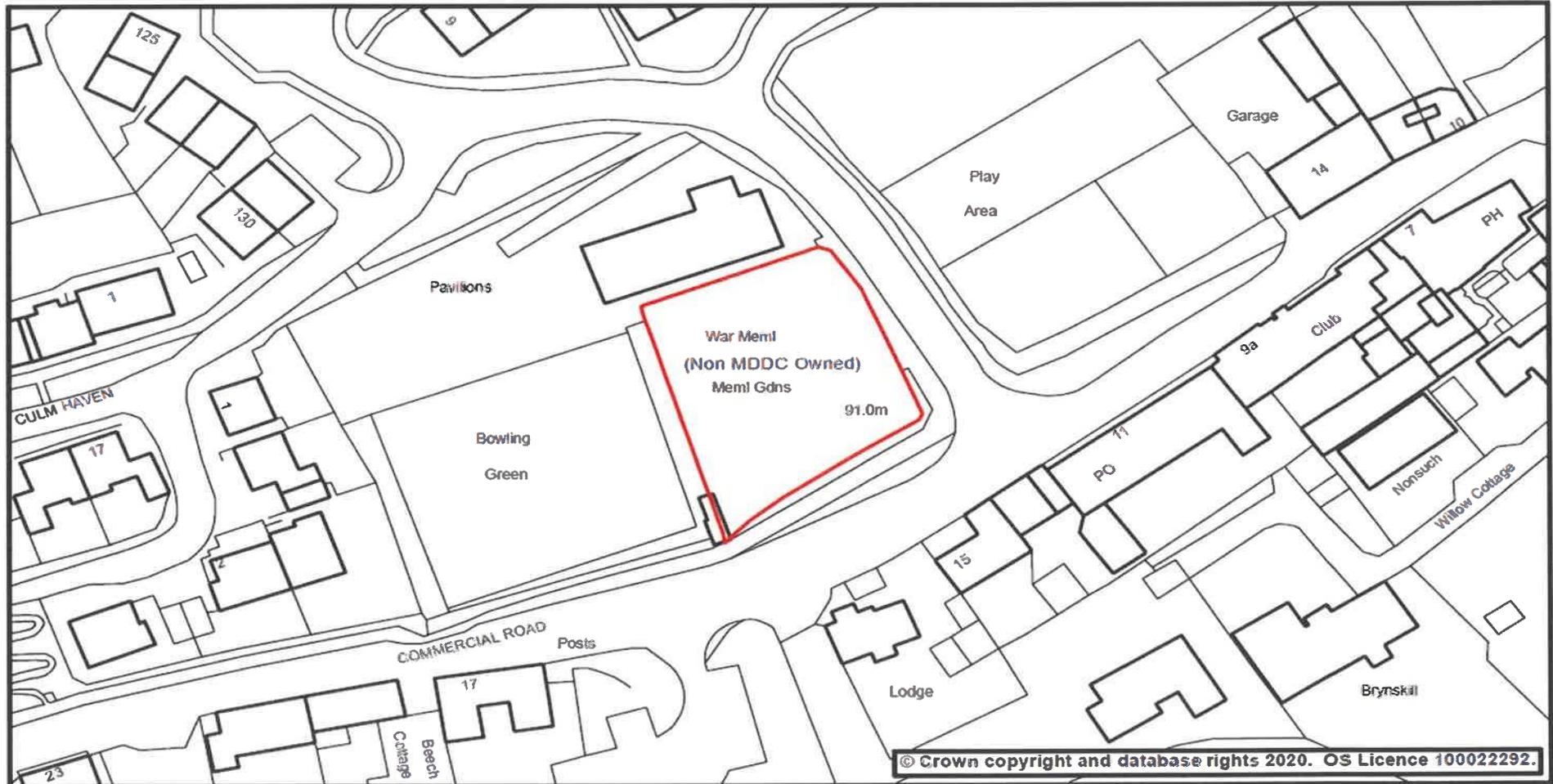


# Street Scene Plan 13

Scale 1:750 @ A4	Date 27 January 2020
Org. No. Cemetery, Uffculme	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 14

Scale 1:1,000 @ A4	Date 27 January 2020
Drg. No. Cemetery, Uffculme	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 73





# Street Scene Plan 15

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:750 @ A4	Date 24 January 2020
Drg. No. St Mary's Church Cemetery, Uffculme	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



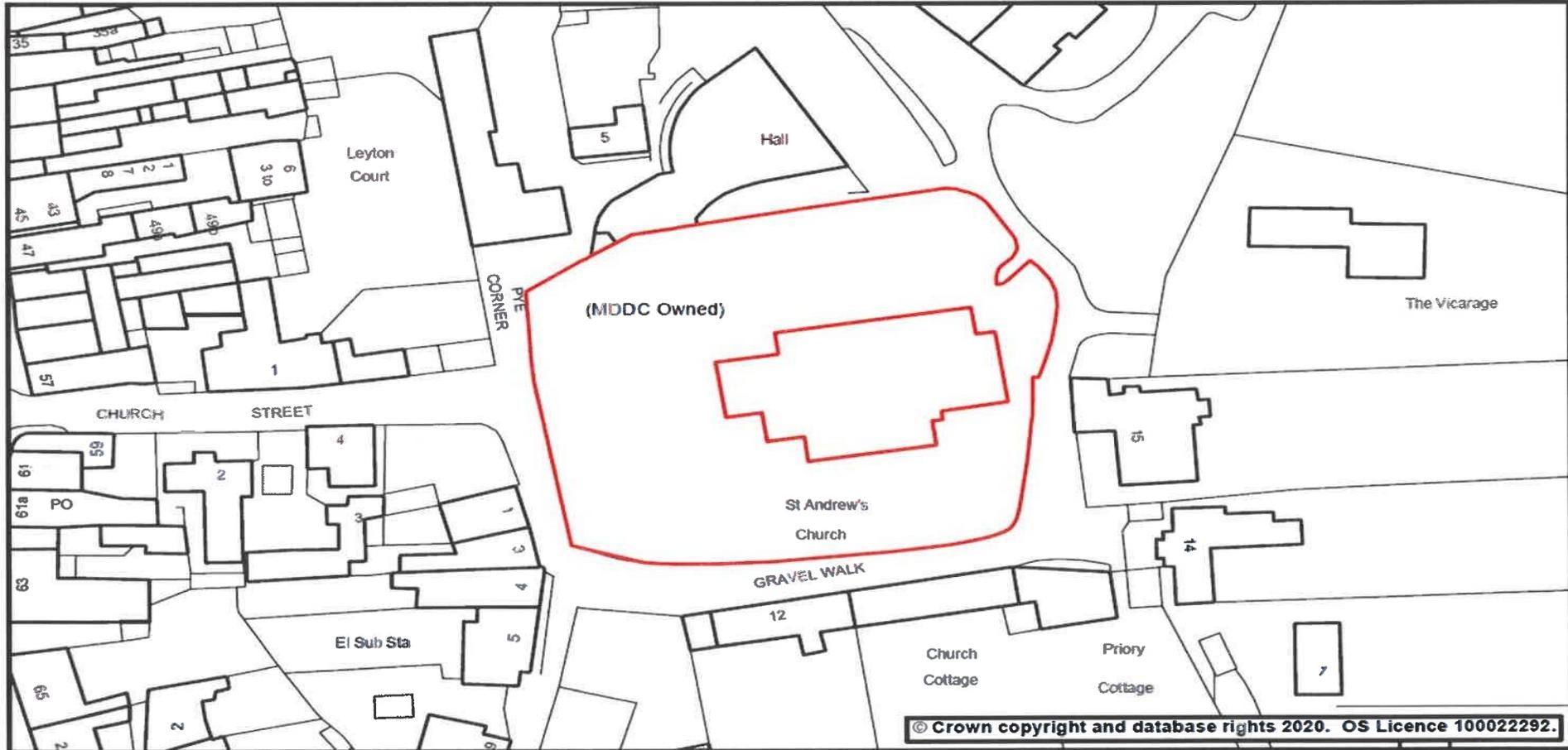


# Street Scene Plan 16

Scale	1:750 @ A4	Date	24 January 2020
Drg. No.	St Andrew's Church Cemetery, Cullompton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene

## Plan 17

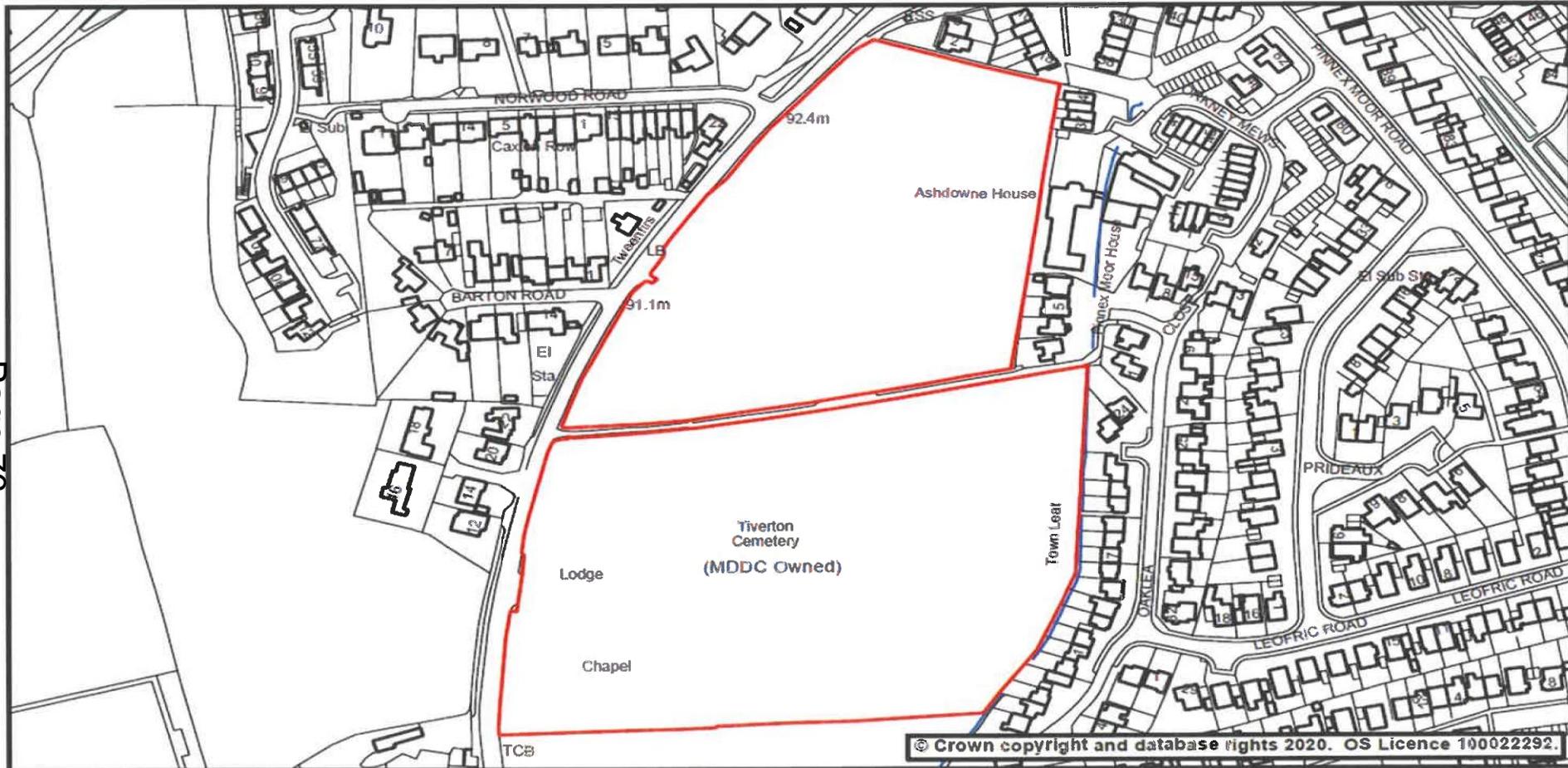
Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:2,188 @ A4	Date 24 January 2020
Drg. No. Tiverton Cemetery	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 76



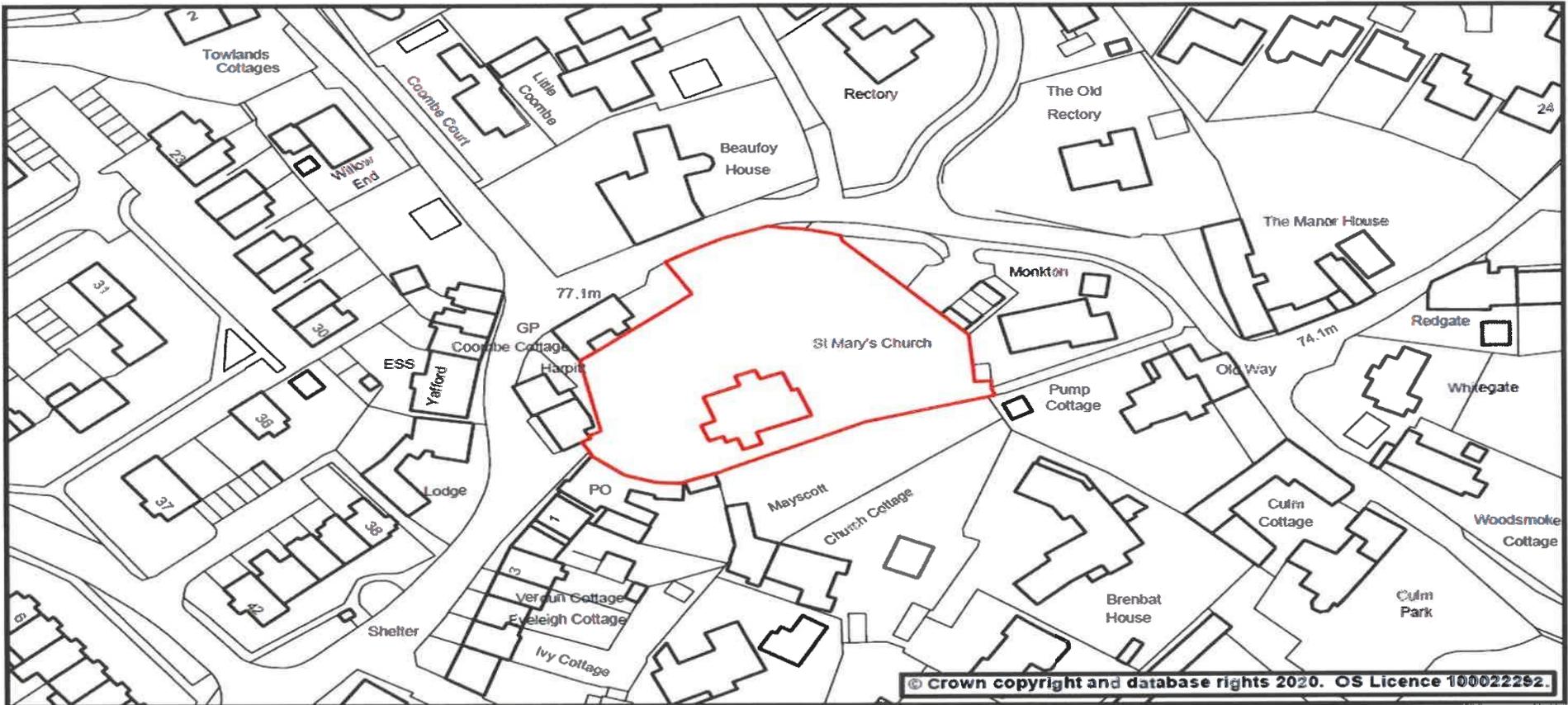


**Street Scene Plan 18**

Scale 1:1,000 @ A4	Date 06 February 2020
Org. No. St Mary's Church, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





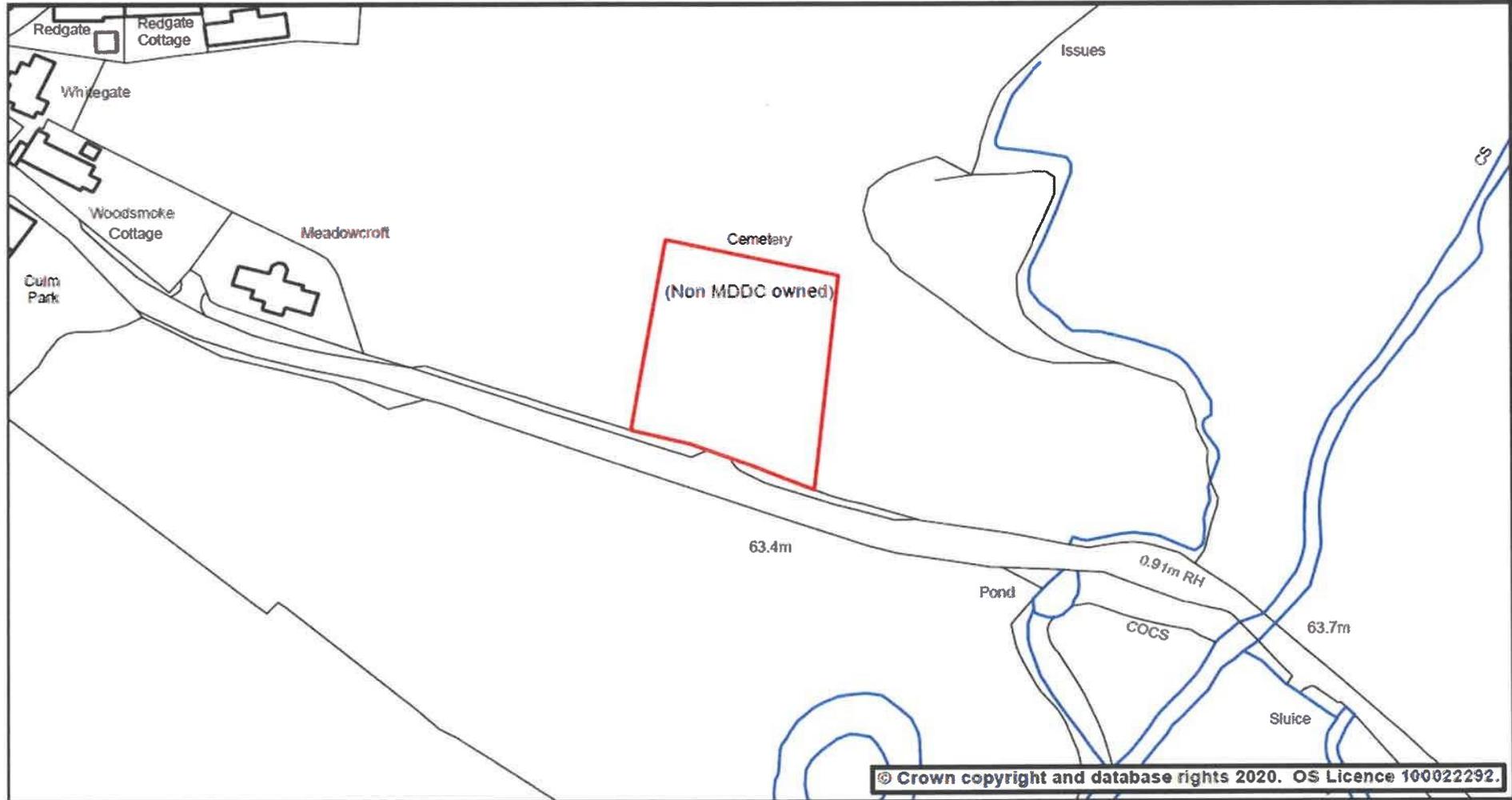
# Street Scene Plan 19

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,250 @ A4	Date 06 February 2020
Drg. No. Willand Parish Cemetery, Willand	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 78

Page 57











Street Scene

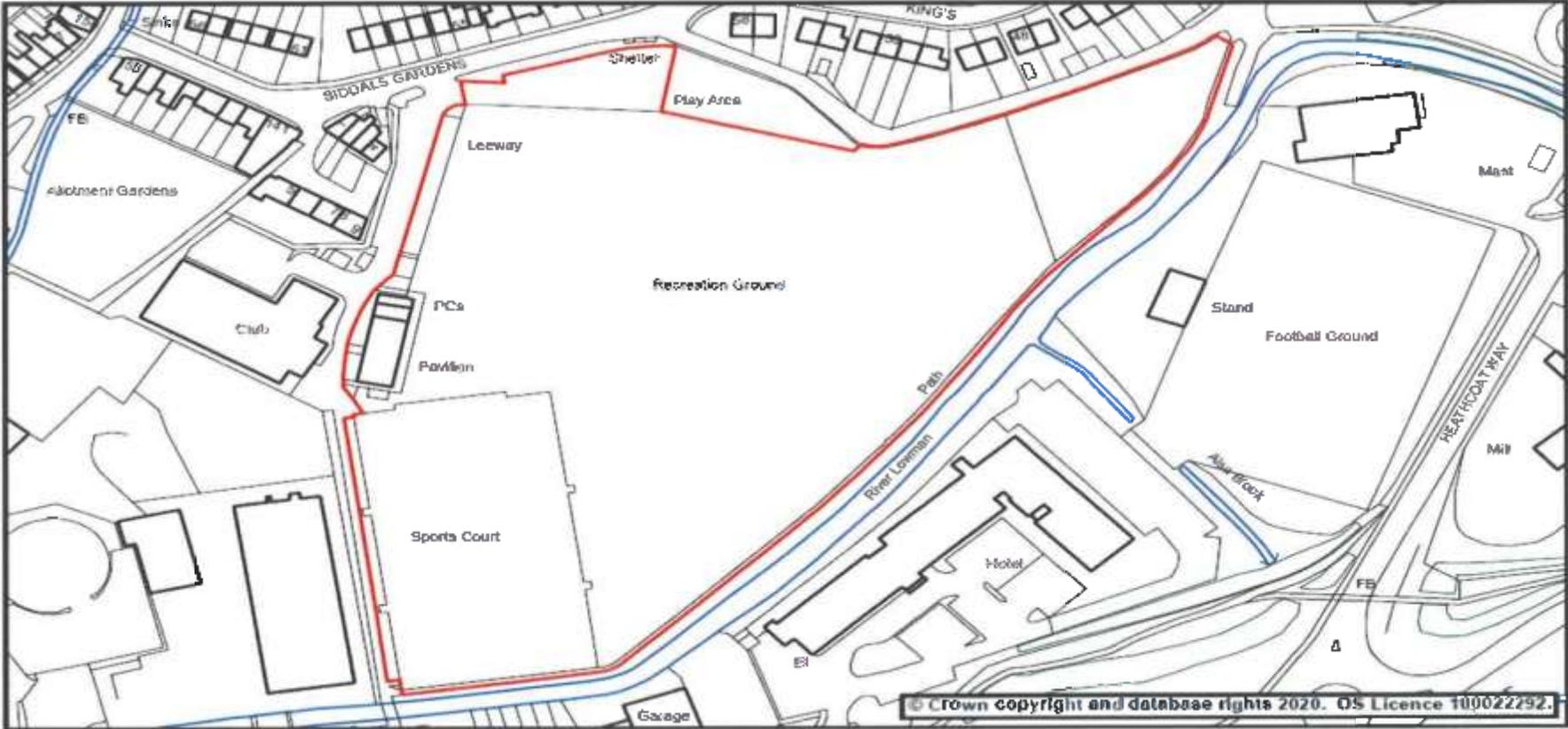
Plan '20

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: www.middevon.gov.uk



Scale 1:1,575 @ A4	Date 23 January 2020
Drg. No. Amory Park, Tiverton	Produced by GMS Unit

Page 83



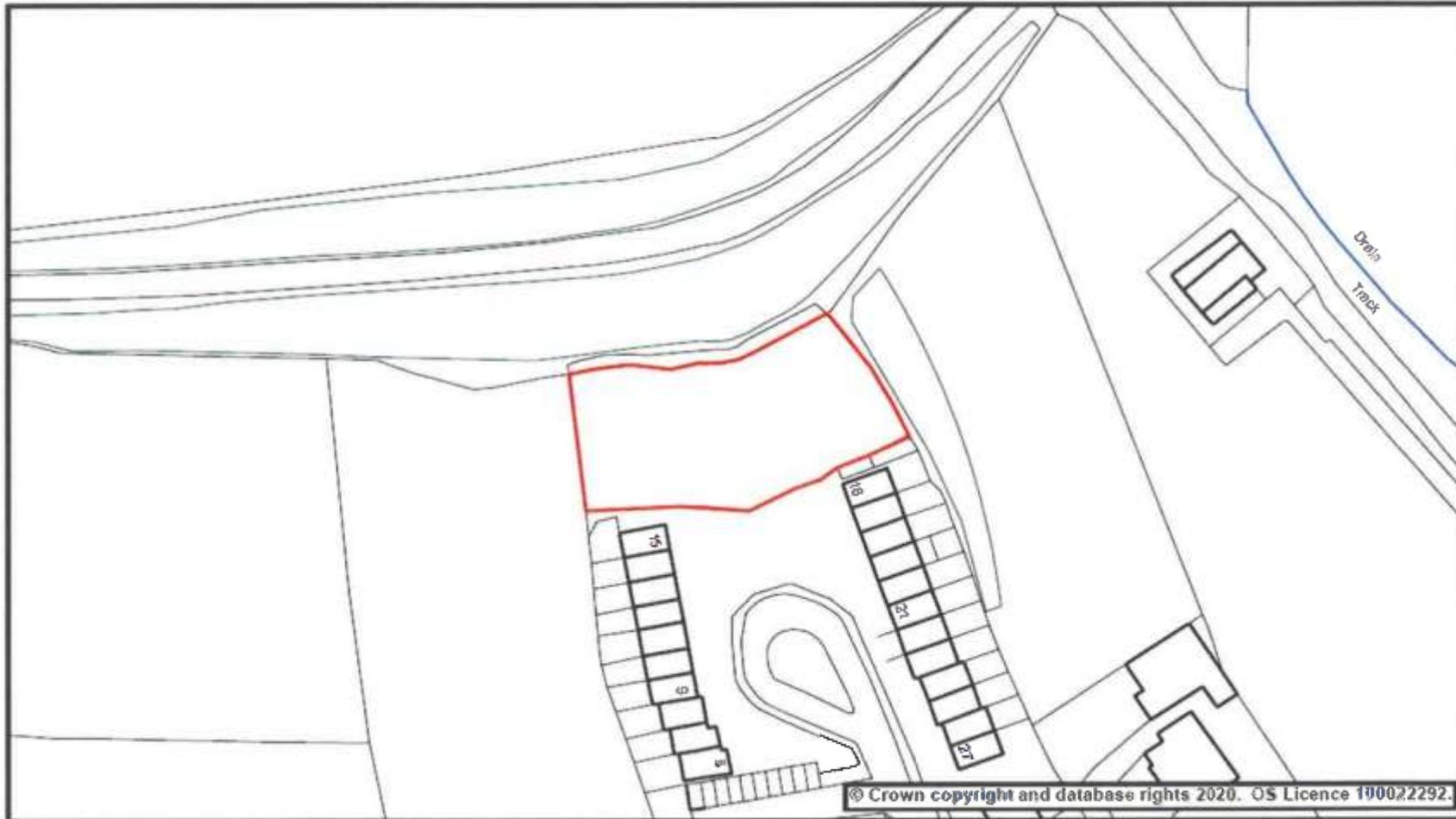


# Street Scene Plan 21

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Ashley Close, Uffculme	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



© Crown copyright and database rights 2020. OS Licence 100022292.



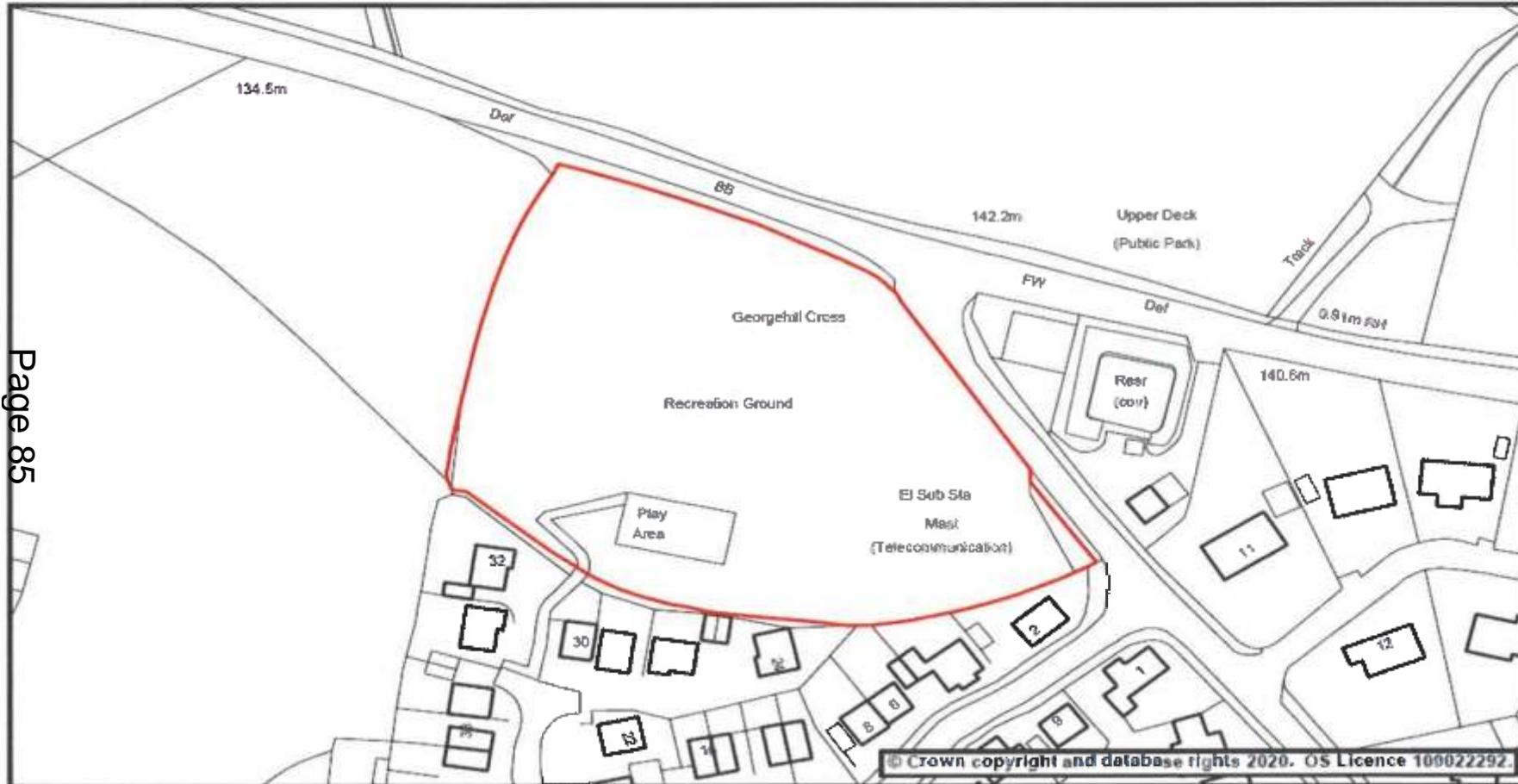
# Street Scene Plan 22

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,000 @ A4	Date 23 January 2020
Drg. No. Beacon Park, Crediton	Produced by GMS Unit





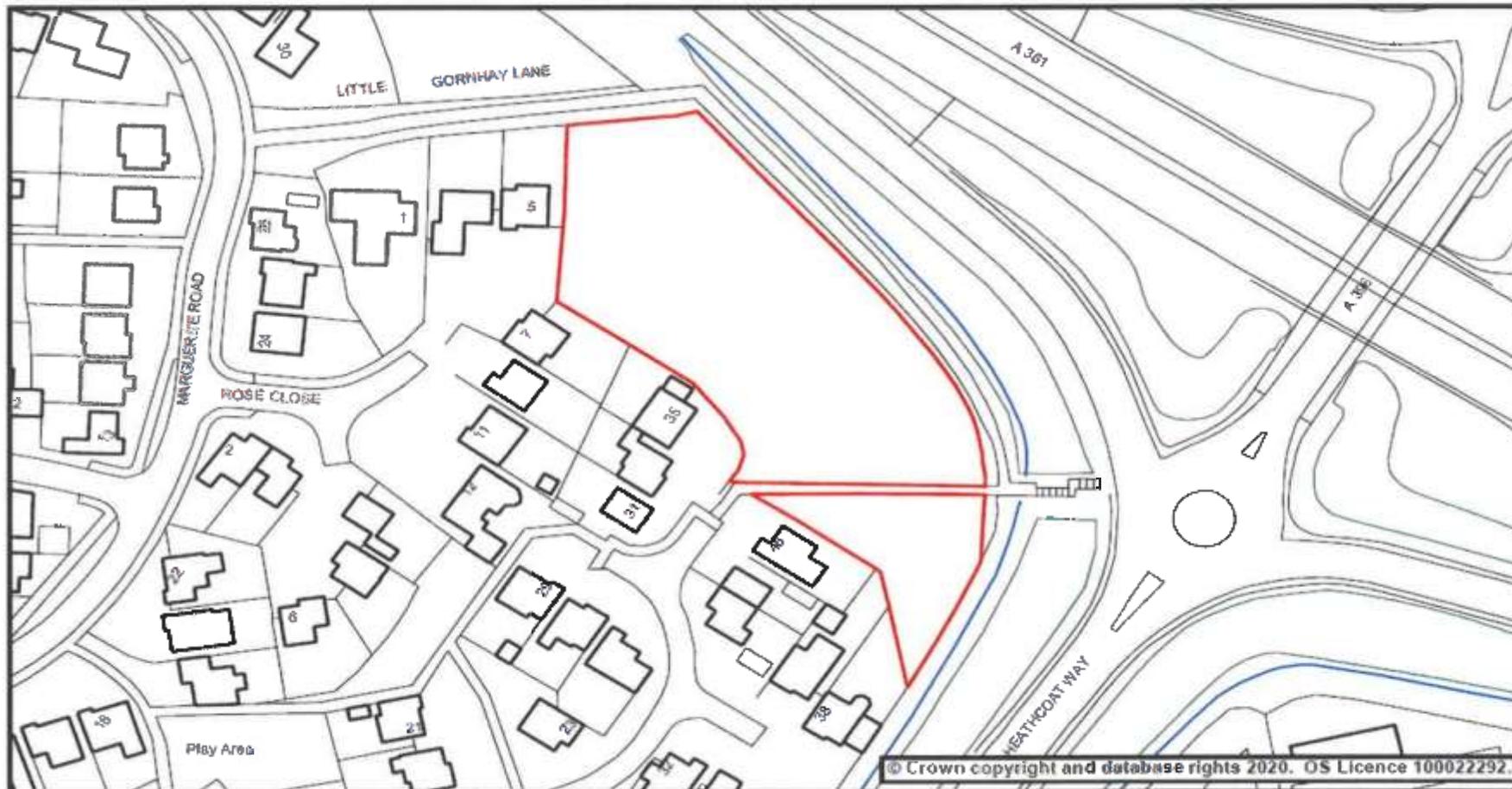
# Street Scene Plan 23

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,000 @ A4	Date 23 January 2020
Org. No. Bluebell Avenue, Tiverton	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 24

Scale 1:1,250 @ A4	Date 23 January 2020
Dwg. No. Blundells Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 87



Plan 62

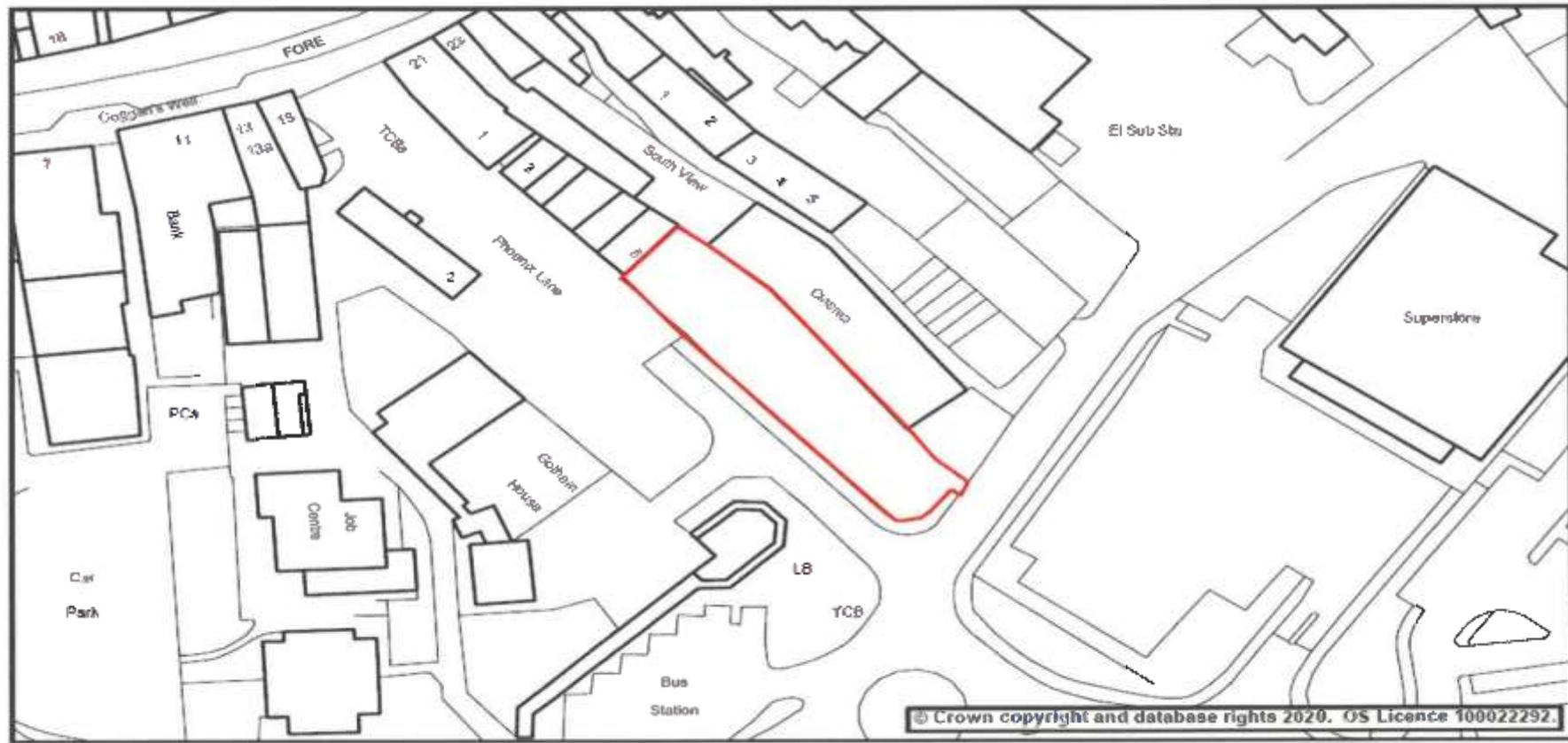


# Street Scene Plan 25

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Burma Star Garden, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 88

Plan 63

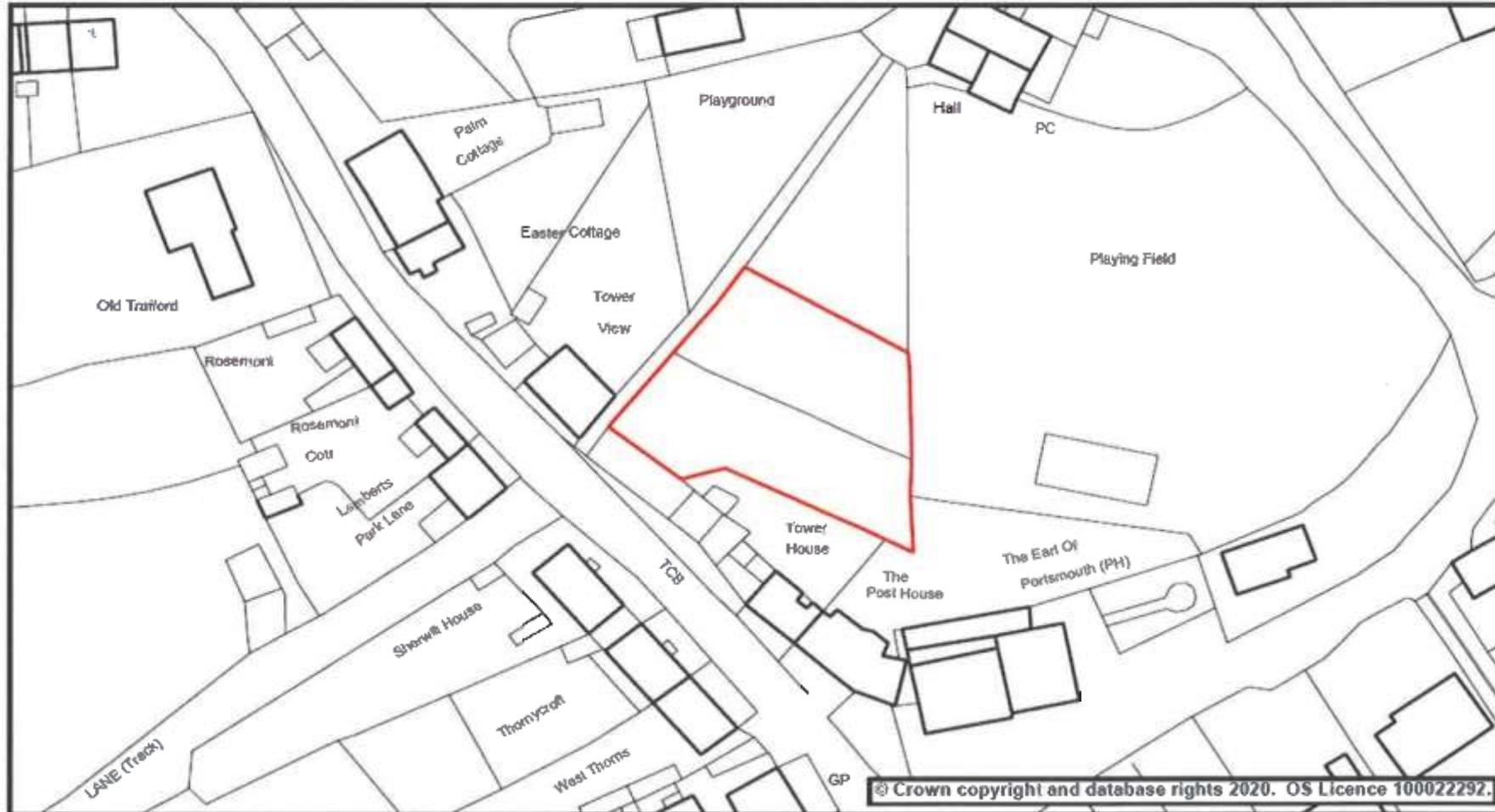


# Street Scene Plan 26

Scale 1:750 @ A4	Date 23 January 2020
Drg. No. Chawleigh, Chumleigh	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 27

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Chestnut Drive, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 90





# Street Scene Plan 28

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Church Road, Silverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

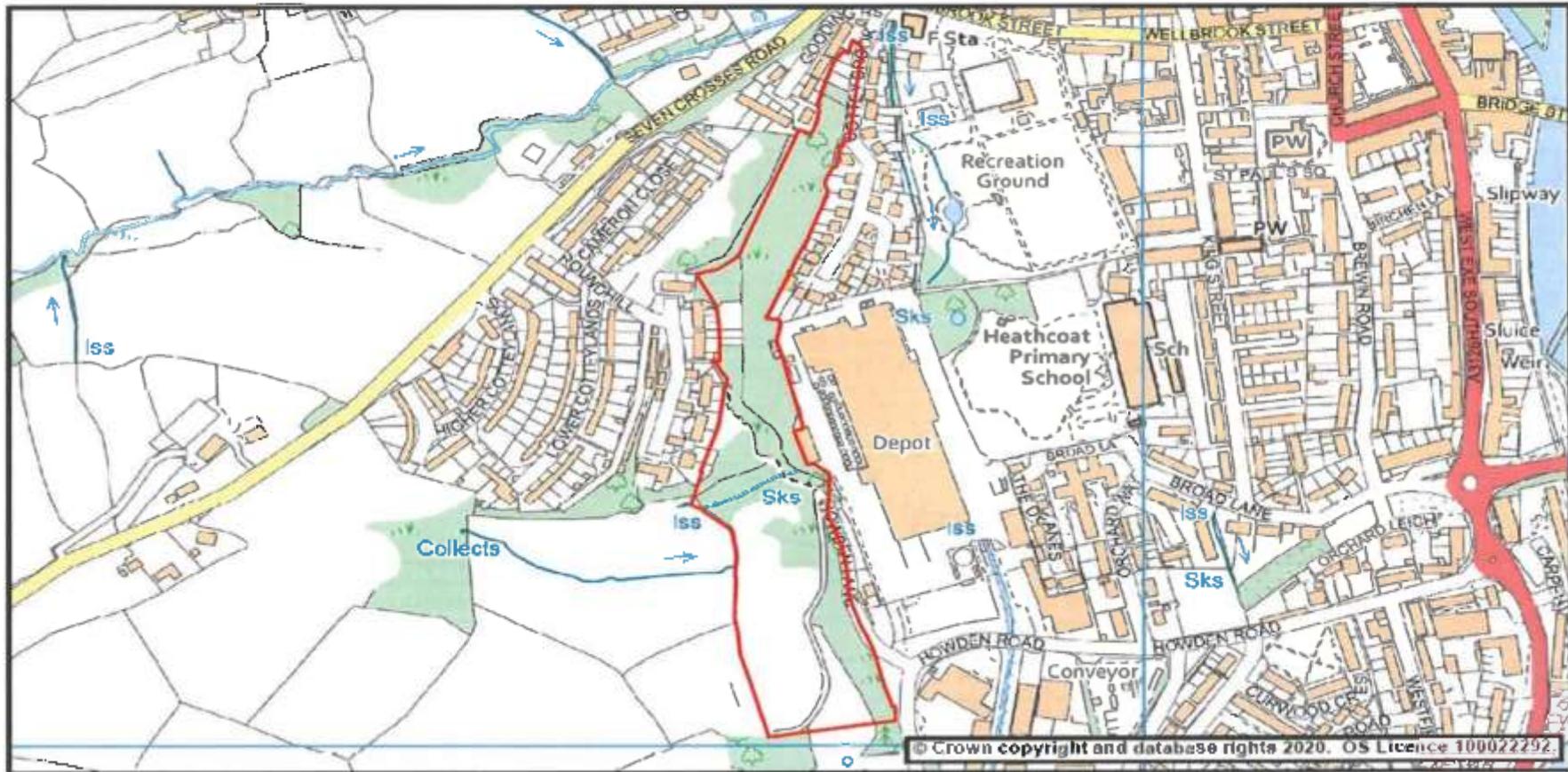




# Street Scene Plan 29

Scale 1:4,106 @ A4	Date 23 January 2020
Org. No. Cotleay Brook, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 30

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Cranmore View, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 93



Page 68



# Street Scene Plan 31

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Cromwells Meadow, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 94





# Street Scene Plan 32

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Crossparks, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 95



Page 68



# Street Scene Plan 33

Scale 1:1,189 @ A4	Date 23 January 2020
Org. No. Crow Bridge, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 34

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Cudmore Park, Tiverton	Produced by GMS Unit



Page 97

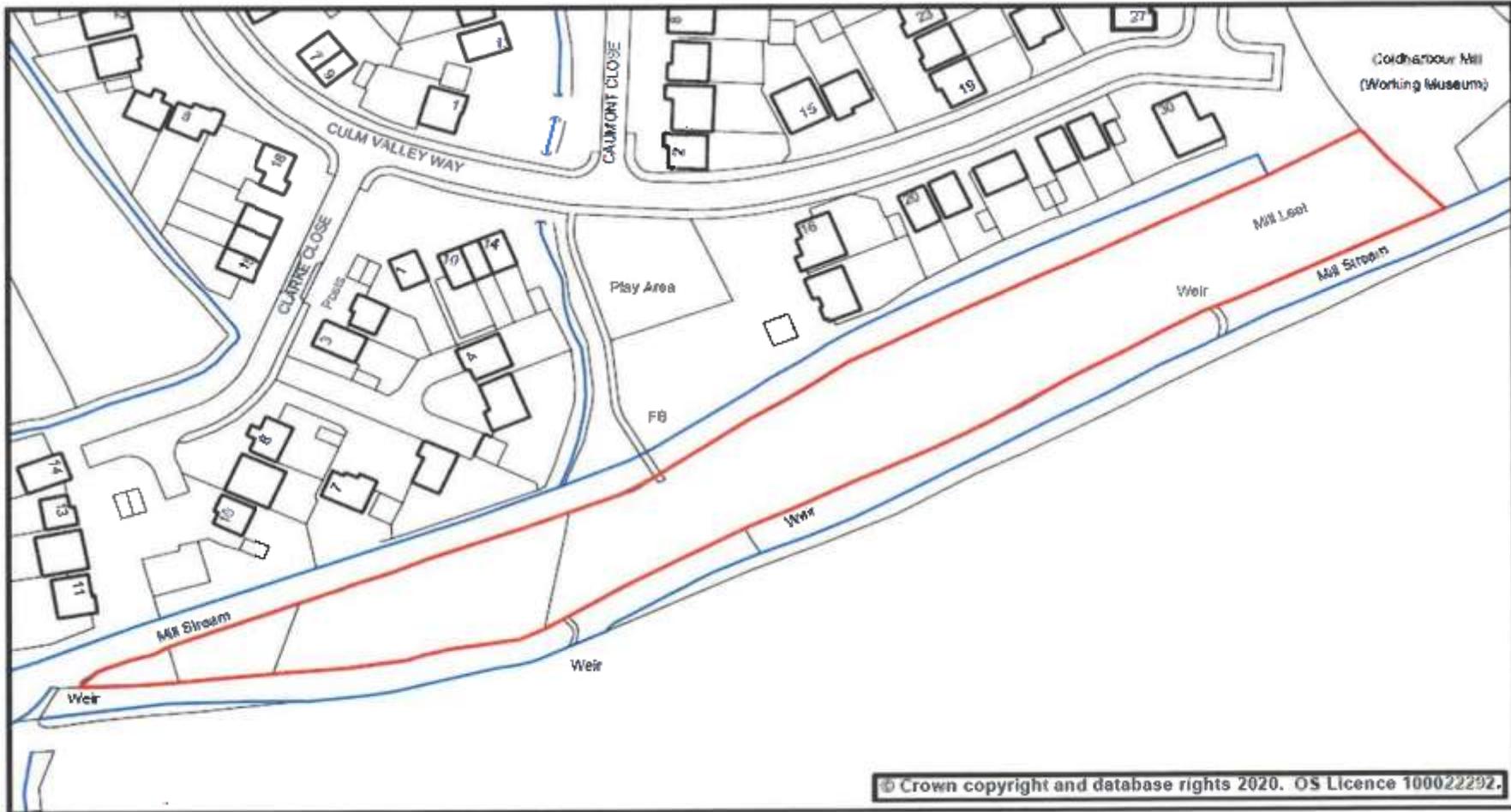
Page 68



# Street Scene Plan 35

Scale 1:1,087 @ A4	Date 23 January 2020
Org. No. Culm Valley, Uffculme	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 98

Page 69



# Street Scene Plan 36

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Forcefield Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 99



# Street Scene Plan 37

Scale 1:1,000 @ A4	Date 23 January 2020
Org. No. Gables Lea, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 100

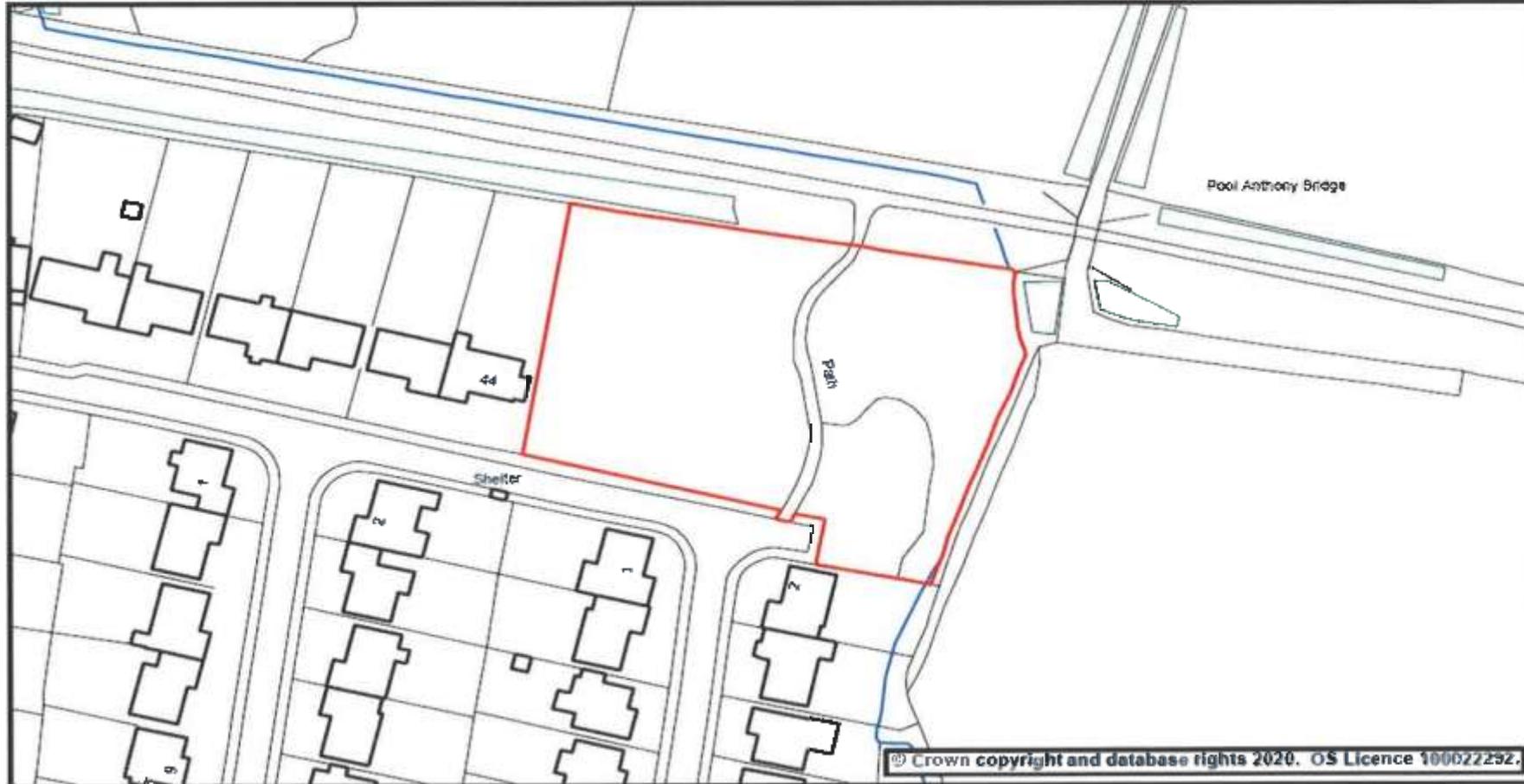


# Street Scene Plan 38

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Glebelands Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 39

Scale 1:1,508 @ A4	Date 23 January 2020
Dwg. No. Gornhay Lane, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



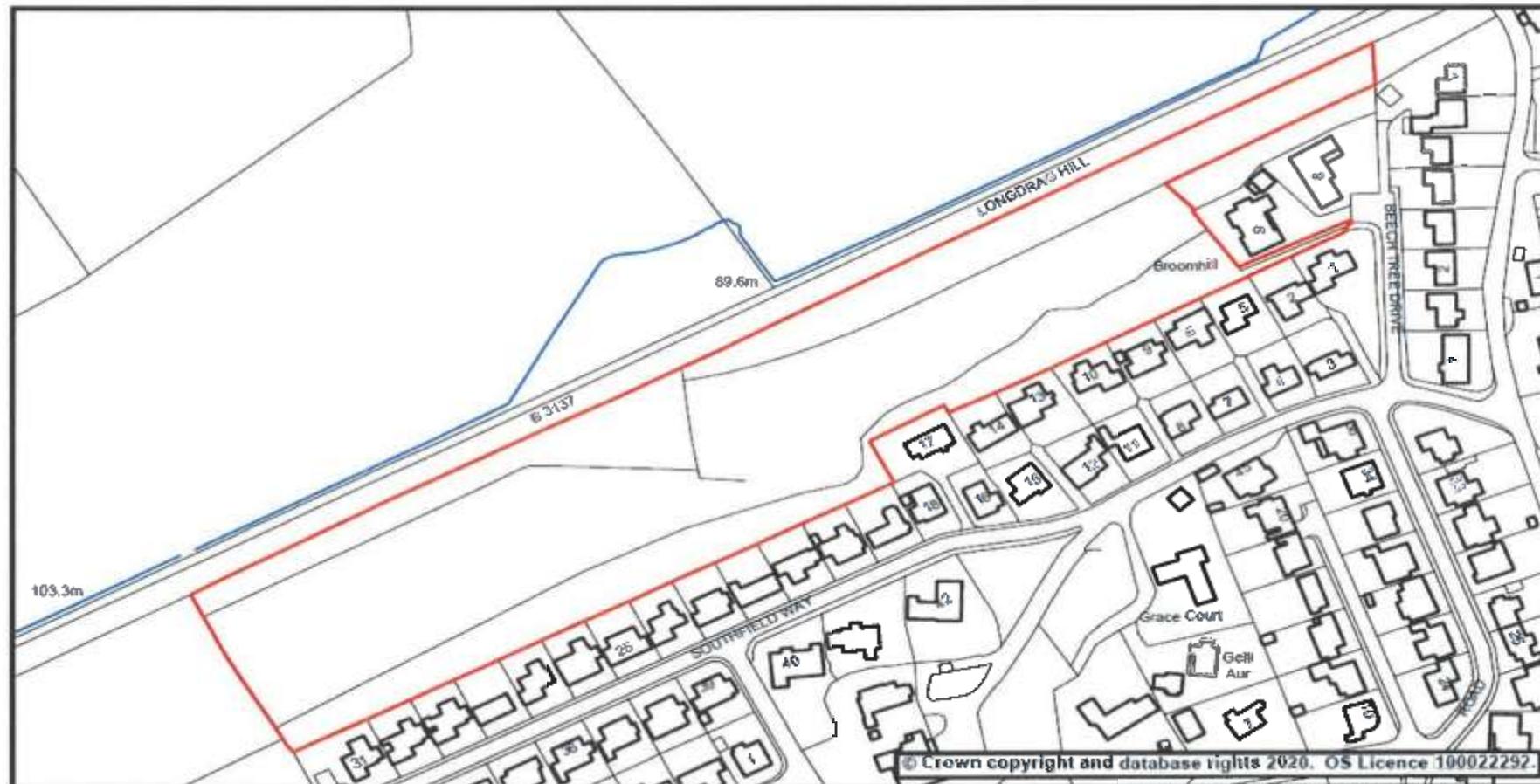


# Street Scene Plan 40

Scale 1:1,689 @ A4	Date 23 January 2020
Dwg. No. Graters Copse, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 103



# Street Scene Plan 4-1

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:750 @ A4	Date 23 January 2020
Drg. No. Great Close, Culmstock	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 104





# Street Scene Plan 4-2

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. High Bullen, Silverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



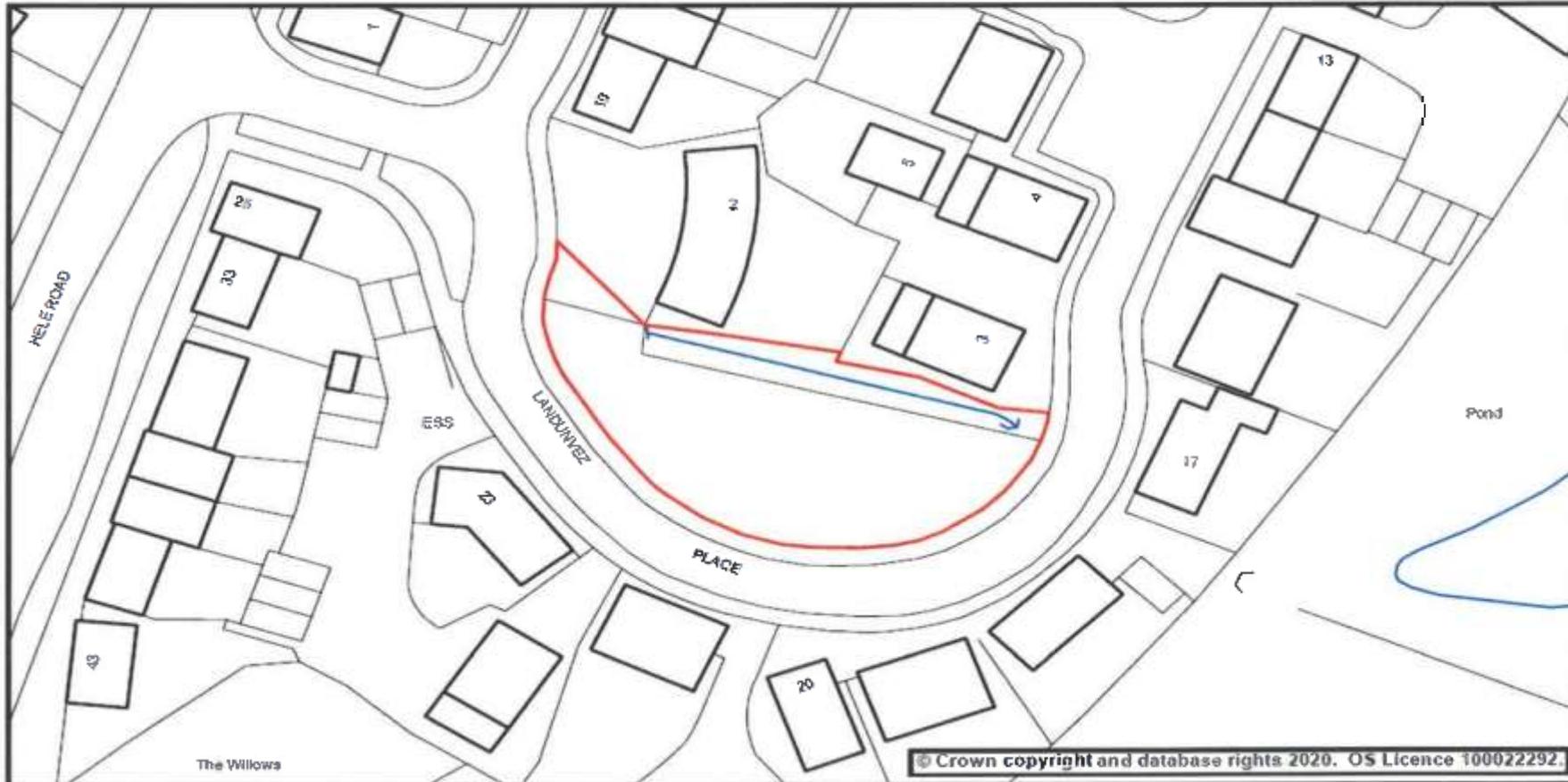


# Street Scene Plan 43

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Landunvez Place, Bradninch	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 256255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

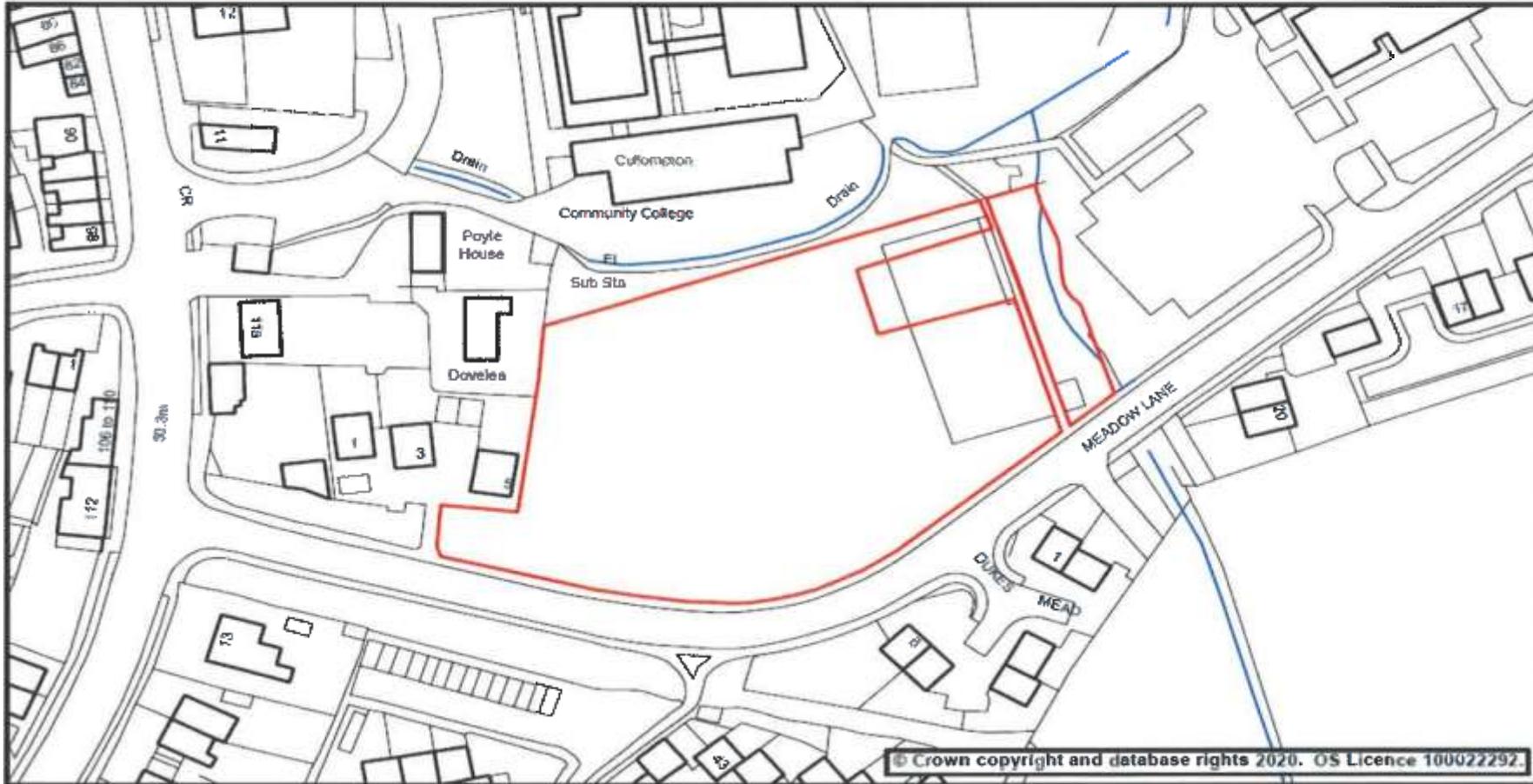




# Street Scene Plan 44

Scale: 1:1,000 @ A4	Date: 23 January 2020
Dep. No: Meadow Lane, Cullompton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



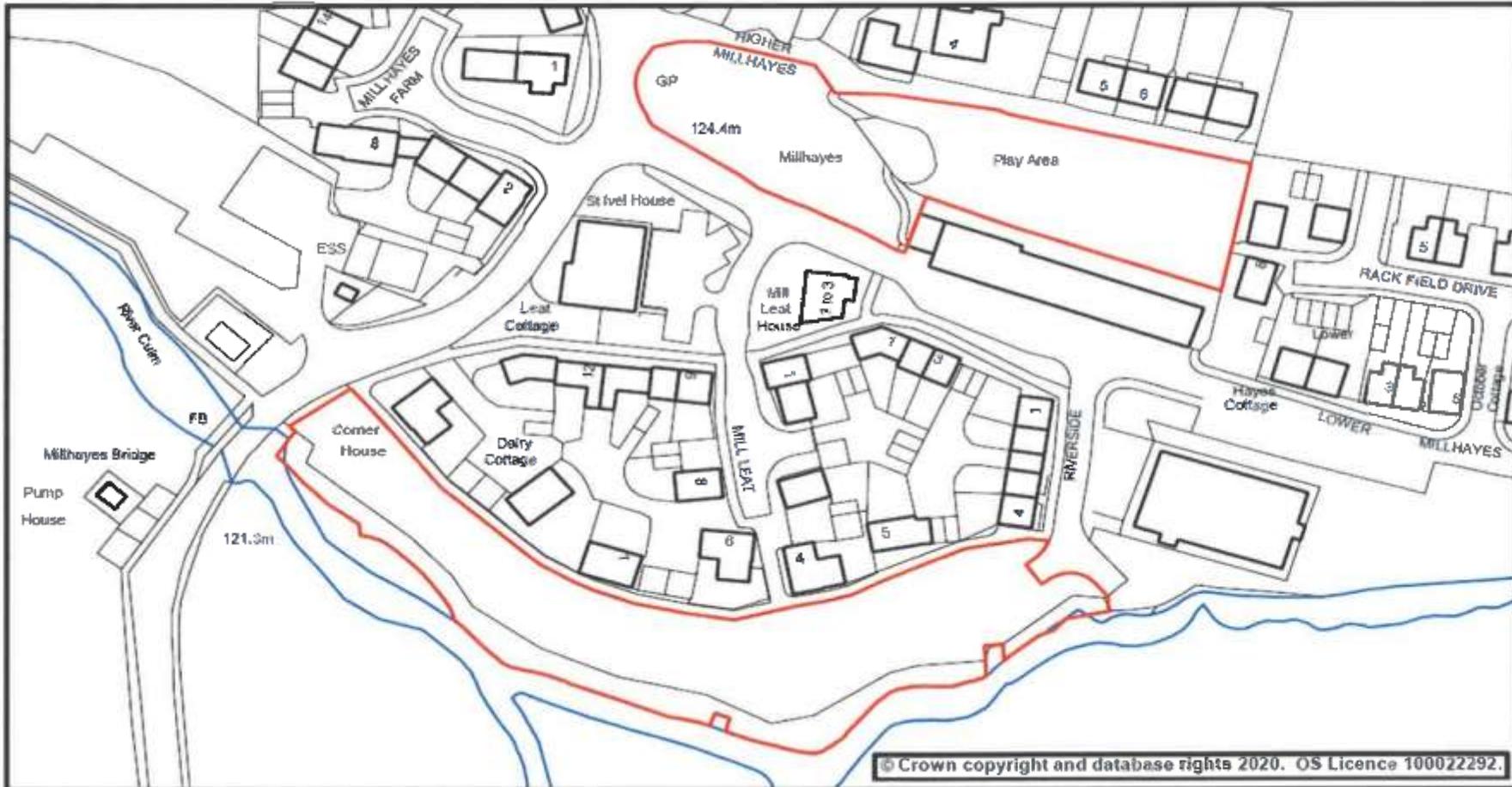


# Street Scene Plan 45

Scale 1:1,009 @ A4	Date 23 January 2020
Org. No. Millhays Meadows, Hemycok	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



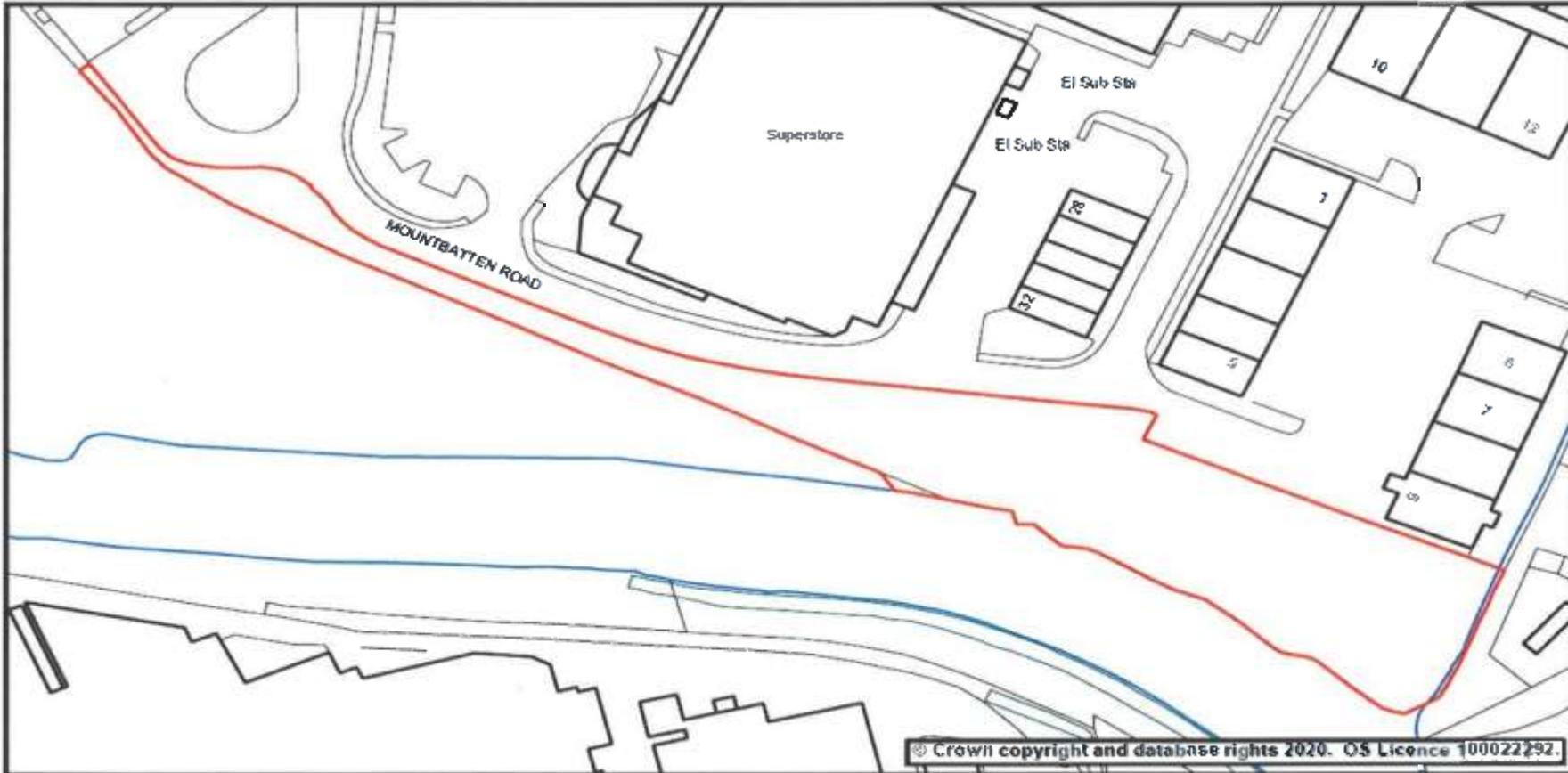


# Street Scene Plan 4b

Scale 1:1,071 @ A4	Date 23 January 2020
Dwg. No Moubatten Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

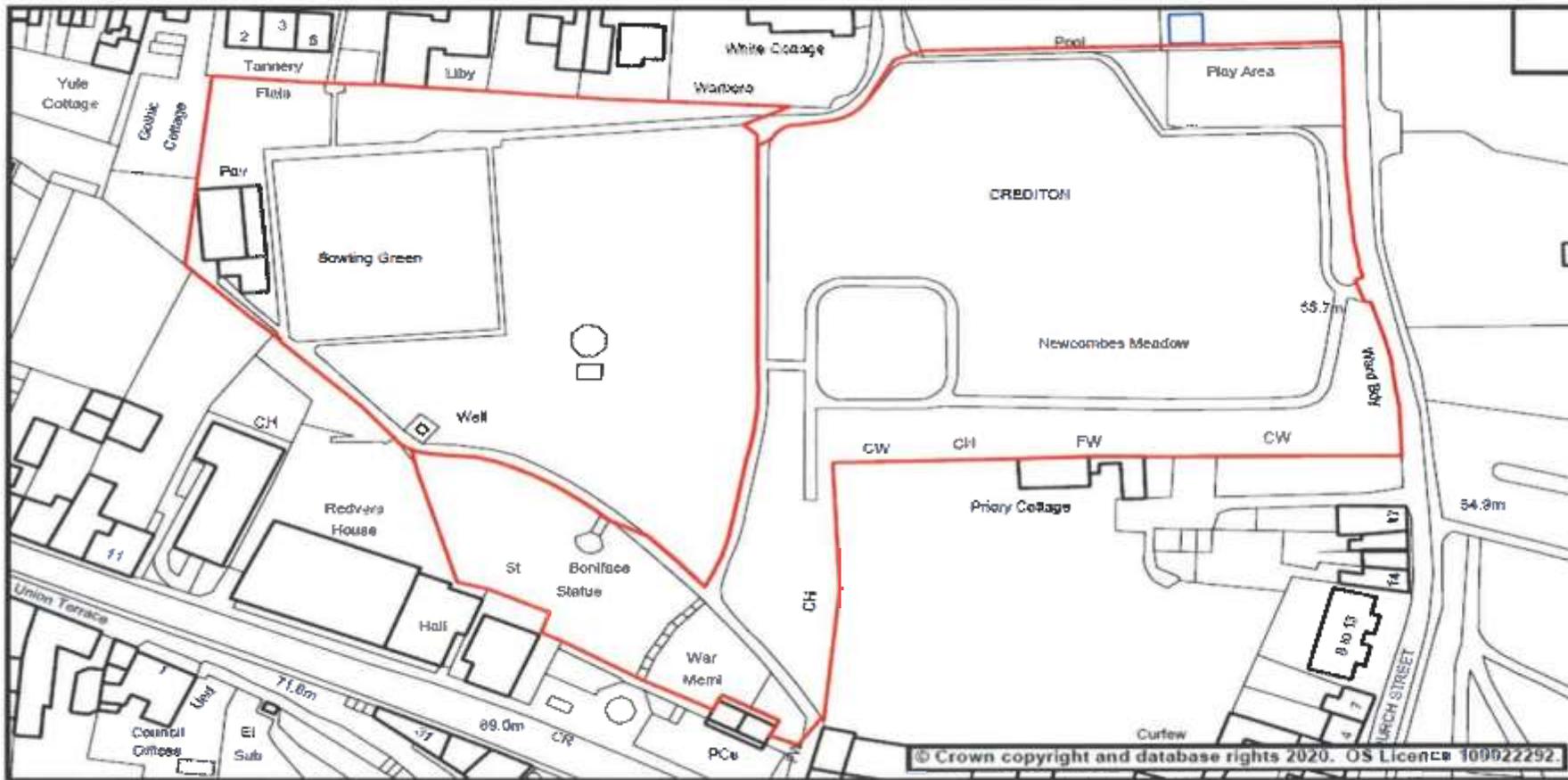




# Street Scene Plan 47

Scale 1:1,074 @ A4	Date 23 January 2020
Dwg. No. Newcombes Meadow, Crediton	Produced by GMS Unit

Phoenix House  
 Phoenix Lane, Tiverton EX16 6PP  
 Tel: 01884 255255  
 Website: www.middevon.gov.uk



Page 110



# Street Scene Plan 48

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Oak Close, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 111

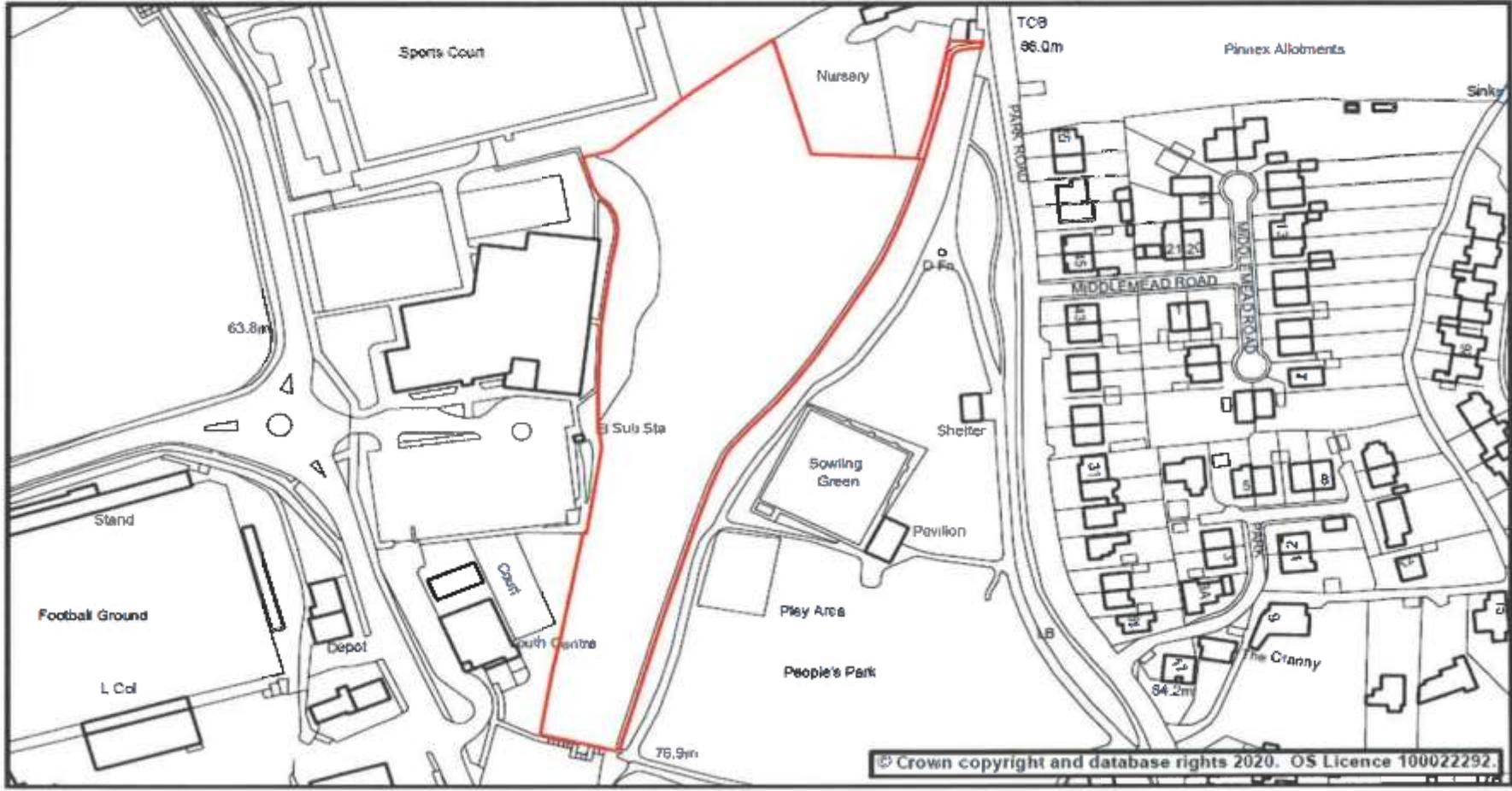


# Street Scene Plan 49

Phoenix House  
 Phoenix Lane, Tiverton EX16 6PP  
 Tel: 01884 255255  
 Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,768 @ A4	Date 23 January 2020
Dwg. No. Old Park, Tiverton	Produced by GMS Unit



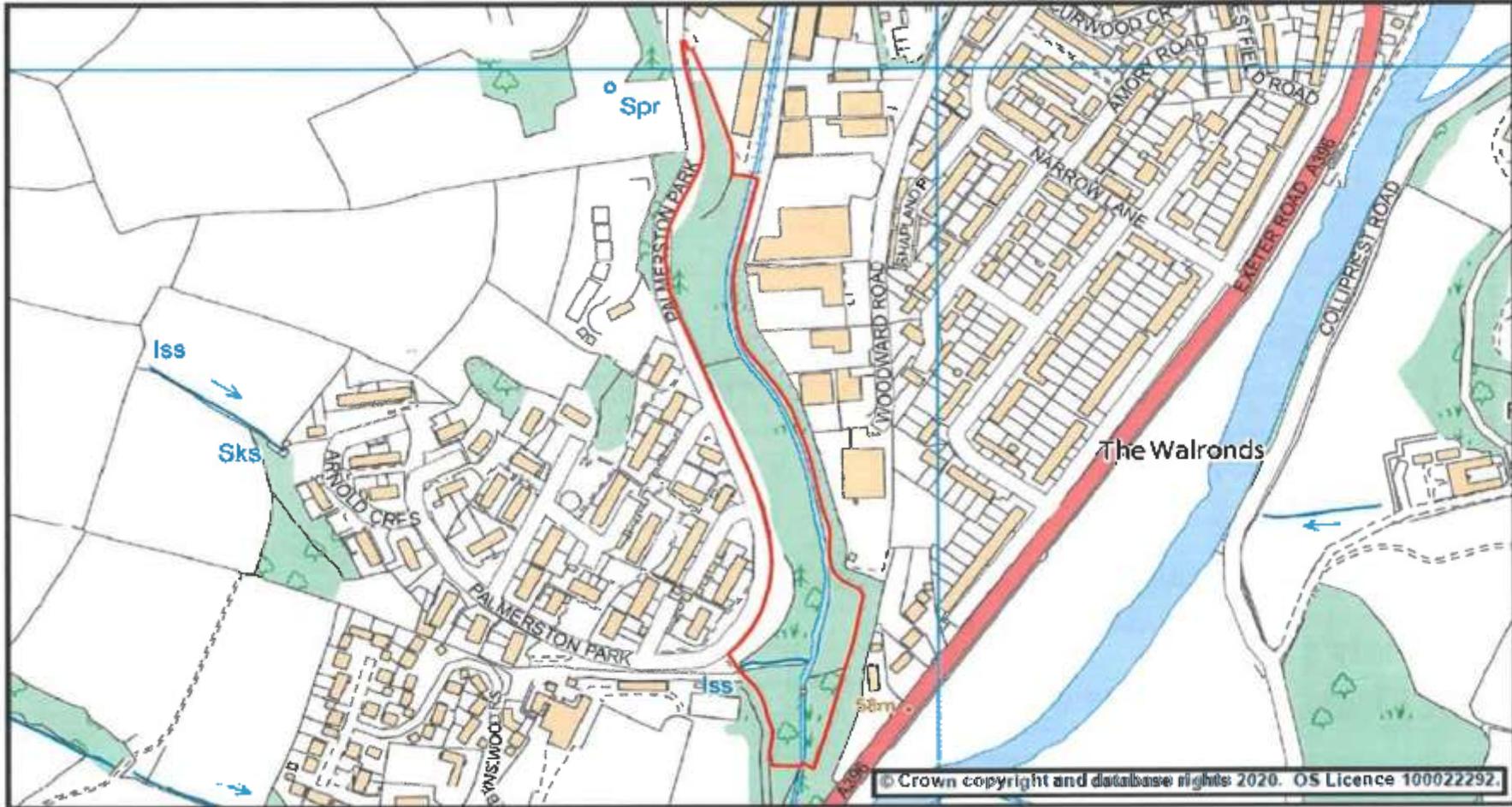
Page 112



# Street Scene Plan 50

Scale 1:3,595 @ A4	Date 23 January 2020
Dwg. No. Palmerston Park Woods, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





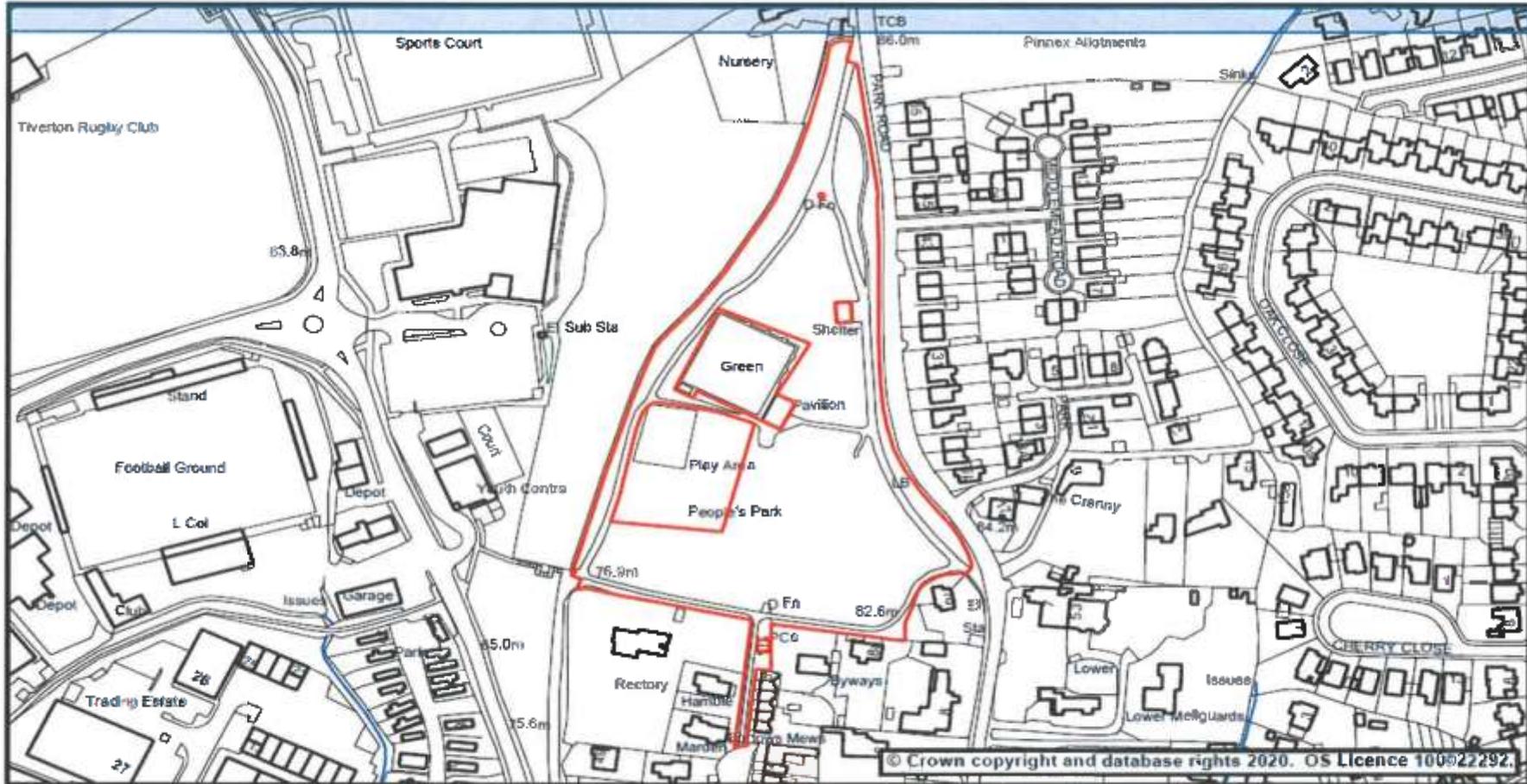


# Street Scene Plan 52

Scale 1:2,334 @ A4	Date 23 January 2020
Dwg. No. People's Park, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 115



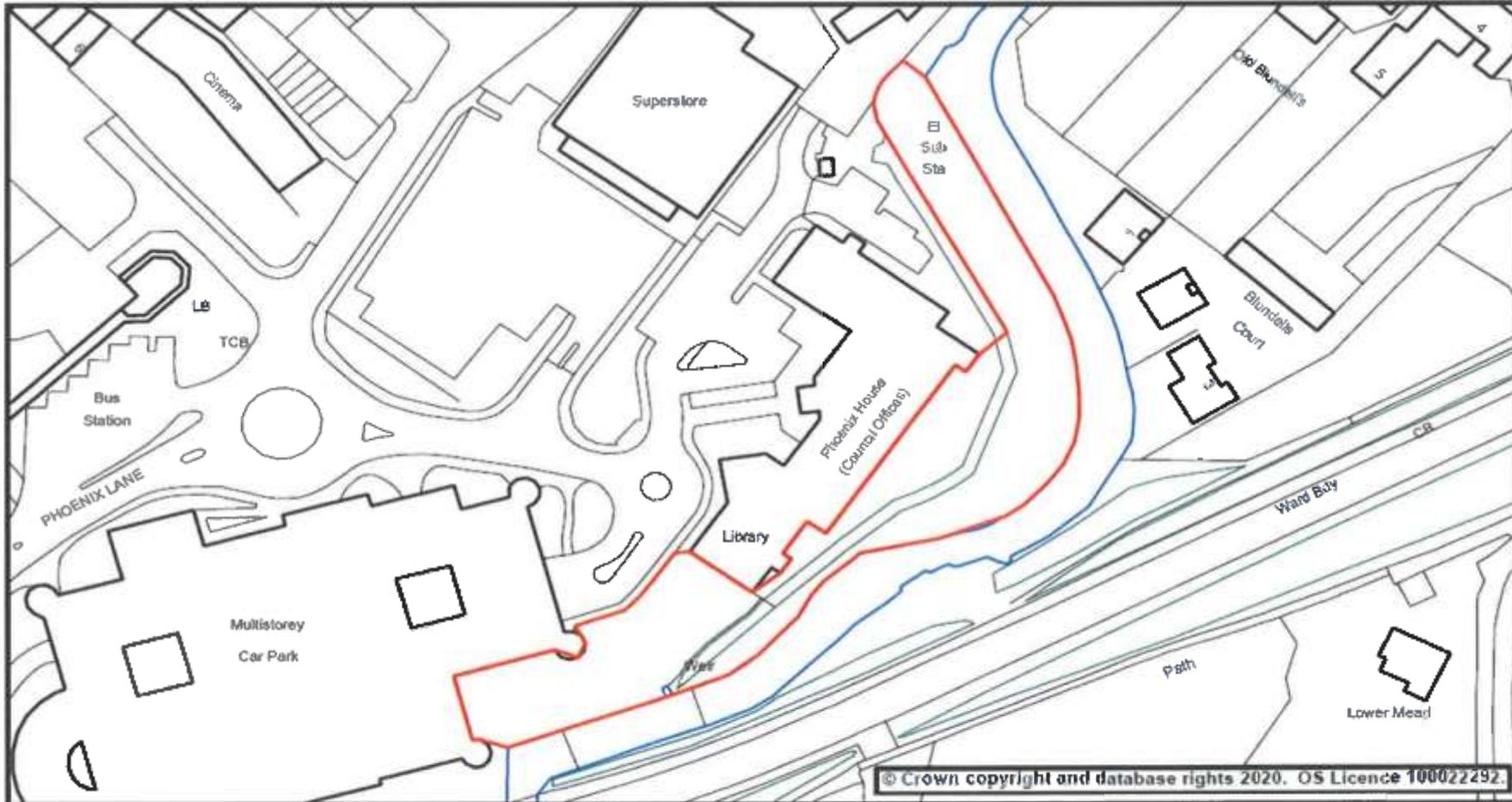
# Street Scene Plan 53

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Phoenix House, Tiverton	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 116



# Street Scene Plan 54

Scale 1:1,302 @ A4	Date 23 January 2020
Dwg. No. Queen Elizabeth Drive, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

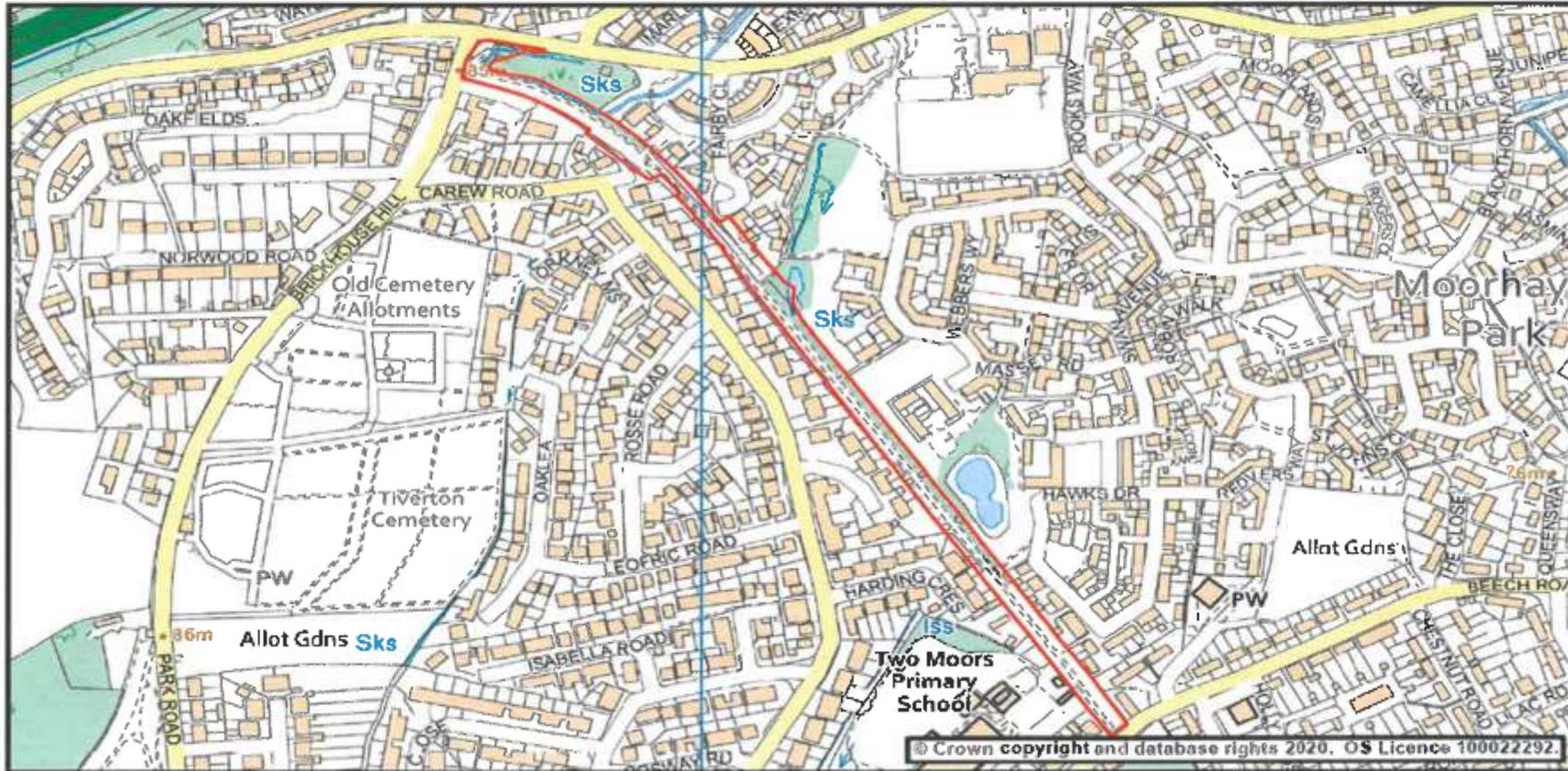




# Street Scene Plan 5.5

Scale 1:3,842 @ A4	Date 23 January 2020
Drg. No. Railway Walk, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 118



# Street Scene Plan 56

Scale: 1:3,287 @ A4	Date: 23 January 2020
Drng. No.: River Exe Recreation, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 57

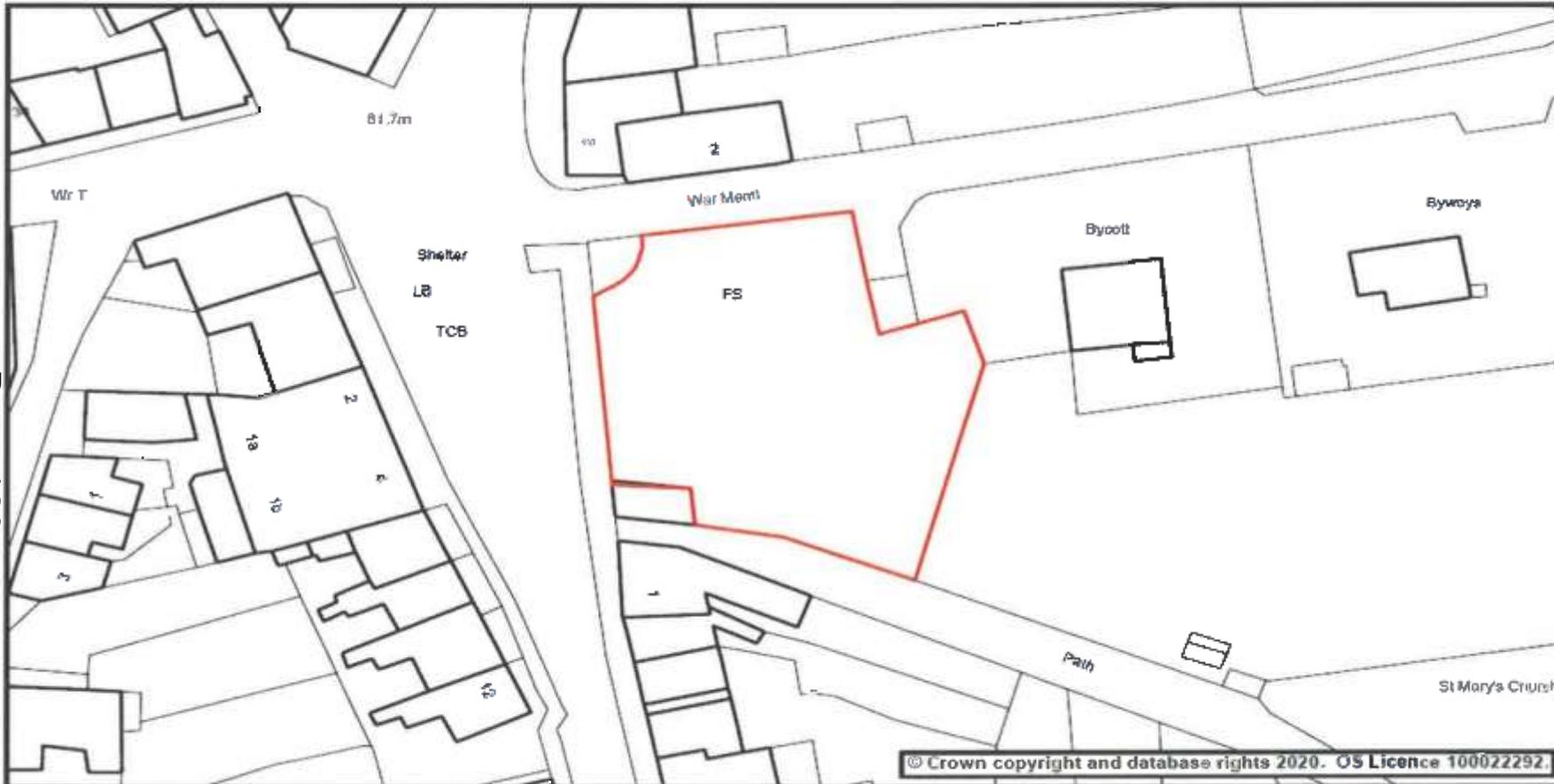
Scale 1:500 @ A4	Date 23 January 2020
Org. No. School Road, Silverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 120

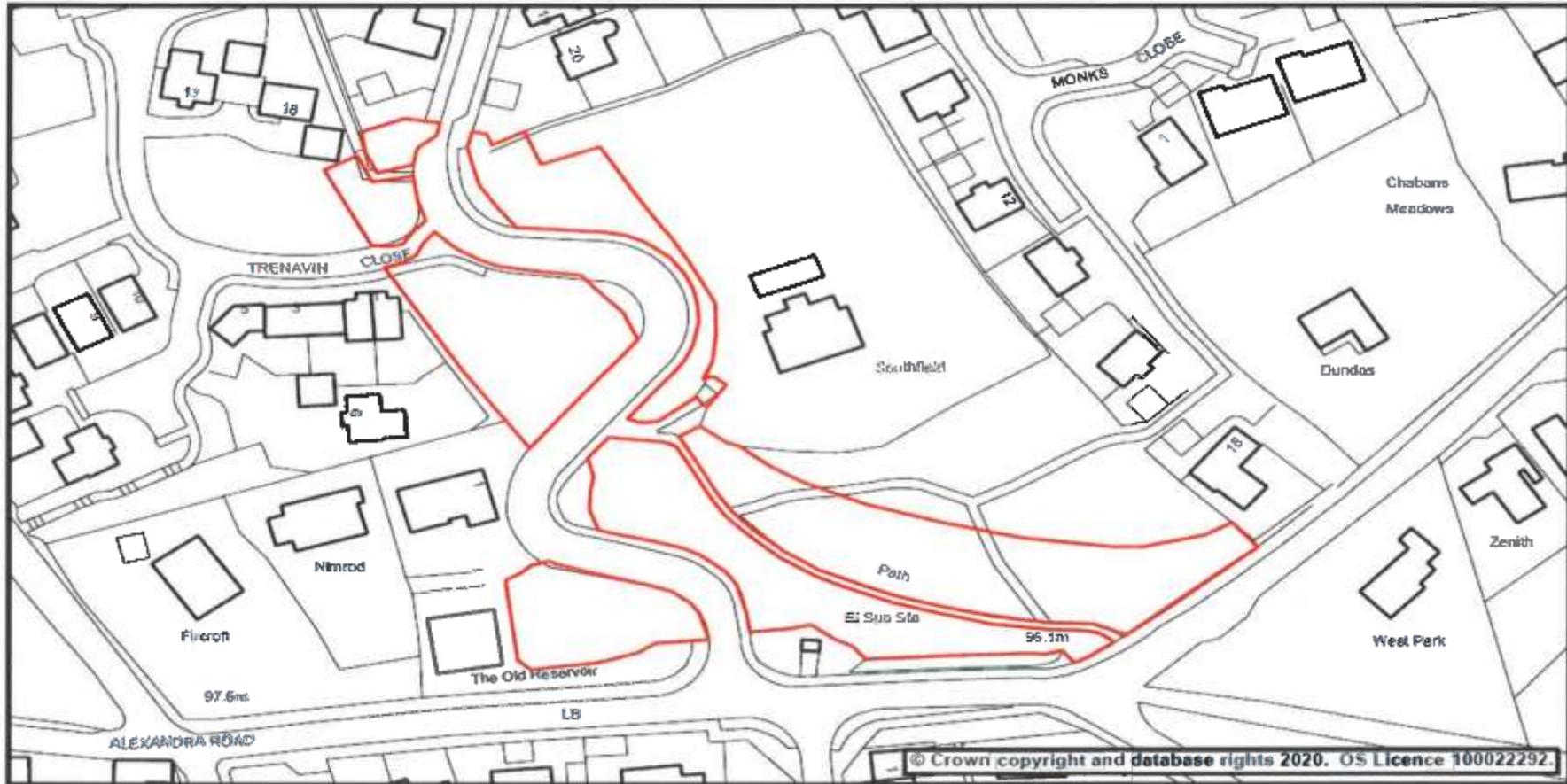




# Street Scene Plan 58

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Southfield Drive, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: www.middevon.gov.uk



Page 121



# Street Scene Plan 59

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. St Andrew Street, Tiverton	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 122



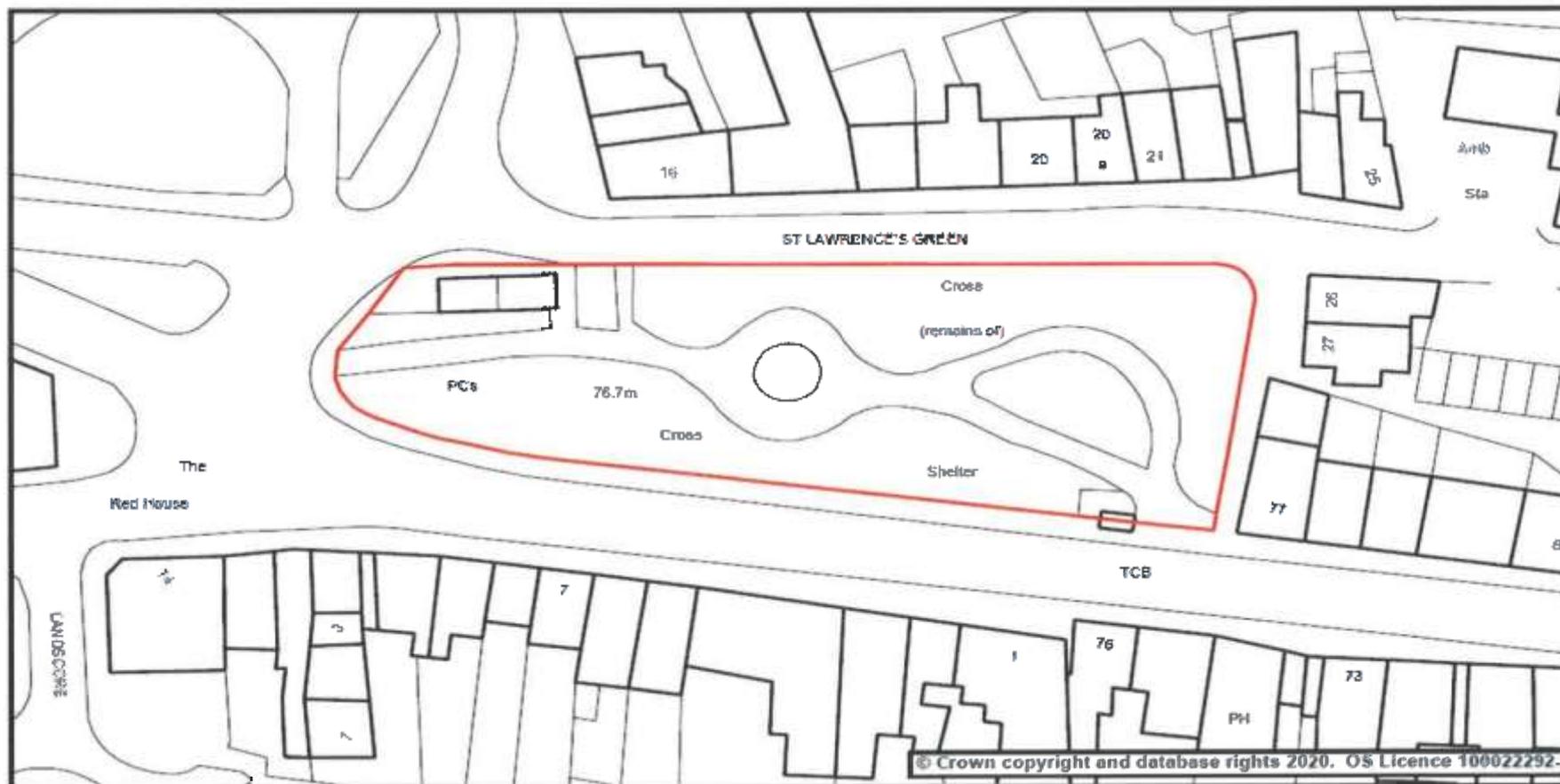


# Street Scene Plan 60

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale: 1:500 @ A4	Date: 23 January 2020
Dep. Mtr. St Lawrence's Green, CREDITON	Produced by GMS Unit



Page 123



# Street Scene Plan 61

Scale 1:1,000 @ A4	Date 23 January 2020
Org. No. Starkey Close, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



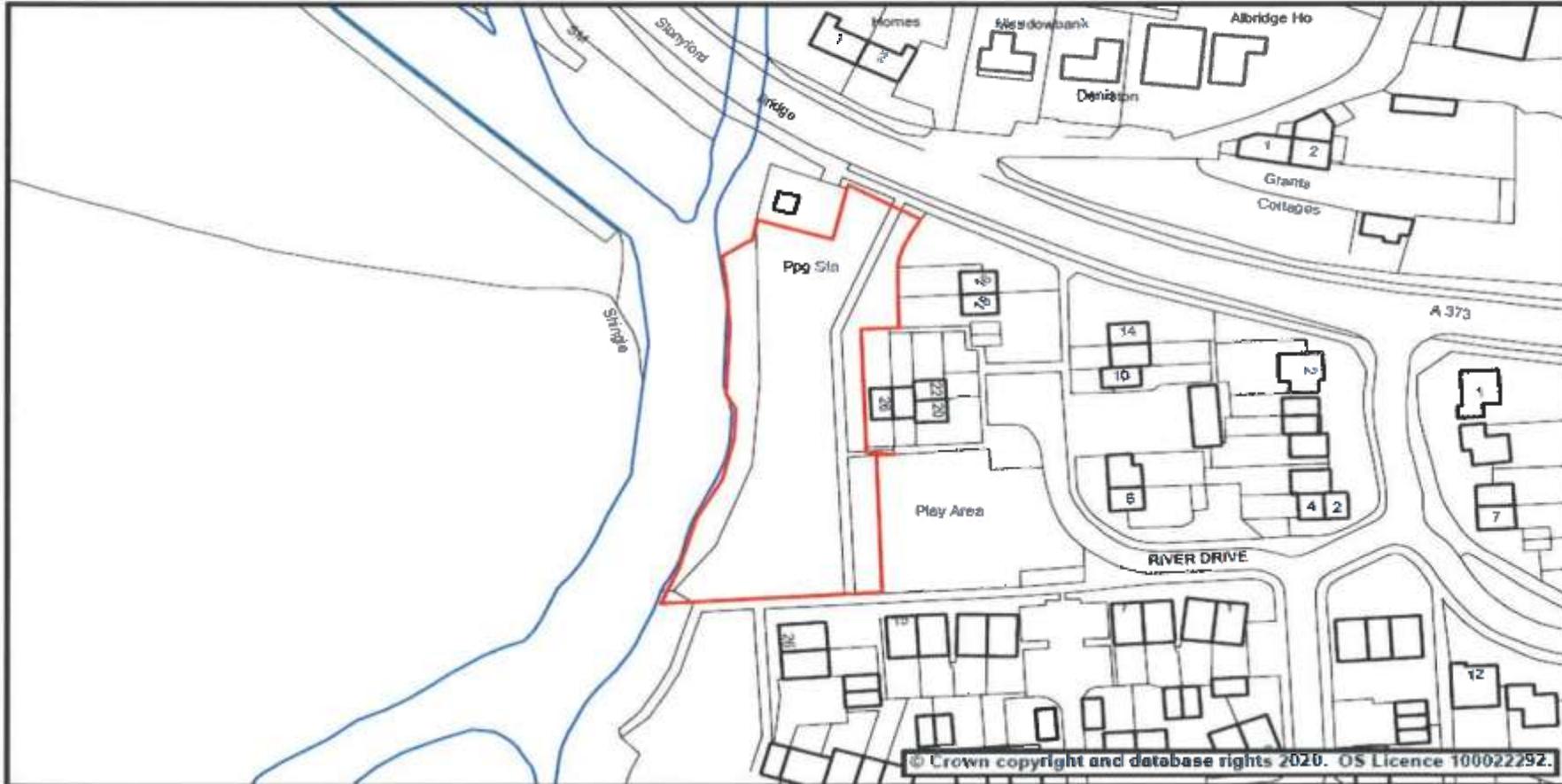
Page 124



# Street Scene Plan 62

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Stoneyford, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 63

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:750 @ A4	Date 23 January 2020
Org. No. Sycamore Close Play Area, Willand	Produced by GMS Unit

Tel: 01884 255256  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 126



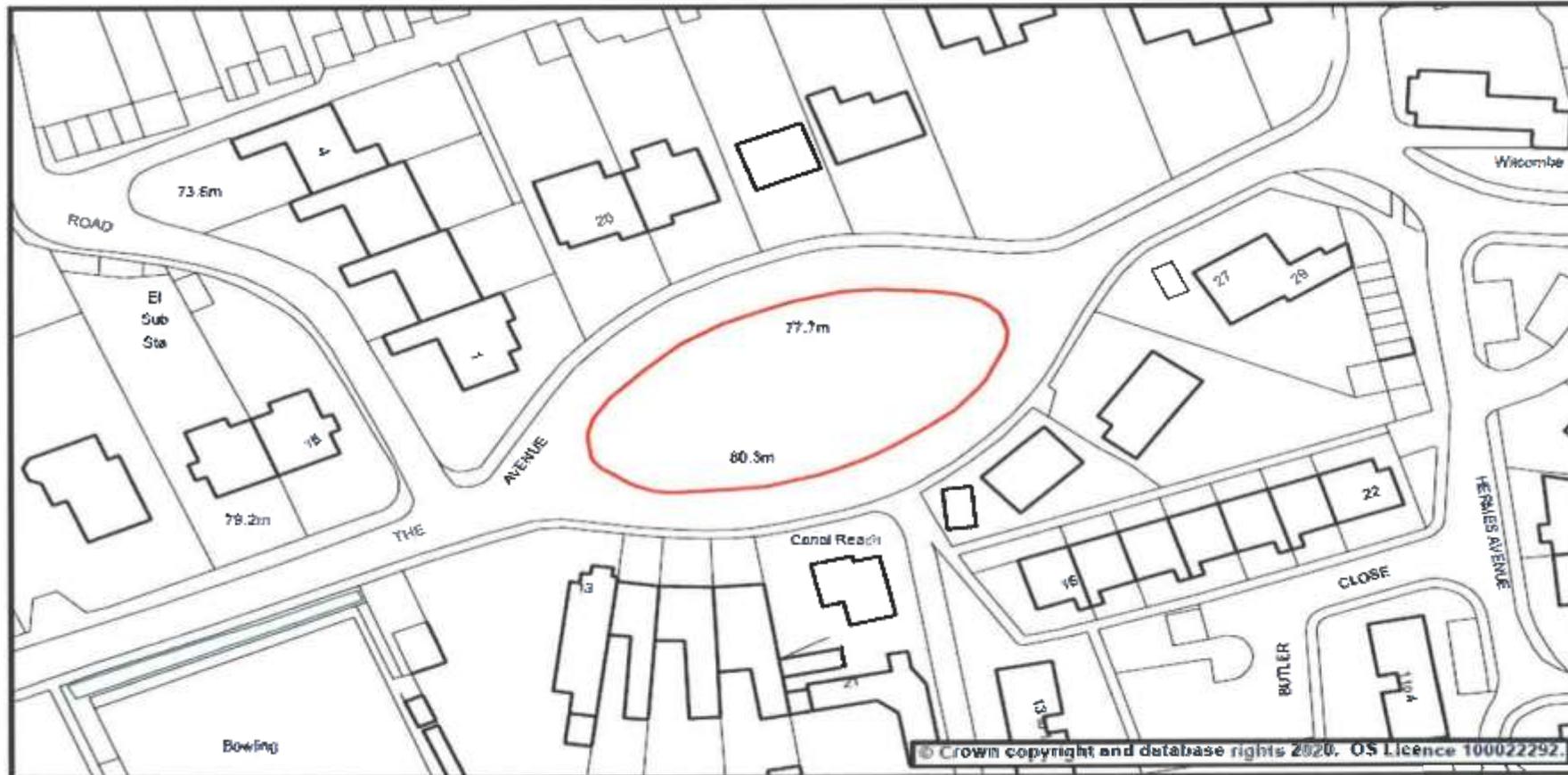


# Street Scene Plan 64

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. The Oval, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



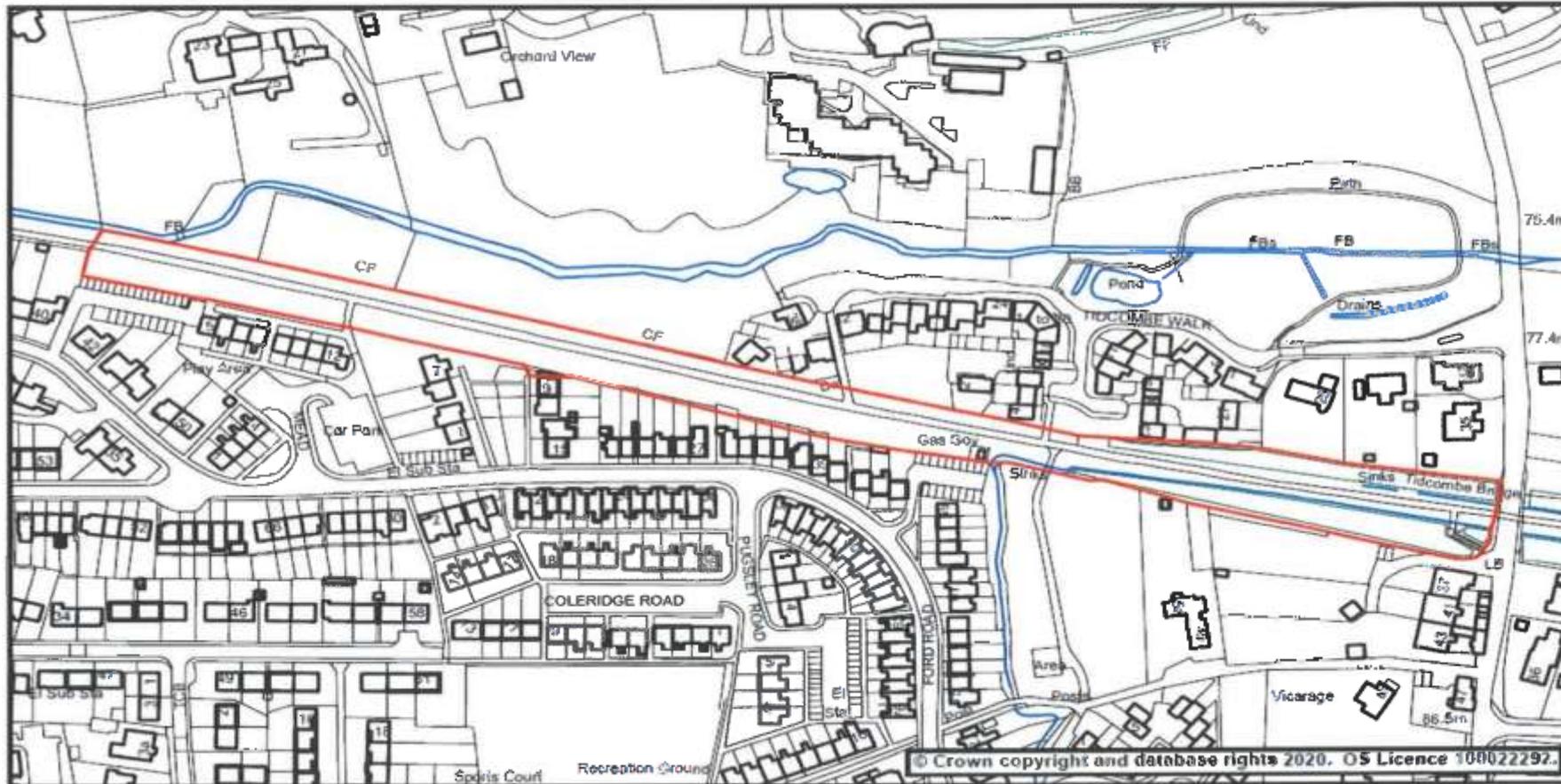
Page 127



# Street Scene Plan 65

Scale 1:1,962 @ A4	Date 23 January 2020
Dwg. No. Tidcombe Railway Walk, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 128



# Street Scene Plan 66

Scale 1:1,000 @ A4	Date 23 January 2020
Org. No. Tree Field, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 129



# Street Scene Plan 67

Scale 1:1,352 @ A4	Date 23 January 2020
Org. No. Victoria Close, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 130



# Street Scene Plan 68

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Victoria Crescent, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



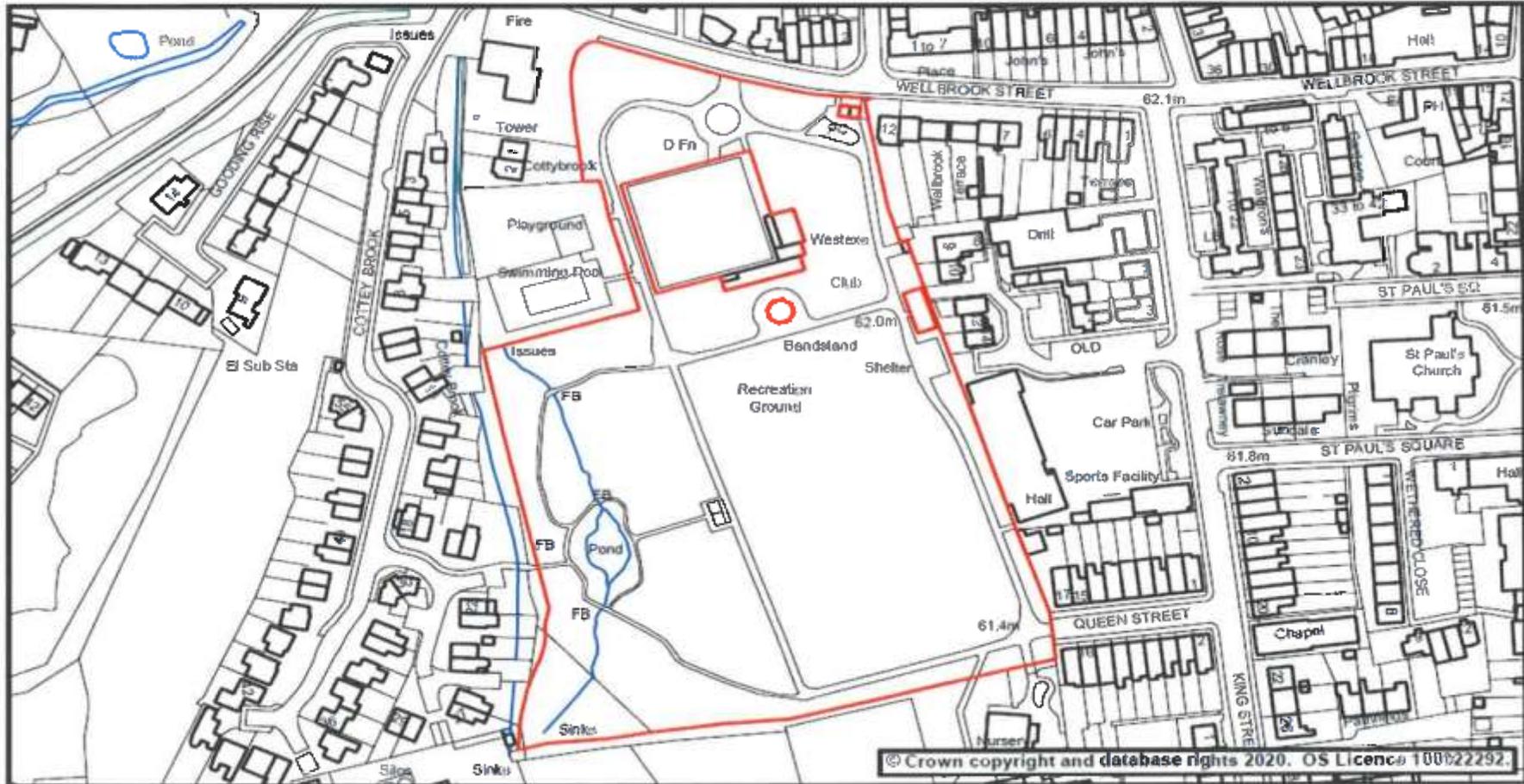


# Street Scene Plan 69

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale 1:1,635 @ A4	Date 23 January 2020
Drg. No. West-Exe Recreation Ground, Tiverton	Produced by GMS Unit



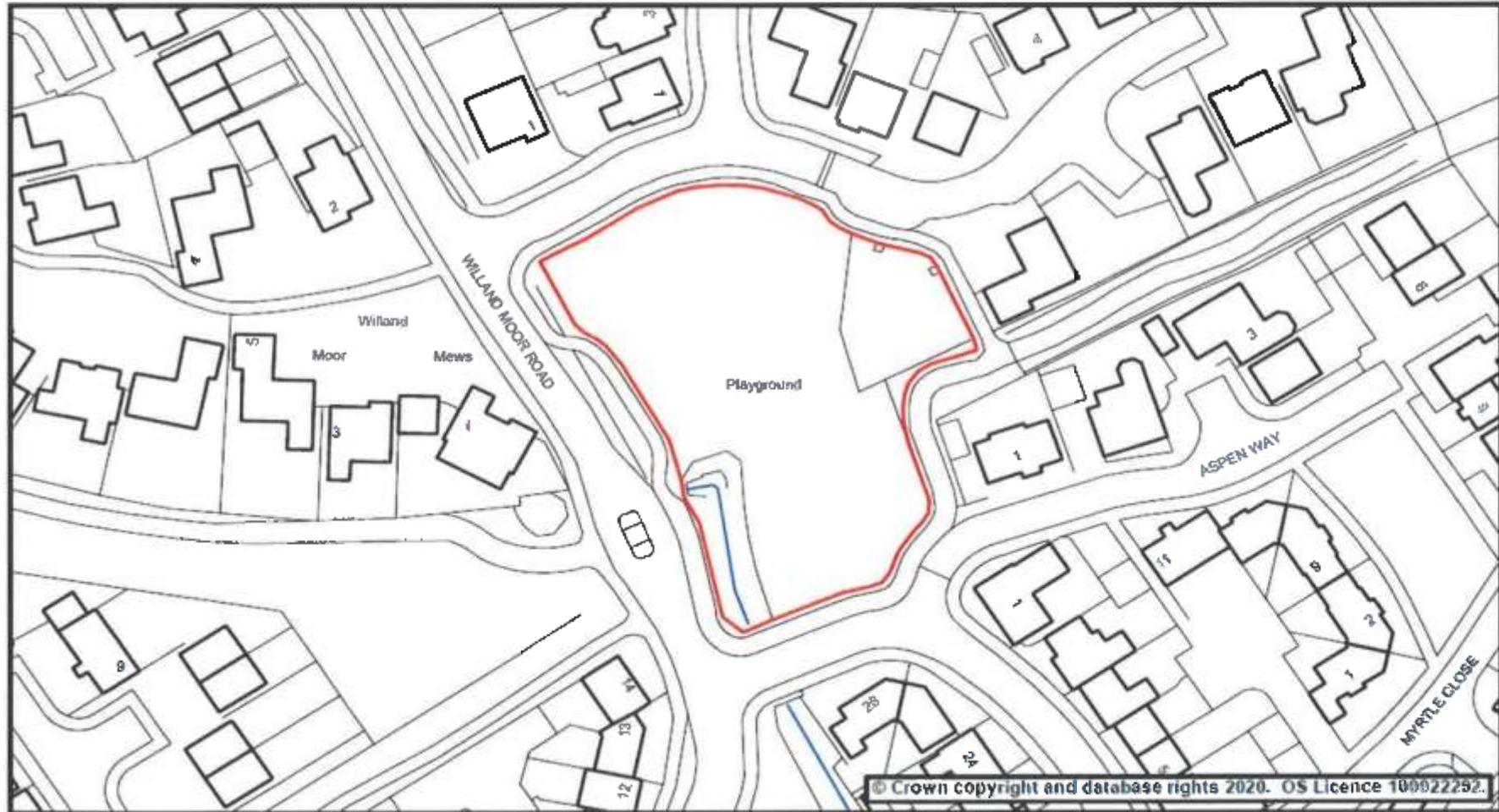


# Street Scene Plan 70

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Willand Moor Road, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





## Summary of responses

Areas for walking dogs off lead are already very restricted especially older people and those with mobility issues.

To impose a new blanket restriction for dogs to be exercised on a lead in all parks in Crediton is cruel and unnecessary. It is common to sense to know that dogs need to be freely exercised without the constrictions of a lead. They can cover a lot of ground in this way and are so happy in doing so. To deny them of this pleasure is tantamount to cruelty. People derive a lot of pleasure from exercising their dog locally in this manner. Again to not be able to do so would be also cruel to the owners. I understand that as far as Crediton is concerned the number of complaints relating dogs was minimal. A small number of complaints that did occur were mainly in areas other than parks. The only exception was Newcombes Meadow (where there is already a requirement to keep dogs on leads), and these small

Re Crediton. Newcombes Park already has a bylaw requiring dogs to be on leads. It is important that dogs can be properly exercised off lead to chase a ball in other public spaces apart from play areas and the complaints have not related to dogs being off leads in other parks.

At all times in all public areas, no dog can be trusted not to attack at any time. If off the lead the owner has no control if an attack takes place.

Dogs love running after thrown tennis balls and retrieving them which is fine providing the dog is kept under control by their owner.

I don't think they should have to be on leads in public parks. If this goes through there won't be anywhere locally to walk your dog off the lead, which will increase traffic and pollution as we will have to drive to somewhere to exercise our dogs. What happens to dogs whose owners don't drive? How are they meant to exercise

In terms of owners being able to exercise thier dog off the lead in parks, the council do not seem to have explored any other options to meet the ojectives of the consultation apart from a blanket requirement of having all dogs on leads at all times. The council have not provided any evidence of increased problems of fouling

As a responsible owner of a very well-behaved dog I feel that we are being penalised for those owners who are not! Very unfair!

Dogs which behave and aren't a problem should be able to be let off the lead. People with aggressive dogs should never let their dogs off lead and if they feel like it

Dog's require off lead exercise and not everyone has access to a vehicle to drive to a rural location without livestock to give their dog/s off lead exercise. A dog that is not appropriately exercised is far more likely to display "bad" behaviour, such as barking, or aggressive behaviours. Therefore, I think it is imperative that public parks remain a place that dogs can be exercised off lead, the benefits to the dog's wellbeing and the wellbeing of the people who own the dog and those who live within close proximity of a dog. I wholeheartedly agree with both picking up and removal of dog faeces from public places, and an owners responsibility to keep

I agree on leads in formal parks like west exe & people's park but not in general areas of open space such as off Bluebell Avenue in Tiverton where dogs are need to be off leads to take adequate exercise and for play purposes & socialization, I have never experienced a problem with this

Yes, dogs must be under control and owners should pick up after their dogs. This is already stated in law. Forcing dogs to be on leads will not address the lack of cleaning up. enforcement of existing laws is a far better solution. Dogs need to be allowed to be exercised, which doesn't mean being on a lead all the time.

Dogs need spaces to run free. Some of the public parks listed are primarily and in some case solely used by people to allow them to throw a ball for example.

Obviously, children's play areas should be dog-free, but areas including Cudmore Park and Starkey Close and Tidcombe Walk are quiet and a good place to play with

Growling is a natural dog behaviour from yorkshire terriers to labradors. It is a warning sign to keep away or shows fear. If growling leads to aggressive attack then clearly you tackle that dog or that owner - a blanket ban to dogs being off lead in dog walking areas like the railway is over the top response to only 128 complaints,

I am not a great dog lover but I do think it is cruel to not let dogs off the lead in a public space as long as the owner can control their dog. This rarely causes an issue

Dogs need to be able to run freely. Part of caring for a dog entails providing it with the right to express freedom of movement. Being restricted on a lead is not sufficient exercise and verges on the cruel, depriving it of its right to freely exercise. The parks of Mid Devon should be available for everyone's use. Dogs should be allowed to play ball, play with other dogs or simply run around expressing natural behaviour and enjoying themselves. It would not be right or fair to deprive all
Dogs who are under the correct control of their owner should be allowed to run & sprint providing the owner has sufficient recall over them. Some dog breeds, to
Dogs need the opportunity to be able to exercise off their leads. We are all forced to pay for the up keep of parks so we should all be able to benefit from them. I agree that dogs should be kept under control, and I always try to do that with mine, but dogs do need some freedom. The only time I would be likely to use a park is
There are public parks in mid devon which offer the only place for dogs to be let off the lead.. most dogs and their owners get great pleasure from throwing a ball to a dog and to teach them to retrieve. If they could not exercise their dogs safely off the lead they would have to get in a car to go to a beach. Not so good for the environment. Farmland is not always possible to use as off lead exercise as livestock is often around. In walking my dog i have never come across vicious dogs.
I strongly believe that ALL dogs should be kept on a lead in ANY public area
Well behaved dogs should be able to roam and play under supervision of responsible owners. Only officially designated, and hopefully trained persons should be
Because it's a "public" park. That includes walkers and their dogs. Provided they pick up their dog's waste.
Enforcing the use of leads in such parks is too severe a response and is punitive to the vast majority of dog walkers who do not cause a nuisance. Conditions for use of such parks by dogs and their walkers without a lead should be considered. Such as allowing those who have not previously been sanctioned to use the park on condition 1) that young children are not in the immediate area, 2) that dogs are placed on a lead without delay at the reasonable request of another park user, 3)
that dogs be required to be led at certain peak use times, for example. I am a dog walker living in Cullompton and have used Crow Bridge park for years without
I don't agree with names public parks because in open spaces our family pets need area to run free- on the condition the animal is not known to be a nuisance in
Cementaries out of respect and if enforced for a lawfully significant reason. Public parks are used by so many dog owners as a place where they can exercise safely.
Some of the public parks are in a rural area without children's play areas and I can't see what the problem is when the children's area is enclosed to separate . I feel that responsible owners do adhere with consideration to others by implementing your current plans the ones who cause problems will continue. Perhaps it might be prudent to start with CTV cameras in mentioned areas which then will have a dual purpose.. firstly to identify irresponsible dog owners and secondly anti-social
Well behaved dogs should have freedom to walk off the leach when they are supervised by an adult responsible walker
Much more antisocial threats from teenagers in parks, can they be put on leads
Given that any piece of land larger than a pocket handkerchief is "designated", the proposal is too restrictive.
I do not believe that dogs should be kept on leads in certain parks you are talking about such as the dog park at the people's park. The majority of dog owners pick
Dogs need to be excercised off the lead ....and "named parks " seem to be anywhere you can do this at the moment .
Most dogs benefit greatly from daily Offlead exercise and in these open spaces I believe it should be allowed. A responsible dog owner will pick up after his dog and keep his dog under control whether on or off lead and irresponsible owners won't pick up even if the dog is on lead. Owners will need to travel daily to properly
Dog owners NOT keeping dogs under control rather than all dog owners should be targeted

<p>The proposal over parks is far too wide ranging. Many active breeds require off-lead time for welfare - the limitations proposed will actively harm people's pets. The proposal penalises good dog owners but, as mentioned, many incidents of aggression were by on-lead dogs, making the gains of this drastic proposal rather limited. It is common for many dogs to be unwilling to defecate while on a lead, requiring off-lead time for welfare. Off-lead play with a family dog is a significant form of personal recreation for owners, including families with children, meaning the blanket prohibition cuts quality of life for many, many people. Decision makers should consult with animal welfare charities and a dog behaviourist before concluding this option is necessary or humane. Be aware that an important aspect of dog</p>
<p>Parts of some larger named public parks could be specifically assigned for dogs to be off the lead, eg. There is a 'greyhound run' in Cullompton. New signage must</p>
<p>Clearly dogs should not be in children's play areas. However many of the public spaces listed are frequented by responsible dog owners who are there to exercise their dog, allow them to run around and interact with other dogs which is essential for the dogs mental health and well being. Should these areas be particularly</p>
<p>Dogs need off lead exercise not many areas if not allowed off in parks</p>
<p>It will not necessarily get the waste picked up. I have seen poo on the payments where dogs would clearly be on a lead. The people who do not pick up are irresponsible as they know their dog has done it. Don't penalise the majority for the the small amount who don't follow the law.</p>
<p>It would be better to enforce the current legislation regarding fouling and antisocial behaviour in the parks. Most dogs are well behaved - in fact better behaved - off a lead than on. They are more protective when on a lead. Those who flout the current laws will still do so, and you will penalise the rest of us.</p>
<p>The dog owner has the responsibility to keep their dog under control. There are many differences in the behavior of each animal, some are well trained and others that have irresponsible owners who have not trained their dog. It is unfair that all dogs and owners should be penalized with a blanket draconian ban. Some breeds of dog require to run to exercise for their well being and that cannot be attained on a lead. The majority of the people using the open spaces specified are dog</p>
<p>I let my dog off the lead in some parks and always pick after her why should she be penalised because of the lazy few ?</p>
<p>Guidance from the government states that councils should publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Can you list these please? Councils should also consult dog law and welfare officers and organisations affected by restrictions before seeking to a PSPO. Can you only in named public parks, if there is a notice asking dog owners to do so.</p>
<p>I accept that there are dogs out there that need to be on a lead. However, my own dog is the most passive animal and I see no reason for someone else to tell me</p>
<p>Disagree with the unfenced area of Amory Park, Bluebell Avenue, Gornhay Lane, Oak Close, Old Park and Railway Walks Tiverton. These are not play areas and dogs</p>
<p>I do not know all of these parks but I do regularly use Old Peoples Park (Plan 49) to exercise my dogs off lead as this is one of the only areas children do not play.</p>
<p>It depends on the park. I agree with dogs on leads in Peoples Park Tiverton, but the Old Park Tiverton should be free for dogs to run as it is now. also Oak Close Tiverton open space, I dont feel this interferes with anyone if dogs are allowed to have a run about in there.</p>
<p>Some dogs are well trained and walk at thier owners heel</p>
<p>Restrictions within parks are a little over the top. Given that many dogs are trained and have sensible owners, this ruling restricts the masses because of the actions</p>
<p>I think that it depends where the public park is. There are parks where dogs could be off lead. Unfortunately dog walks have been cut with so much building.</p>
<p>Where I live there are so few places now where your dog can have a run. None of the named play areas in my area you would take a dog in anyway</p>
<p>Well behaved dogs should be allowed off leads.</p>
<p>I feel that within public parks dogs should be kept on lead but in other parkland areas - perhaps where there is a separate area i.e Amory Park outside the fenced</p>
<p>Dogs need space to be able to 'run' and I feel if there is an area of park/grassed area that does not have a play area in it then dogs should be able to run free IF they</p>

Parks that don't contain children's play areas/equipment should not be treated in the same way as those that do contain them. I agree that dogs should be on
There are already public parks that have notices stating dogs should be kept on a lead but you do not currently deal with offenders who ignore this so how do you expect to be able to police a totally blanketing of dog walking areas under your new proposals. Certain play areas are already fenced off from dogs but you are now
Dangerous dogs yes, dogs who should wear a muzzle yes, friendly dogs no. Also I hope you're not planning on taking away vital dog socialisation and exercise areas
People's park has a separate area for dogs to be off lead why change it? Who else uses the steep slope?
If a dog is kept under control, I see no issue if off lead in parks or cemeteries.
There should be some designated areas where dogs can be run off the lead. Clearly signposted so those who want to let dogs off the lead can and those who don't
There are a lot of dogs in Willand and only a few irresponsible ones who do not pick-up, as is the case almost everywhere. Parks are for the public, with or without dogs. A blanket ban, all dogs on leads, is ill thought out and draconian. Not all parks are the same. Most people using Victoria park are with dogs (map 67). The small portion between 8 and 9 Victoria Close is used very little, mostly by a couple of dog walkers. I have never seen a dog in Willand Moor road park! If these measures
Firstly you have in place fines for those whom do not clear up their dogs waste. Keeping a dog on a lead will not change the antisocial behaviour of our citizens who disregard their responsibilities. You speak of enforcement of your "new" proposals, but how have you acted upon and enforced the existing regulations? I'm sad to
I think it's madness to stop areas like the Tidcombe railway walk, and the West Exe river walk!
Dogs should be allowed freedom if they can behave. By stopping all dog owners from letting their dogs off of a lead, you are punishing all. There will be less
Why should well behaved dogs be kept on a lead because of the few that can't behave??
Dogs should be kept under control in the above areas but this does not mean on leads at all times. For example we frequent Cromwells greenspace on a daily basis and there is never anyone else there so there is no purpose in our well behaved dog having the pleasure of a run taken away from him.
Named Public Parks is a misleading statement as on Schedule C there are Public Parks and Public Open spaces. I would agree to Public Parks but the other areas e.g. Tiverton Railway Walk should be excluded from non lead walking being prohibited and only when requested by an authorised person when a dog is being a
I walk my dog off the lead in public areas, mainly People's park crediton. I don't believe that I should keep my dog on her lead in this area. I always pick up after my dog and the same applies to other dog walkers who go to People's park. I have never seen any dogs being aggressive towards anyone or any other dogs while I have been there. I don't see why dogs can't be let off the lead in this area as generally people go there early in the morning before going to work to walk their dog. You
Proposed changes will make it near-impossible for the majority to let dogs off-lead, without travelling outside of town to somewhere like Knightshayes. As a consequence, the quality of life of the dogs will suffer. Breeds that need lots of exercise will not get it, and so likely end up developing behavioural issues. It will also inhibit chances for training commands such as recall, further adding to behavioural issues and making complaints more likely in the future. Most owners who
Some of the places are not "parks" but public "green" places. I have two big dogs who since they were puppies I have walked a 3 mile circular route around the town at 7 am. I have had them on the lead in all public areas apart from the field between the Lowman and the Exe at the bottom of St Andrew Street which is one of the proposed enforcement areas. The River Walk / Rotary Way except when there are families or swans about again a proposed enforcement area. Then again in the Old Park area off People's Park., I let them off another proposed area. I carry and use poo bags always. If I am required to have them on the lead in all these
Often older people are more limited in the areas they can access to give their pets a chance of a free run. I agree that dogs should be banned from children's play parks, communal garden areas and also from sports pitches. However, restricting access to other open spaces will not solve the main problem in my area, which is
I don't think that people should be stopped from having their dogs off lead especially when the parks are usually fairly empty. I allow my dog off lead in a few of these public parks if the parks are quiet. I feel people should be allowed to enjoy these public places to exercise their dogs. I also believe that dogs should be kept

Some areas of parks should be designated off lead places. Maybe fenced off?

It gives dog owners the chance for their dogs to run free and off the lead. I agree that dangerous dogs should be kept on the lead in such scenarios and that dog owners are responsible to pick up after their dogs. It should be up to the dog warden to make sure that these rules apply rather than putting a blanket over all dogs.

Because if you are a responsible dog owner you have control of your dog whether off the lead or on ..& know when it is appropriate to put them on leads. I understand there are those who do not take responsibility for their animals...but they are going to flaunt these rules anyway :( in Mid Devon we must have one of

Dogs need to run and open spaces are very limited, not all dogs are dangerous in fact the vast majority are not, it's the same story everyone gets penalised by the Off lead exercise and socialisation is important for dogs particularly when young. Depriving them will cause behaviour problems later on

I don't think a blanket rule across all parks is necessary. We regularly exercise our dog off lead in the park between Victoria Close and Blenheim Drive. I am not aware of any complaints about bad dog behaviour, nor have I seen any dog behaving badly in this park. Responsible dog owners throw balls for their dogs and are mindful of other people in the park, whether exercising or just walking through. I very rarely see anyone kicking a ball around and, on the odd occasion we have,

We need to have some parks to let our dogs off lead. I always clear up after my dog.

I believe well behaved dogs should be allowed to run around and play fetch with their owner provided the owner is responsible enough.

Depends on the dog and only not allowed in kids parks.

I could not access the document showing parks and may not know the parks concerned so feel unable to comment as each park or area may require a different response. I would however be against a blanket ban that results in responsible dog owners who would comply with revised regulations being penalised to

It appears that it is intended to have a blanket ban on allowing dogs off leads in any green space in Tiverton .I have owned and walked dogs along the railway walk to Tidcombe for 50years ,in all that time I have never encountered a dog warden,it appeared that you intend to penalise the majority of the dog owning public to

I appose the plan for Culm Valley way, It is kept relatively clean of dog foul by local dog walkers who are probably the main users of this area, It would mean the Needs to be regulated not banned. Most dogs are fine off the lead, some badly trained dogs should not be detriment to the majority!

Dogs should be kept out of children's play areas but not the entire park.

The majority of responsible dog owners train their dogs to behave and return to them in public parks. To require dogs to be on leads at all times limits their exercise and enjoyment of the public places. You're targeting the wrong dog owners and inhibiting professional dog walkers

As long as someone can control their dog properly I do not agree they should be kept on leads in public parks. In order to maintain health and wellbeing dogs need freedom to exercise, a dog off a lead gets more and better quality exercise than one on a lead. People without cars will struggle to access the open countryside to do this. This penalises responsible dog owners. Irresponsible dog owners should be dealt with under current laws and happy that they should put their dog on a lead

The majority of dog owners control their dogs. For some owners local public parks are the only place they can access to exercise their dogs.

It doesn't matter if a dog is aggressive if its on a lead or not, people with aggressive dogs don't listen to rules anyway so why penalize people who have well behaved friendly animals that they want to exercise in a public space. Dogs on leads will still poo, its about the owners not picking it up. Not all people have gardens to be able to let their dogs run free. It is cruel to expect all dogs to be kept on leads at all times in Mid Devon, have you tried throwing a ball for a dog whilst its on a

I don't agree that dogs should be kept on leads in public parks,a child's play park yes but not canal,railway line,open fields,rivers etc.Just because a dog is on a lead won't make some owners pick up their faceaes.Im a responsible dog owner and always pick up after my dog and I don't see why my dog shouldn't continue to be let off a lead and have a good run because others are irresponsible,It will make everyone drive to places where they can take dogs off leads and this won't be very

Some residents in urban areas have limited opportunities to exercise their dogs off lead. There should be allocated public spaces in which this is acceptable. Perhaps there could be a balance between parks that DO allow off lead dogs and those that don't, rather than a blanket ban which is unfair.
If all of the named Public parks are included it will mean a severe lack of choice for dog owners to free run their dogs. This will encourage more people to drive to free running areas and therefore increase traffic. Also it discriminates against those who can't drive to free run their dogs. It is an important part of dog welfare that they have access to a variety of free running areas. Places such as Cottely Brook, Tiverton; Crow Bridge, Cullompton; Palmerton Park woods, Tiverton; and
As a good dog owner for over 30 years. I see most dogs with families. I agree they should not be in childrens play area but allowed to run in a park area.
Why should animals that have been brought up as loving family pets have to be subject to the same stringent regulation designed to control unruly animals with no regard for others? Parks are open spaces; a particularly important facility for pets where personal outdoor space is limited. I believe parks should be used by
I believe some dogs are well behaved enough to be off a lead in parks ect. It's should be at the owners descretion
Dogs on lead at ALL TIMES!!!!
Dogs do need to be able to run freely and there is a lack of areas to be able to take them off lead. There is a lot more issues from youths littering and blaring out music in parks and also adults drinking in parks and leaving behind the bottles/cans than there is dogs being walked. Maybe efforts should be made to tackle the
I personally have no issue with any dog being of lead so long as they are under control....
Dogs should be on leads in ANY public space!!!!
The majority of dogs are extremely well behaved and have very responsible owners. To require all dogs to be on lead in the areas set out in schedule C it's unfair and cruel. Where would dogs be able to be walked freely? Where could dog owners practise training and recall? This schedule has made all green spaces not dog friendly. Mid Devon residents with dogs should be allowed to exercise their dogs with as much freedom as all other residents can. I regularly see children in parks being antisocial and making more mess than dogs. Dogs and their owners should not be singled out. It is the community's responsibility to ensure parks remain
Do not think it is necessary in all Parks. Dogs need to be able to run and exercise properly.
Well controlled dogs should be allowed off the lead in parks.
You are punishing the good owners too for the minority. Dogs should be able to run where they respond to their owners commands.
Having a dog myself I think if a dog is well trained and not aggressive and has a good recall it should be allowed to be of lead however unfortunately responsible owners will know this anyway but there are enough owners which are not acting responsible, so I have unfortunately to agree on this
Some if these are very large areas and dogs need to run around and can be controlled by sensible responsible owners
Jubilee park willand has plenty of room to exercise a dog I agree if you can't control your dog it should stay on a lead but why punish well trained dogs and thief
I have a well-behaved, friendly young collie with good recall. Collie's are energetic dogs, they need a lot of excercise and to RUN. If I was forced to keep her on a lead at all times then her quality of life would suffer. She would be miserable. I keep her on the lead on the village, and the playpark is fenced off so she couldn't get in there anyway. I take her off the lead in the village public wood, in a few fields that have footpaths through (when there's no livestock) and on beaches. If a dog is
All of the parks mentioned apart from Tufty, Crowbridge
It's unfair for the responsible dog owner who picks up after their dog and who keeps their dog under control not to be allowed to walk their dog off the lead in public parks. Also for the mental well being of the dog they do need somewhere to have a run or play ball with their owner.
Not all dogs are aggressive and some are trained. They go with family groups and should be free to enjoy parks as well.
Would agree if it is a small park completely fenced in a gated. Most dog owners do have their dogs fully under control and any one who doesn't should have it on a

Well behaved dogs should not be required to be on a lead. This should only be required if they are misbehaving.
Dogs/owners/families should be able to enjoy themselves and some freedom in the parks. However owners are responsible for ensuring their dogs are well trained, well behaved and do not cause a nuisance or upset to others. And should put them on a lead if necessary to prevent this.
I and many people walk their dogs down the old railway line between old road and manly lane at the far end. I have never encountered an aggressive dog or heard any of the many users, joggers and cyclists included moan about the dog walkers. It is a perfect walk to let your well behaved dog off the lead to stretch their legs. If
<b>Number of Dogs walked at one time</b>
2 dogs maximum but even that means one may not be being watched while watching the other
If think that number is to low and dog walkers should be able to walk upto 6 dogs at a time.
2 dogs per walker is manageable, 4 is not unless they are all small. Much better to set limit at 3 - though even that could be problematic with large dogs.
Perhaps limit of 6
It would be difficult for one person to watch more than 4 dogs running loose but several well-behaved dogs on leads should be ok.
Less than 4. Owner has limited control and less likely to pick up faeces with hands full of dogs!
Control rather than numbers is the issue. I frequently use an area which will be subject to the proposed order. Two persons walk more than four dogs regularly. If
Seems a reasonable number
You may own more than just the limited amount
I did think that 4 was a good number but have seen a responsible walker with 5 small well behaved dogs proceeding in an orderly way whilst out.
Depends on the size of the dogs
Why 4 ? if the dogs are well trained & behaved more than 4 may be ok
a maximum of 3 dogs as one person would find it very difficult keeping an eye on any more especially when dogs deposit their faeces or run up to unsuspecting non
Professional dog walkers may struggle.
The competence and responsibility of a dog owner is not depended on the number of dogs.
Responsible dog ownership and close control can be achieved with multiple dogs - treat the problem that exists with specific owners, using existing powers, not
Just two if dogs are to be allowed off the lead in public spaces as I think they should.
4 is too many for 1 person to handle safely.
Large dogs hard to control Some dog walkers use very long leads and they roam many yards and intimidate other users of the spaces. If households choose to
Some people have more than 4 dogs. A limit on number is in no way reasonable. 4 small dogs such as Shih Tzus are in no way equivalent to 4 large dogs such as New Foundlands. A number cannot be placed on this, no two dogs behave the same & dogs vary breed to breed on weight, strength & muscle tone.
The limit should be a maximum of 2 dogs
It should be set at 2 as I have seen on numerous occasions people unable to control 3 or 4 dogs
As a dog owner I believe that one person cannot manage more than 2 dogs at any one time if they are to remain vigilant about their dogs fouling.
It seems to me that someone, a paid dog walker for example, could handle more than four dogs if they are well behaved. I only have one so my views here are just
I think that it should be restricted to two dogs. To have complete control of both dogs it requies the owner to have a dog on a lead in each hand. As is the nature of dogs, when other dogs approach there can be aggressive behavious and even attacks/fighting. To avoid this and to protect the public in my opinion it is essential

Should be no more than 2 per person. Its not possible to control more than 2 safely.
I've seen people manage more, and if someone owns 5 dogs, it becomes an issue
Yes for dog owners but should not be applicable for trained and skilled dog walkers
Discretion should be made on an individual basis. If they are professional handlers, then I dont see why there is an issue with more than 4. Equally, there are some people I see that cannot control two dogs. Again imposing restrictions will be hard to implement effectively. If someone chooses to make a living walking dogs then
Some of the best-controlled dogs I have seen have been in larger numbers (and the worst-controlled in smaller numbers!).
As long as they can also pickup dog poo with their other hand!
My reasons are above. livelyhood of dog walkers, trainers & judging by responsible behaviour & ownership not numbers. I think a minority cause the problems.
Unless a dog walker
If they are well trained and under control it's fine to have more than four dogs. 5 well trained dogs are better than one that is ill behaved.
Only for off lead. See above re on the lead and dog walking as a profession.
The 4-dog limit is too high. In any case, only exceptionally have I seen someone walking with 4 dogs or more. I believe that most people would not be in effective control of 4 dogs at the same time, even on a lead. The potential for an accident to happen is greatly increased the more dogs someone is in charge of. I would
As long as dogs are kept under close control. There is little difference between several controlled dogs within the handlers limit and one out of control dog.
Should be limited to two per person. From experience one person can't control more than two in urban areas.
I think 4 dogs is too many for a responsible owner to control , definitely no more than 3
If the Council now feels that they have the right to extend their powers so far into the private lives on individuals, what will be next? Will you seek to control the
This limits a professional dog walkers business.
<b>Comments on Fixed Penalty</b>
There should be a record kept of the number of times the rules are breached and the fine increased each time to be more of a deterrent and banning orders should
£100 is excessive. Walking a dog is not a crime. It is a natural thing to do. The whole idea is preposterous. There should be no fine. Before you know it people will be
Depends on the severity of the offence.
Or much higher and well monitored.
I think £100 is too steep.
I only agree with this penalty for owners who blatantly don't pick up after their dogs.
I don't agree with the proposal so I don't think you should be fined for walking your dog.
£25
Think £60 nearer the mark as some people may be of limited means and it is possible to have a bag blow out of pocket, particularly if they are lightweight,
I think it should depend on the situation. And aggressive dog who has been let off should definitely be higher. I think more like up to £1000 for aggressive dogs as
Although I would be happy if that was increased.
£100 for first offence, rising after that
Too much - £20
Perhaps a lesser fine for the first offence increasing to the maximum subsequently. Try and engage in education of bad owners first before fining.

£50 as a first time offense, halved if paid within 7 days. People are struggling financially as it is. If a dogs falls ill, you may not have brought out the correct number
I am not in agreement with the PSPO as proposed.
Not if you propose for there to be no local and safe park for dogs to be off the lead.
Any fixed penalty should be sufficient to act as a deterrent. I suggest it is set at a proportion of the offending persons income subject to a minimum of £250
It needs to be higher to discourage people from breaching the order, £100 is not enough of a deterrent it should be at least £200
Fines should be relative to income.
Introduce a dog licence
Fixed penalties have been in existence for years - that they have proved ineffective to a point where the Council considers it necessary to adopt draconian regulations does little other than to demonstrate the shortcomings of existing legislation. Increasing the figure to, say, £500 with effective policing, should reduce incidences of bad behaviour. An increasingly prevalent event is the putting of faeces in a plastic bag, tying the container and then leaving it at the side of the path
I do not believe that dogs should be on a lead so therefore I do not agree. I agree with a fine for not picking up dog poo
£50
£10
£100 first offence £200 for 2nd and subsequent offences
Should be a harsher fine.
It's unreasonable to expect people to pay if their actions are not causing a nuisance. By all means fine those who are.
Amounts should reflect the seriousness of the breach.
Many dog owners are pensioners, the amount shouldn't exceed £50. Unless the state pension goes up radically.
For dog fouling. Not sure about cemeteries initially unless very clearly signed and the changes made more clearly than the little posters which are currently pinned to the locations listed. There must be a sensible approach. I also know that a law abiding colleague I worked with was once given a hefty fine when she walked with her dog at heel and totslly under control in the People's Park approx 15 years ago whereas OTHER LESS SAVOURY looking characters with more worrying breeds of dog flouting the rules had been repeatedly avoided (possibly through fear of their reactions) so it would be wring to fine the soft target. The focus should be on the
I do not think it is appropriate fo fine a person for walking their dogs off a lead.
It should be more as a deterrent.
1000 pounds
Training courses on dog handling should be compulsory, if not attended then a fine enforced.
What if people can't afford it. This is very severe for an economy in recession. Reduce it and guarantee that every pound raised is put towards resourcing improved
£100 It's too much

This page is intentionally left blank

**Equality Impact Assessment Form and Action Table 2015**

(Expand the boxes as appropriate, please see guidance)

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind.**"

**Baroness Thornton, March 2010**

**What are you completing the Impact Assessment on (which policy, service, MTFP reference etc)?**

PUBLIC SPACES PROTECTION ORDER - DOGS

**Version**

1

**Date**

**Section 1 – Description** of what is being impact assessed

Equality issues which have been addressed within the draft order, part 8 of which states Clause 9 of the draft PSPO sets out certain exemptions.

**Section 2A – People or communities that are targeted or could be affected** (taking particular note of the Protected Characteristic listed in action table)

The requirements and prohibitions imposed by this Order shall not apply to any person who:

9.1.1 is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;

9.1.2 has a disability which affects mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which they rely for assistance; or

9.2.3 is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

**Section 2B – People who are delivering** the policy or service

Street Scene and Open Spaces  
PSPO

**Section 3 – Evidence and data** used for the assessment (Attach documents where appropriate)

**Section 4 – Conclusions** drawn about the equalities impact (positive or negative) of the proposed change or new service/policy:

The order allows any person with the above protected characteristics exempt from the dog control order, The purpose of an equality impact assessment is the ensure that our services, policies and practices do not directly, indirectly, intentionally or unintentionally discriminate against the users of our services or our staff. Where a negative impact is found, we will mitigate the impact through the development and implementation of equality improvement plans.

**If you have identified any negative impacts you will need to consider how these can be mitigated to either reduce or remove them. In the table below let us know what mitigation you will take. (Please add rows where needed)**

Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?
<b>Age</b>			
Different approaches and mechanisms are required for engaging with and representing, people of different ages, in particular children and young people.	The specification requires the Provider to not only comply with the Equality Act 2010 and related duties, but to strive for best practice.		
<b>Disability</b>			
Different approaches and mechanisms may be required for engaging with and representing, people with a range of disabilities depending on their individual needs.			
<b>Gender Reassignment</b>			
It is very important that the specification does not discriminate against those who are or have undergone gender reassignment who currently use the service or may wish to use it in the future.			
<b>Marriage and Civil Partnership</b>			
No issues identified	N/A	N/A	N/A

<b>Pregnancy and Maternity</b>			
It is very important that the specification does not discriminate against those who are pregnant, who use the service or who wish to use it in the future.			
<b>Race</b> (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)			
It is very important that the specification reflects the particular needs of people from all backgrounds who currently use the service or may wish to use it in the future.			
<b>Religion and Belief</b>			
It is very important that the specification reflects the particular needs of people irrelevant of their religions and beliefs who currently use the service or may wish to use it in the future.			
<b>Sex</b>			
It is very important that the specification reflects the particular needs of people irrelevant of their sex who currently use the service or may wish to use it in the future.			
<b>Sexual Orientation</b>			
It is very important that the specification reflects the particular needs of people irrelevant of their sexual orientation who currently use the service or may wish to use it in the future.			

<b>Other</b> (including caring responsibilities, rurality, low income, Military Status etc)			
<p><b>Rurality</b></p> <p>It is important that the service is able to engage with and represent individuals who live in rural areas and / or have limited access to public transport.</p>	<p>The specification requires the Provider to meet the needs of all people in Mid Devon, to have a presence in local communities and ensure that communication plans reflect the rurality of Mid Devon.</p> <p>The Provider is required to ensure that the service represents the diverse population of Mid Devon and that reasonable adjustments are made to all services / activities to ensure individuals are able to access the service.</p> <p>Operational commissioning of the service will ensure that the service is being delivered according to the service specification and quality standards and will take account of customer feedback.</p>		

**Section 6** - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

Published with the policy

<b>Completed by:</b>	
<b>Date</b>	
<b>Signed off by:</b>	
<b>Date</b>	
<b>Compliance sign off Date</b>	
<b>To be reviewed by:</b> (officer name)	
<b>Review date:</b>	

This page is intentionally left blank



# Street Scene Plan 71

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Amory Park, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 72

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale 1:250 @ A4	Date 23 January 2020
Dwg. No. Ash Drive, Cullompton	Produced by GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

Page 152





# Street Scene Plan 73

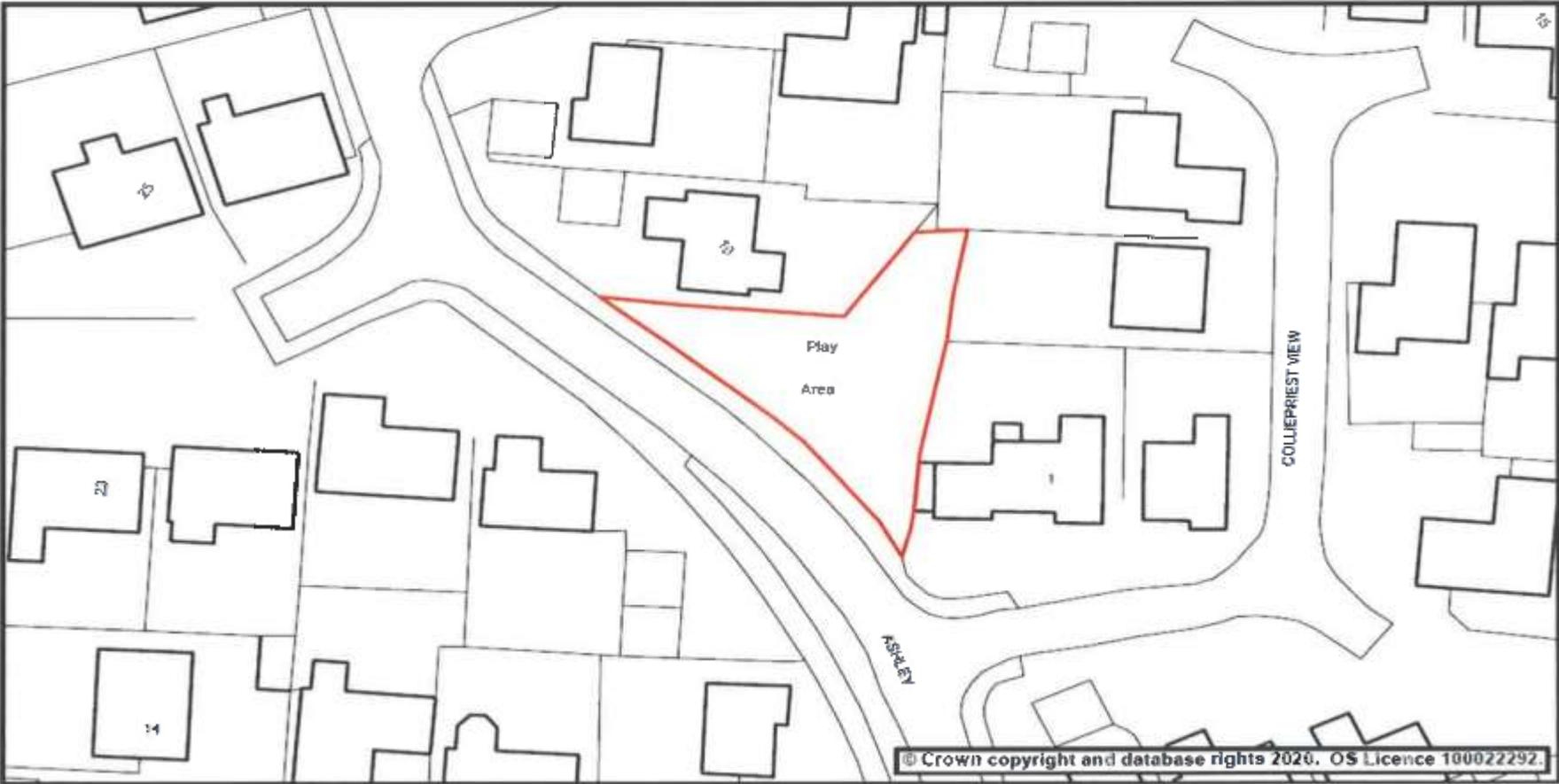
Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Ashley Rise, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 153





# Street Scene Plan 74

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Banksia Close, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 154



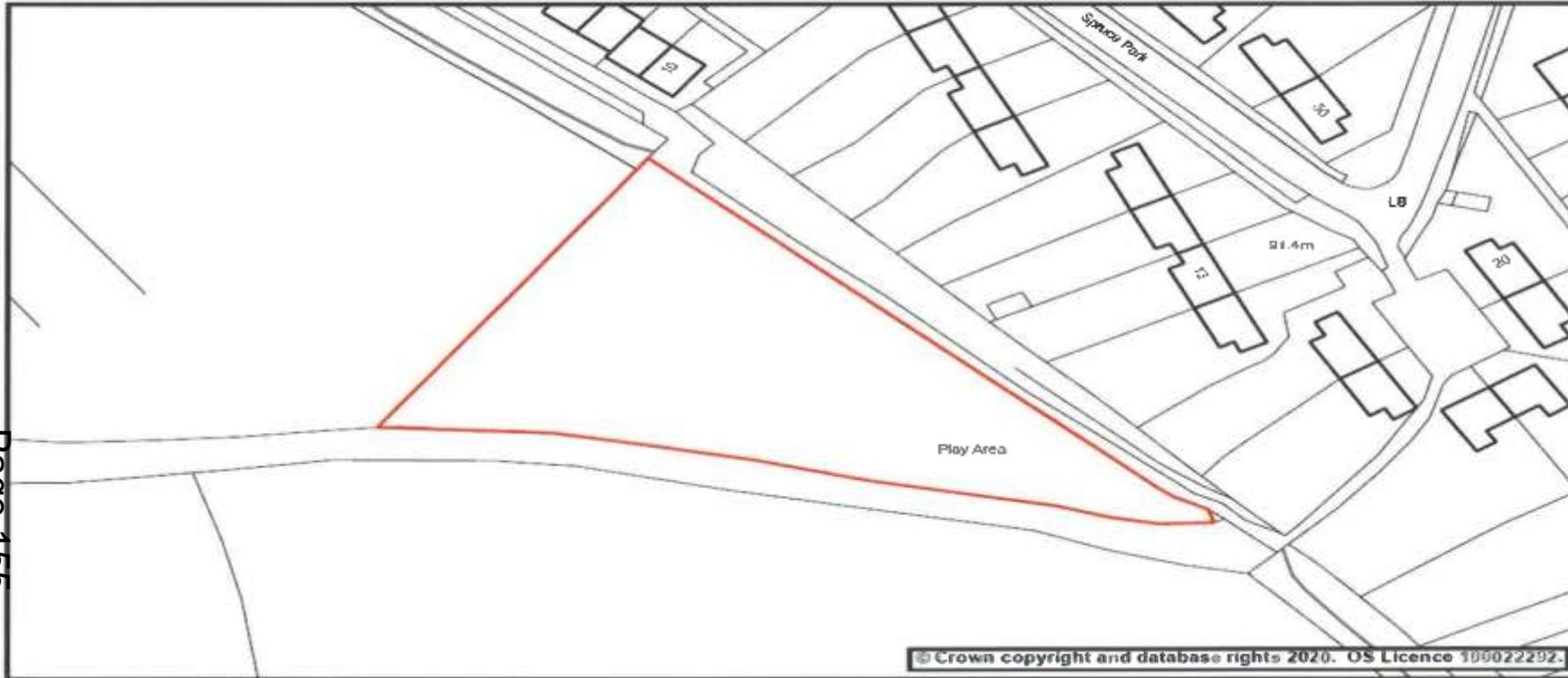


# Street Scene Plan 75

Scale	1:750 @ A4	Date	23 January 2020
Org. No.	Barnfield, Crediton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 155



# Street Scene Plan 76

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP



Scale: 1:750 @ A4	Date: 23 January 2020
Dep. Wk: Barns Close, Bradninch	Produced by: GMS Unit

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 156

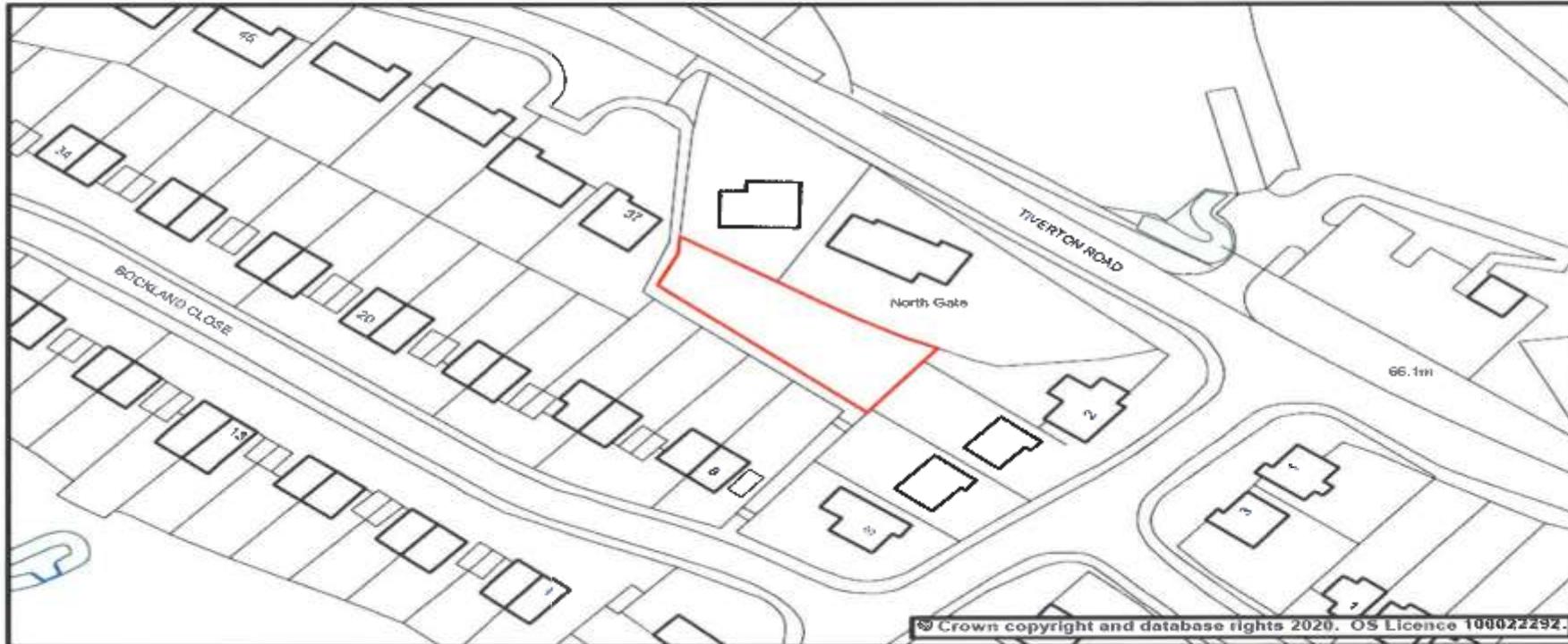


# Street Scene Plan 77

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Bockland Close, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 78

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Chaffinch Drive, Cullompton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 158

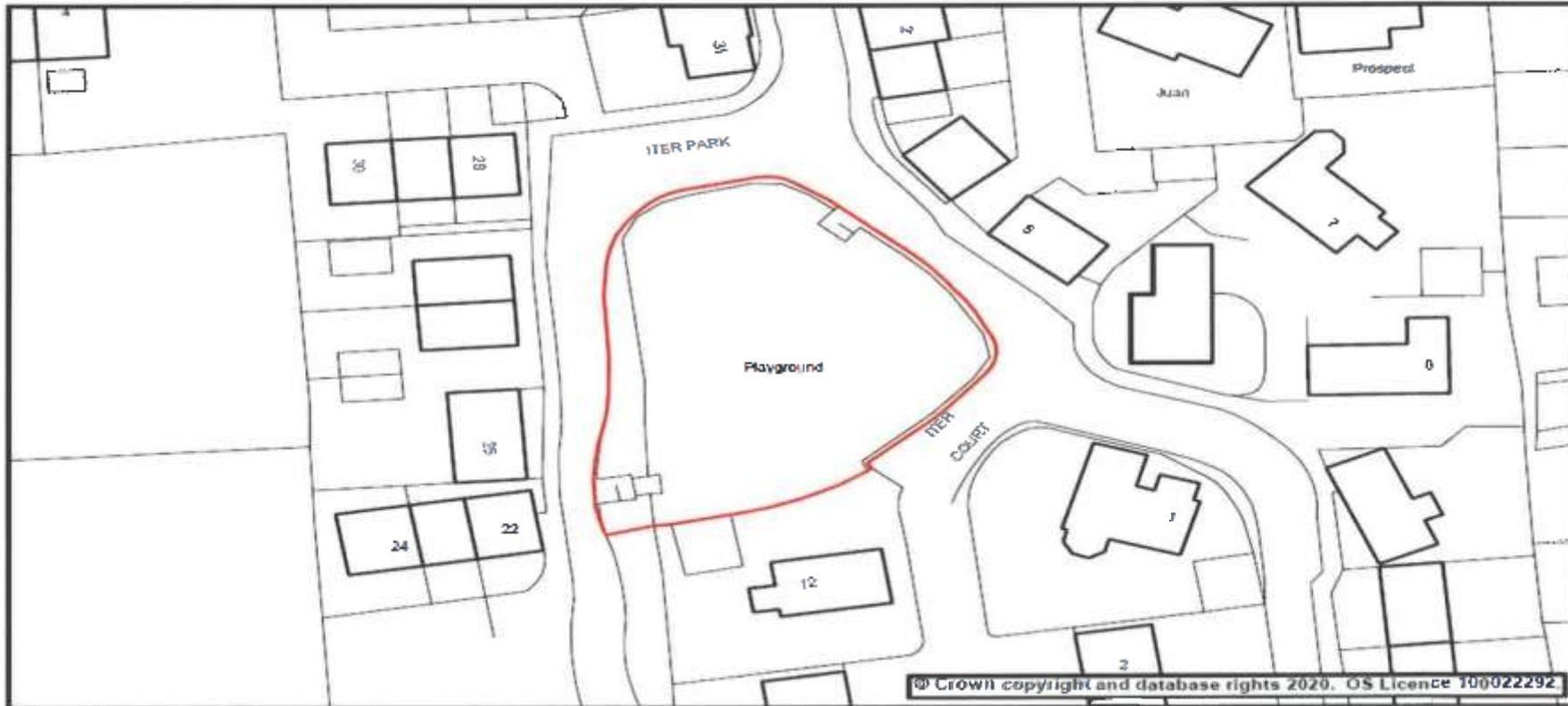


# Street Scene Plan 79

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Churchlands, Bow	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 20

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Coles Mead, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 160



# Street Scene Plan 81

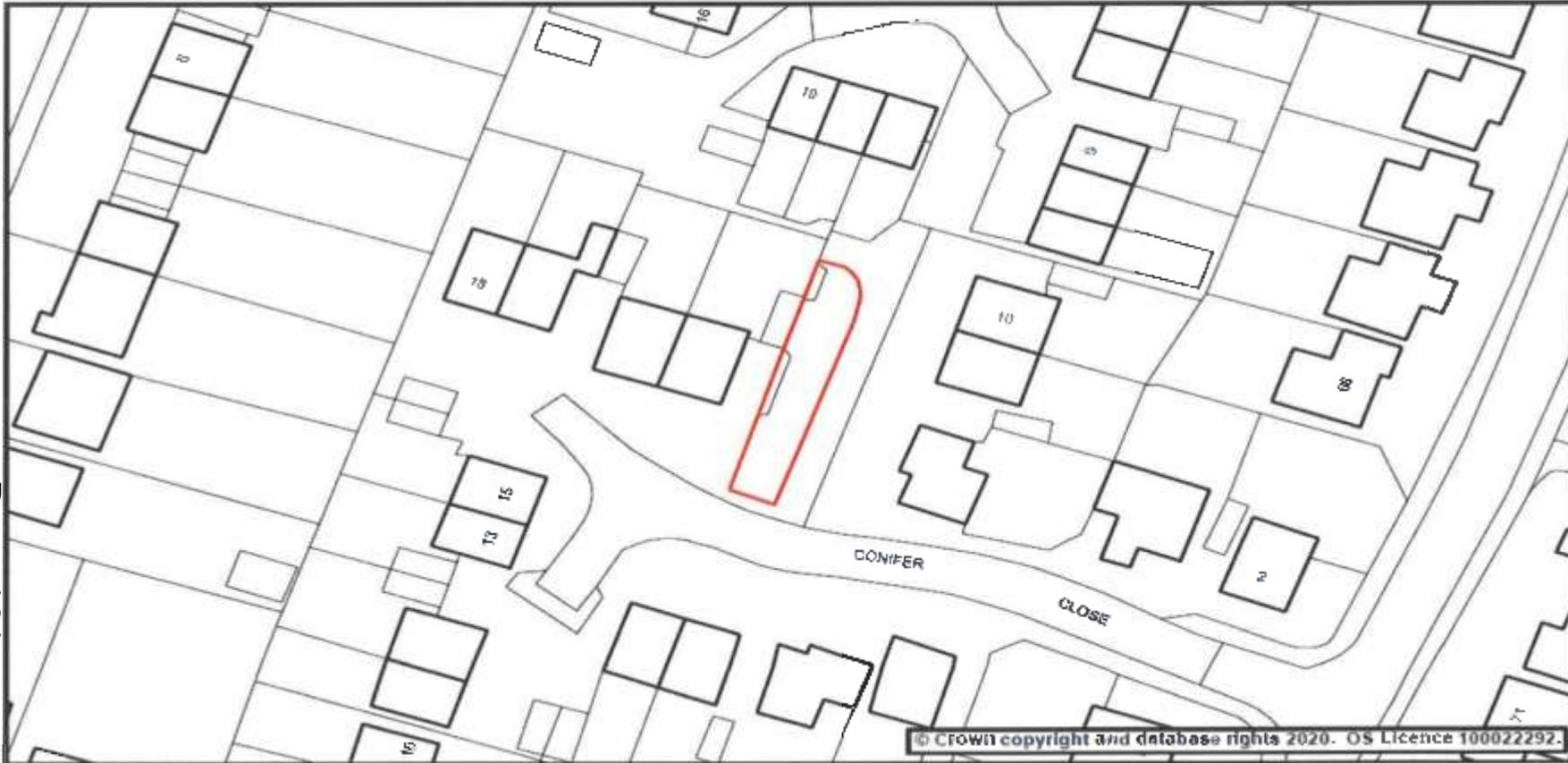
Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Conifer Close, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 161







### Street Scene Plan 82

Scale: 1:500 @ A4	Date: 23 January 2020
Dwg. No: Cornlands, Sampford Peverell	Produced by: GMS Unit

Phoenix Home  
Phoenix Lane  
Tel: 01884 2  
Website: www



© Crown copyright





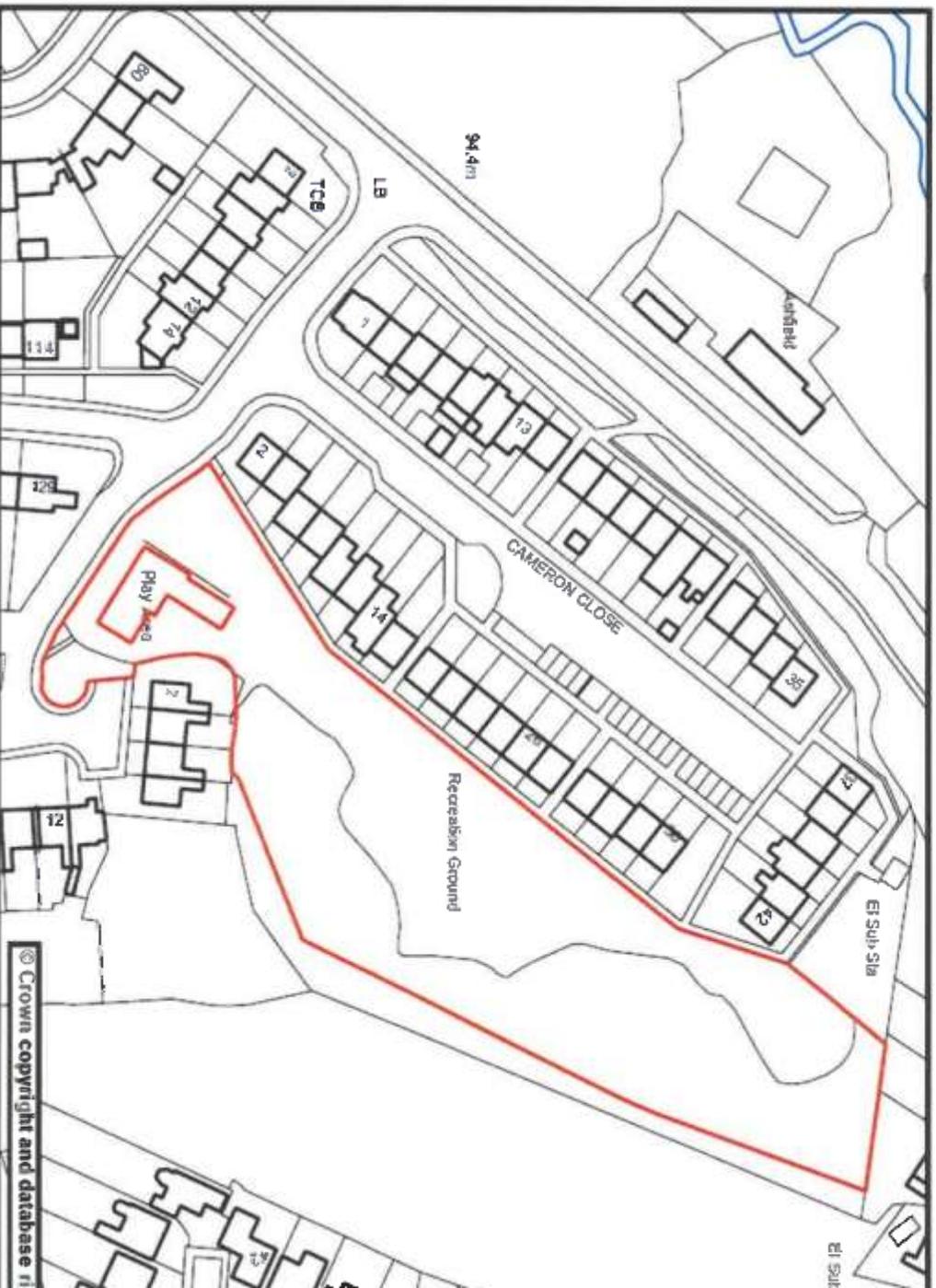




## Street Scene Plan 83

Scale	1:1,093 @ A4	Date	23 January 2020
Dwg. No. Cotteylands/Cameron Close, Tiverton		Produced by GMS Unit	

Phoenix House  
Phoenix Lane, Tiverton E  
Tel: 01884 255255  
Website: [www.middleton.co.uk](http://www.middleton.co.uk)



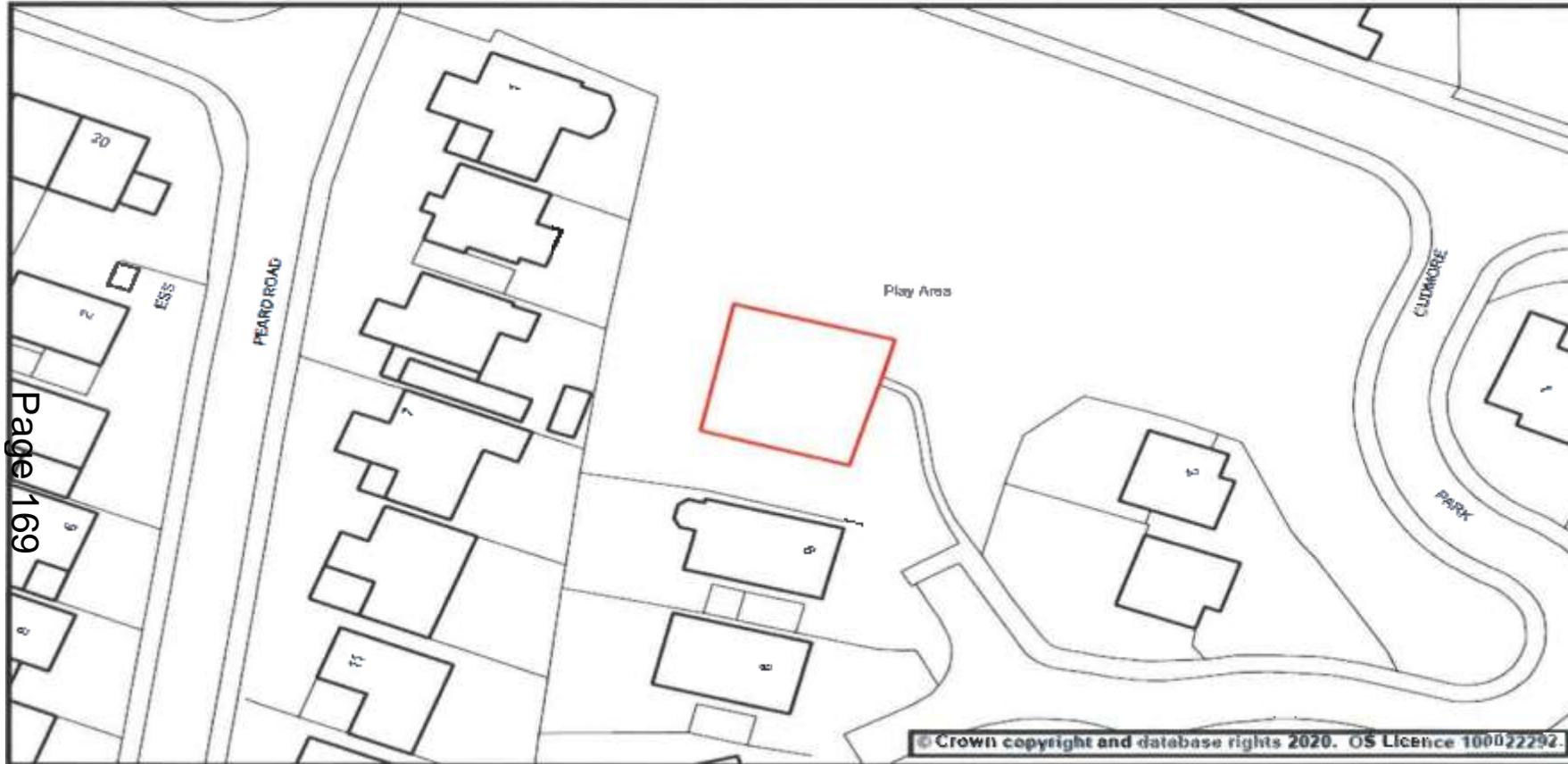




# Street Scene Plan 84

Scale: 1:500 @ A4	Date: 23 January 2020
Digi. Vls: Cudmore Park, Tiverton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 169



# Street Scene Plan 85

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Culm Valley Way, Uffculme	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 170



# Street Scene Plan 86

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Dove Close, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 171



# Street Scene Plan 87

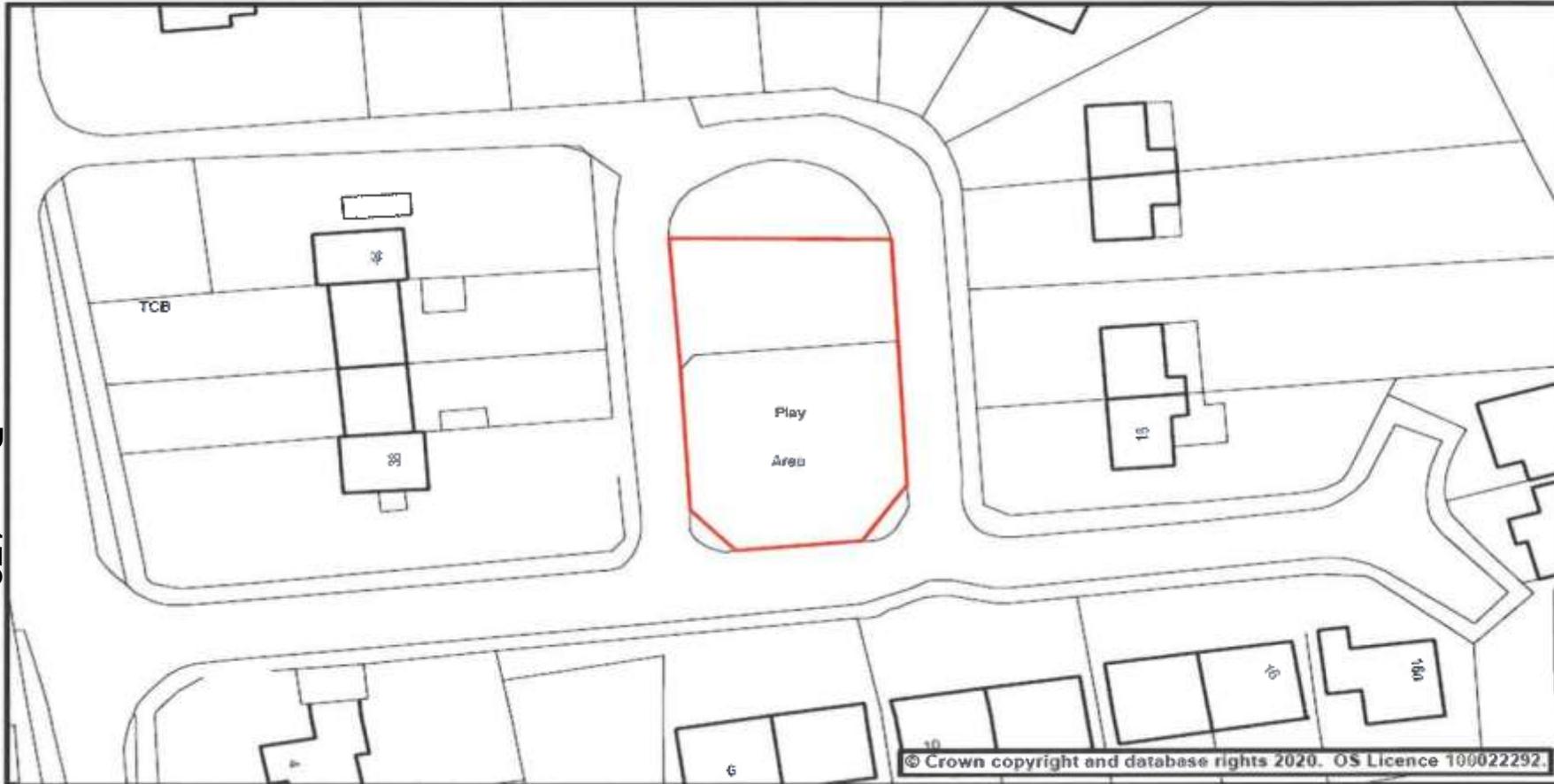
Scale 1:500 @ A4	Date 23 January 2020
Org. No. Ellerhayes, Hele	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 172





# Street Scene Plan 88

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Everett Place, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 173



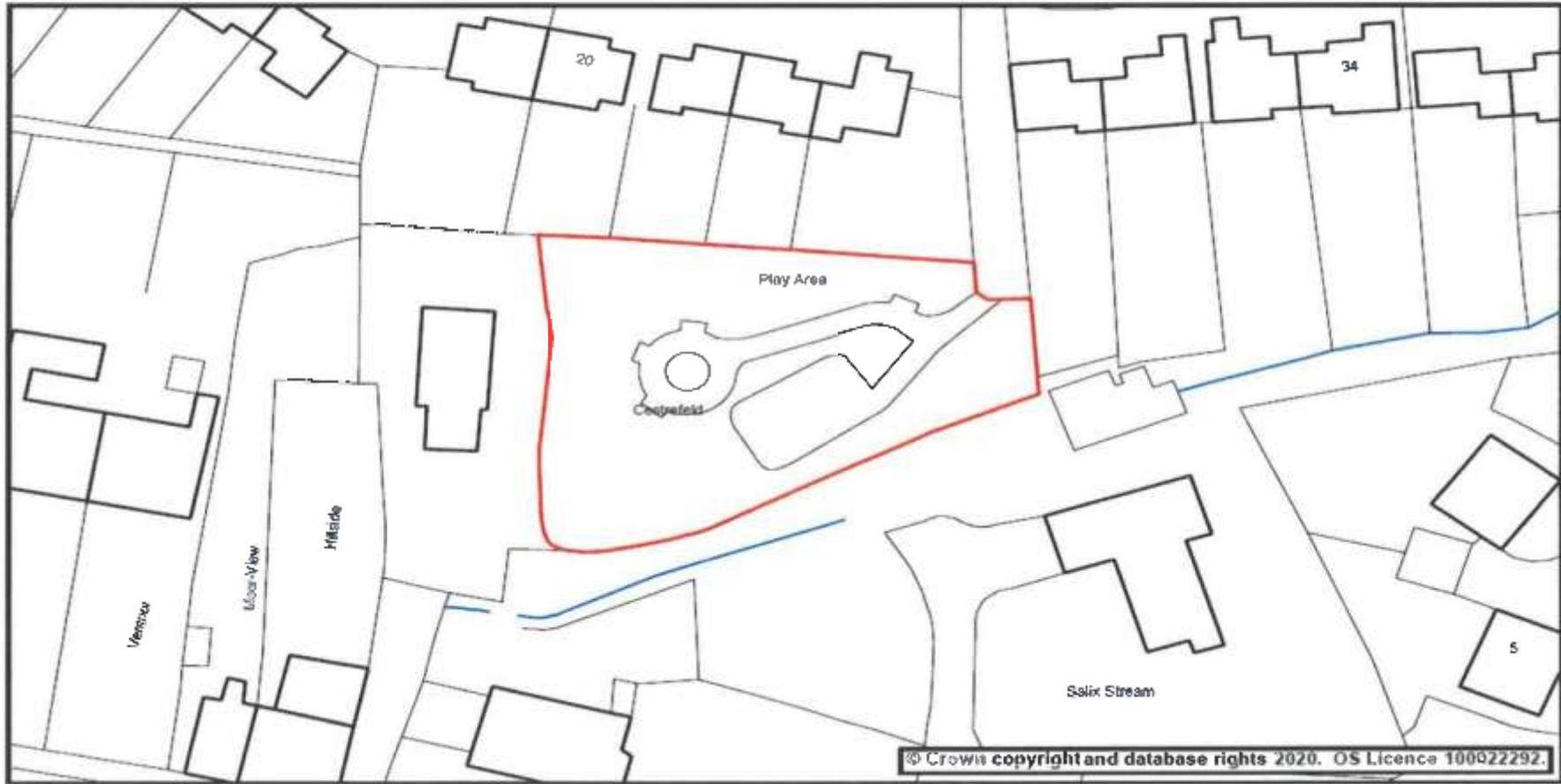


# Street Scene Plan 89

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Fernworthy, Coplestone	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



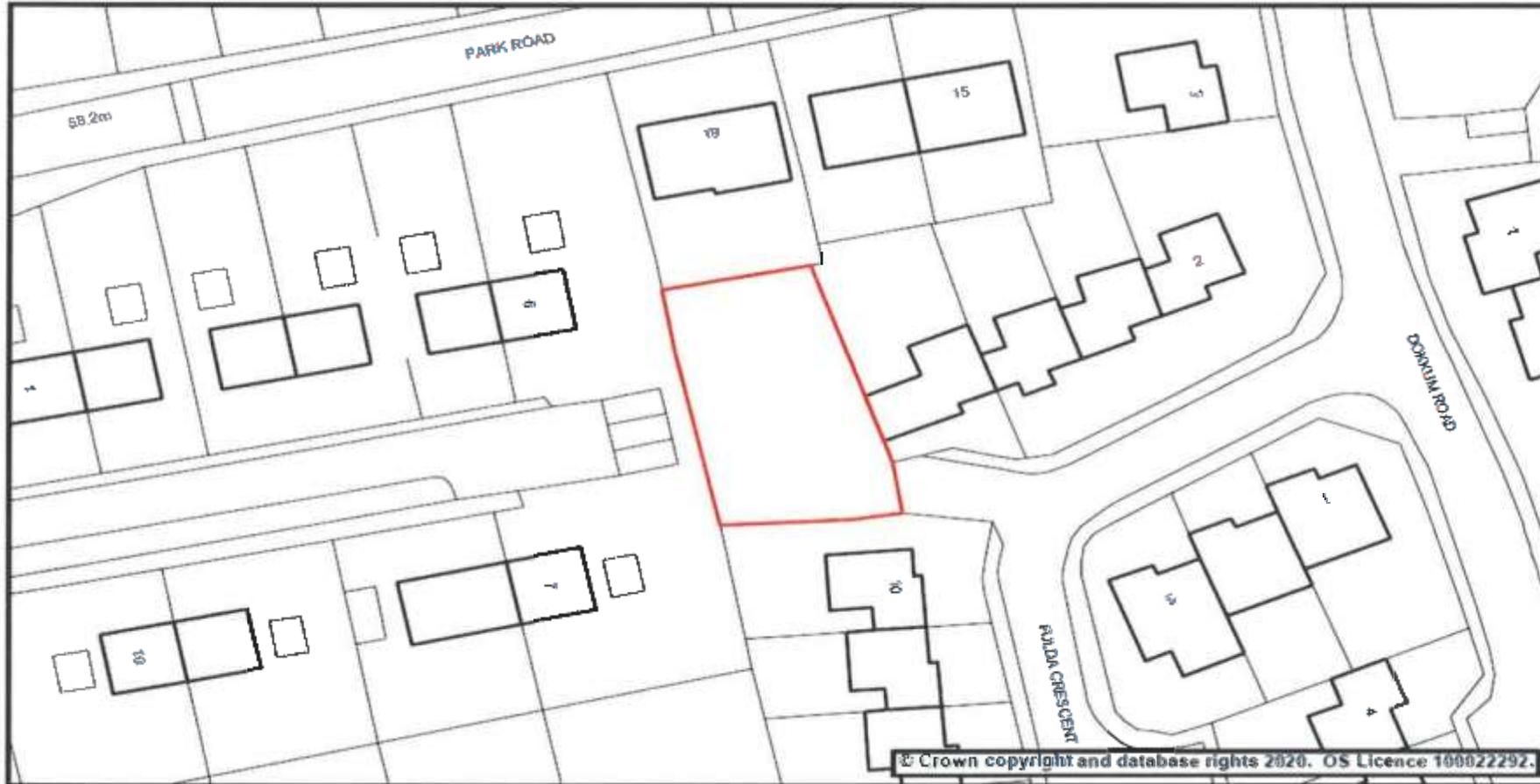


# Street Scene Plan 90

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Fulda Crescent, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 256255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 175



# Street Scene Plan 91

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Glebelands, Cheriton Bishop	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 176



# Street Scene Plan 92

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255256  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale: 1:500 @ A4	Date: 23 January 2020
Dwg. No. Godfreys Garden, Bow	Produced by GMS Unit





# Street Scene Plan 93

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Greenaway, Morchard Bishop	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 94

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Greenway, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 179



Page 134

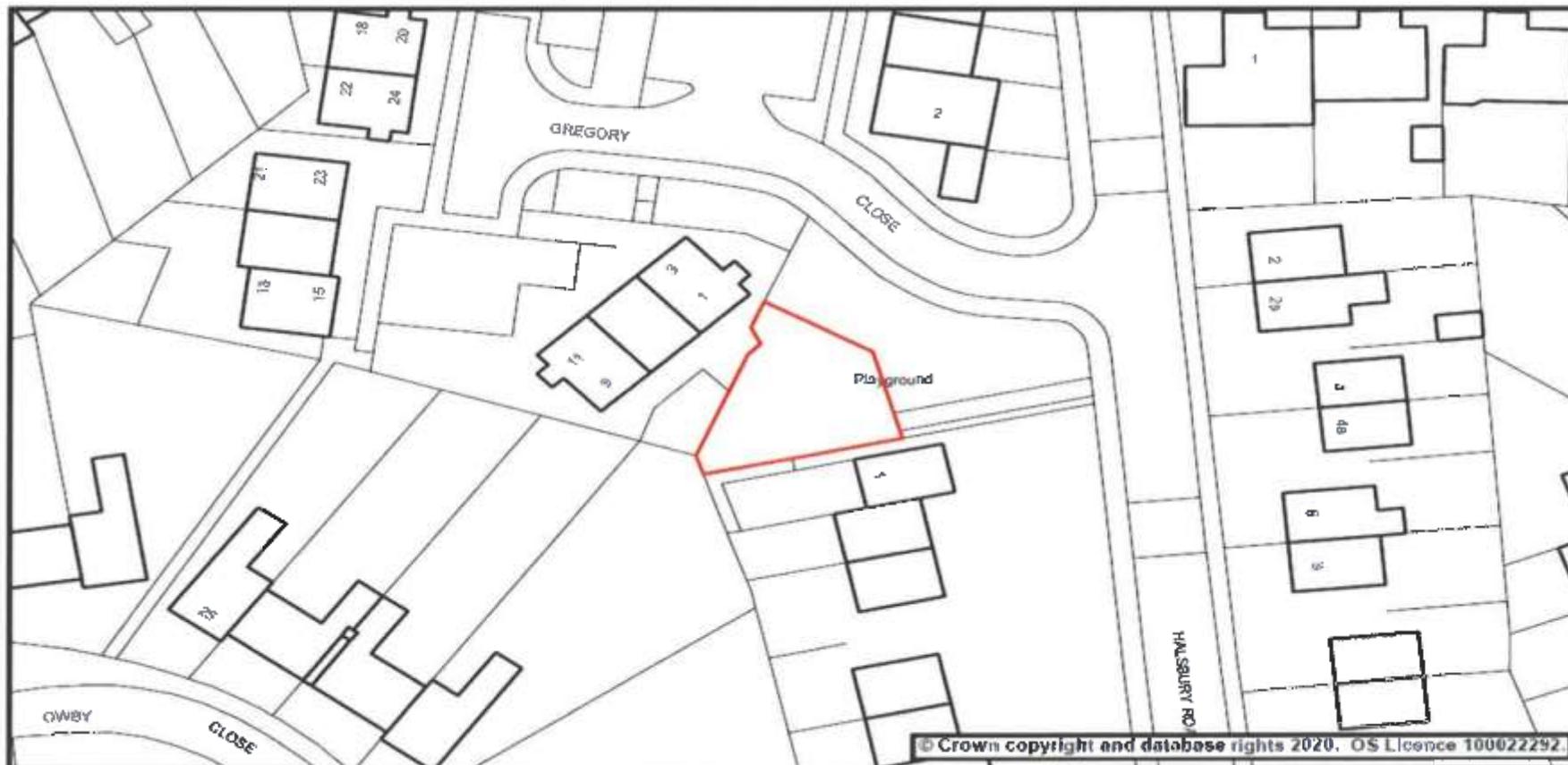


# Street Scene Plan 95

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Halabury Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 180



# Street Scene Plan 96

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Harpitt Close, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 181



# Street Scene Plan: 97

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Hawthorne Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 98

Scale 1:500 @ A4	Date 23 January 2020
Drp. No. Haymans Close, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 256255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



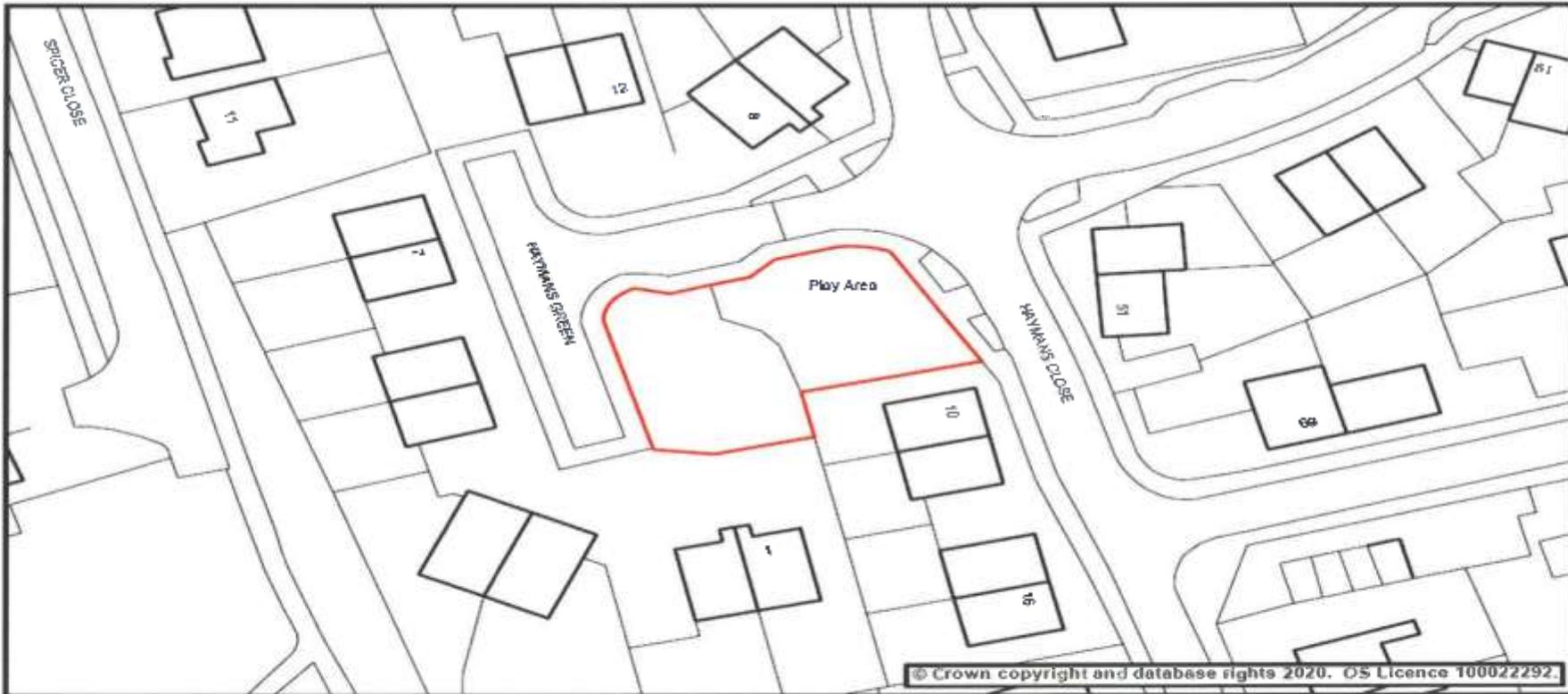
Page 183



# Street Scene Plan 99

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Haymans Green, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

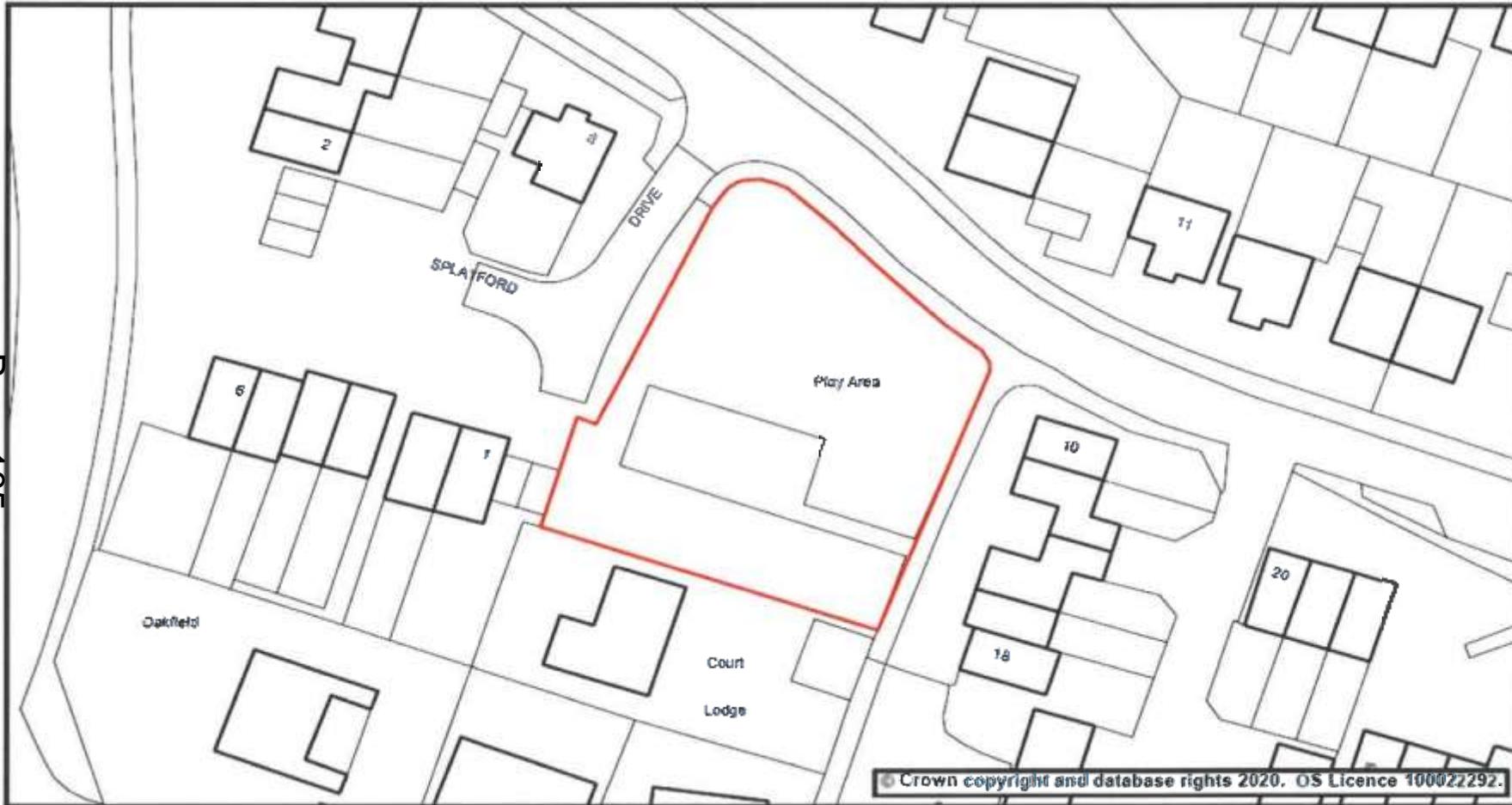




# Street Scene Plan 100

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Headweir Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





**Street Scene Plan 101**

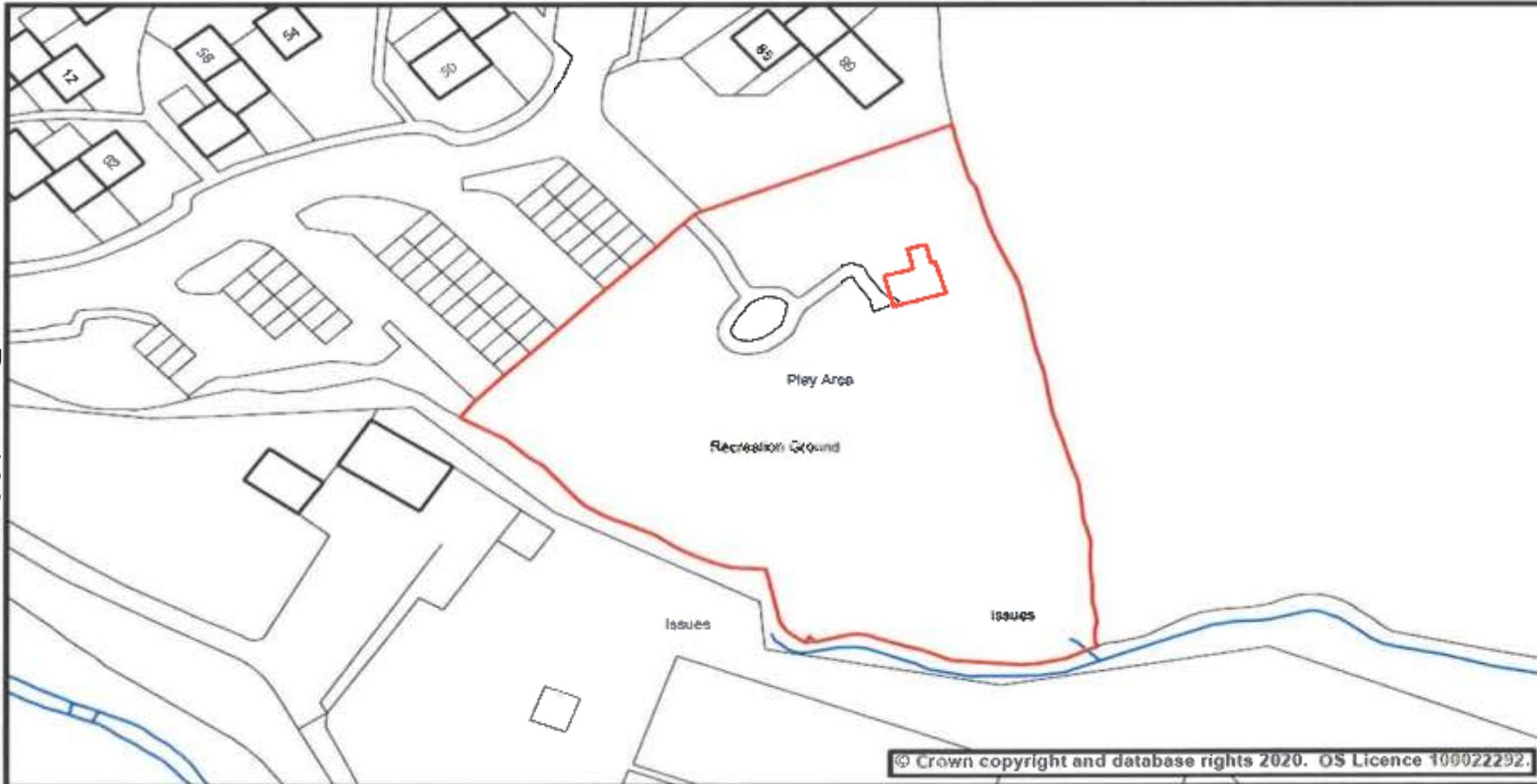
Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Knightswood, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 256255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 186



Page 141

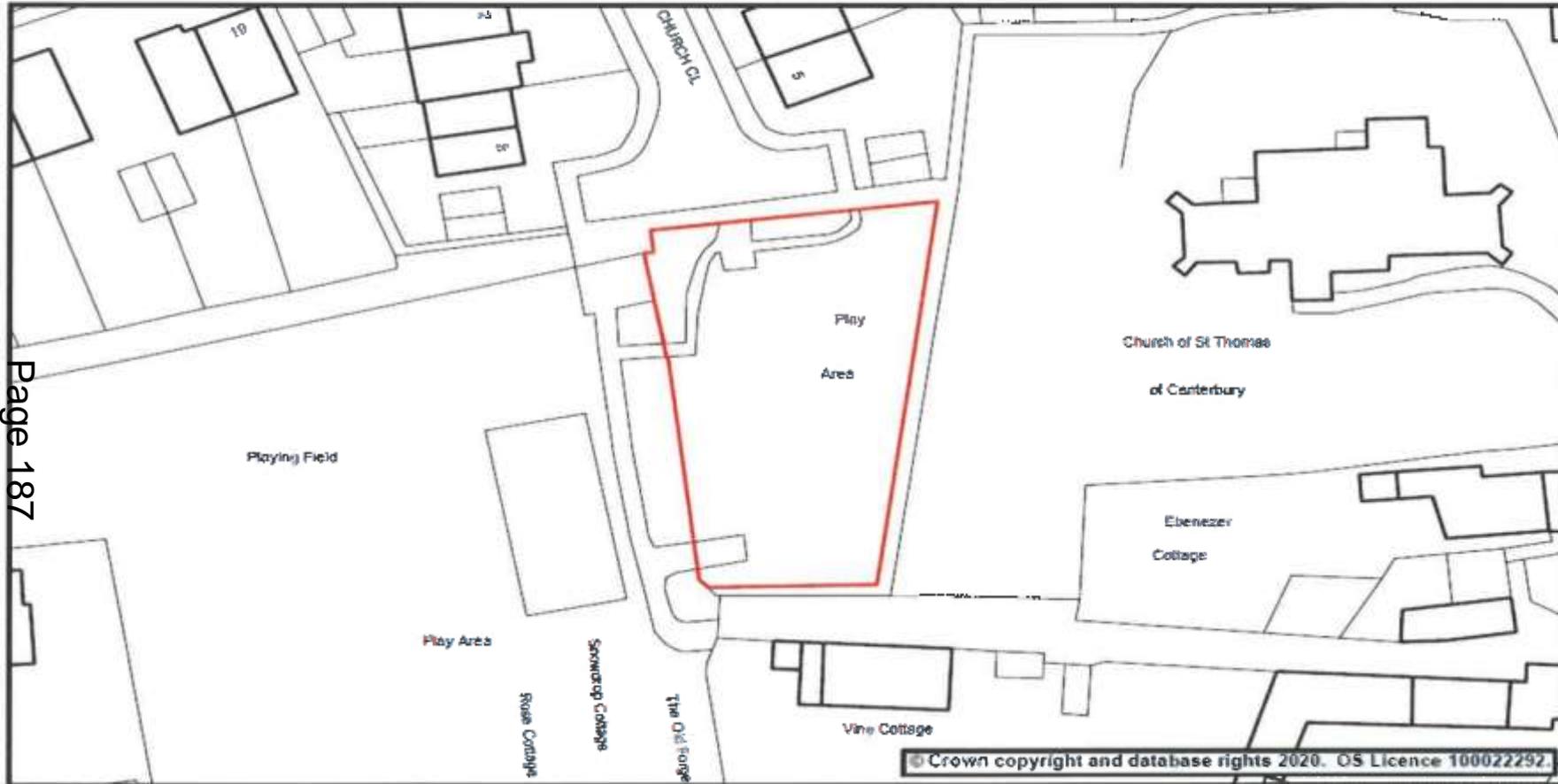


# Street Scene Plan 102

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Lapford Play Area	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 187

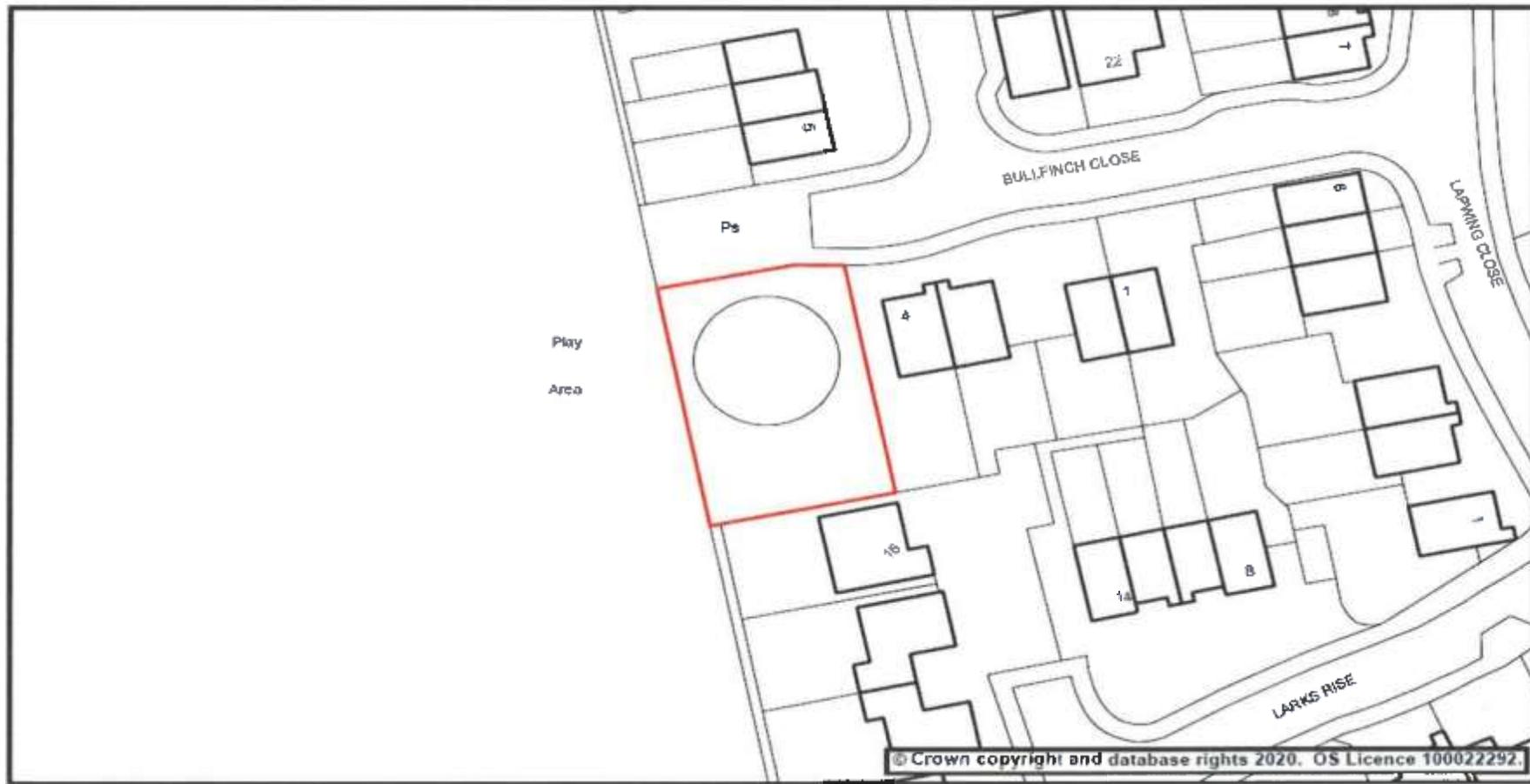


# Street Scene Plan 103

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Larks Drive, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 188

Page 143



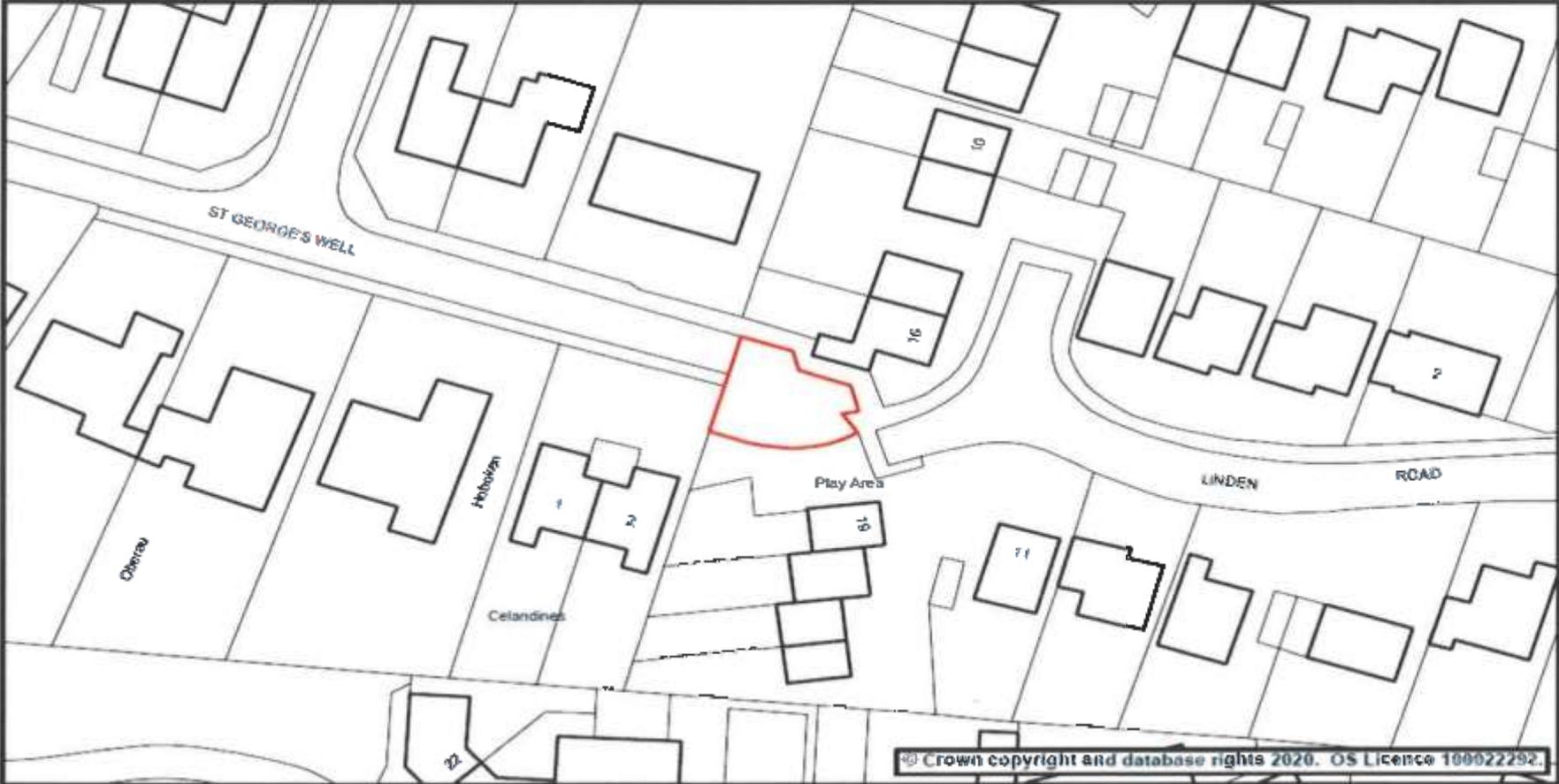
# Street Scene Plan 104

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Linden Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 189





# Street Scene Plan 105

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Logan Way, Hemyock	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 190



# Street Scene Plan 106

Scale	1:750 @ A4	Date	23 January 2020
Org. No.	Lords Meadow, Crediton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)







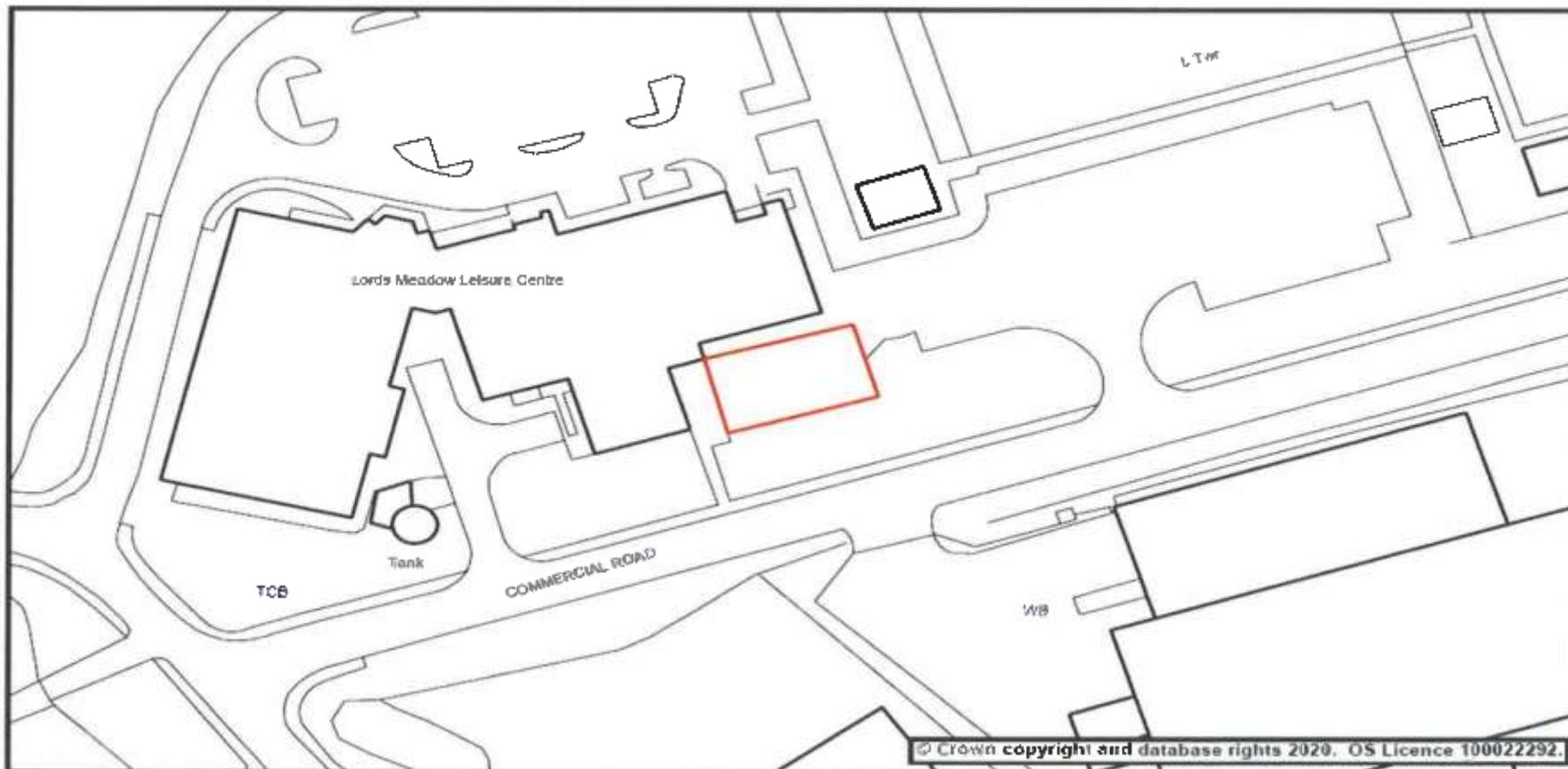


# Street Scene Plan 107

Scale 1:750 @ A4	Date 23 January 2020
Drg. No: Lords Meadow Skate Park, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

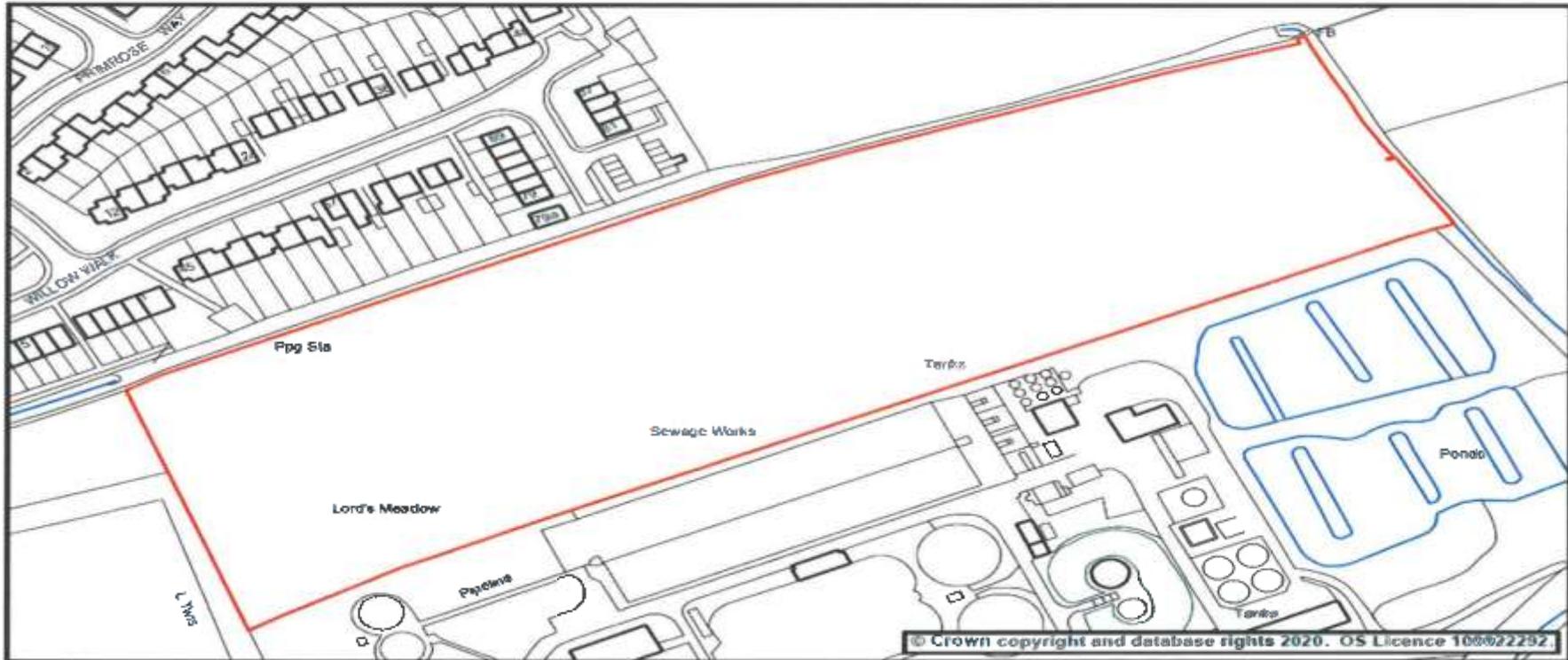




# Street Scene Plan 108

Scale: 1:1,540 @ A4	Date: 23 January 2020
Dwg. No: Lord's Meadow, Crediton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 109

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Mallow Court, Willand	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 110

Scale: 1:500 @ A4	Date: 23 January 2020
Dwg. No. Millhayes, Hemyock	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255265  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



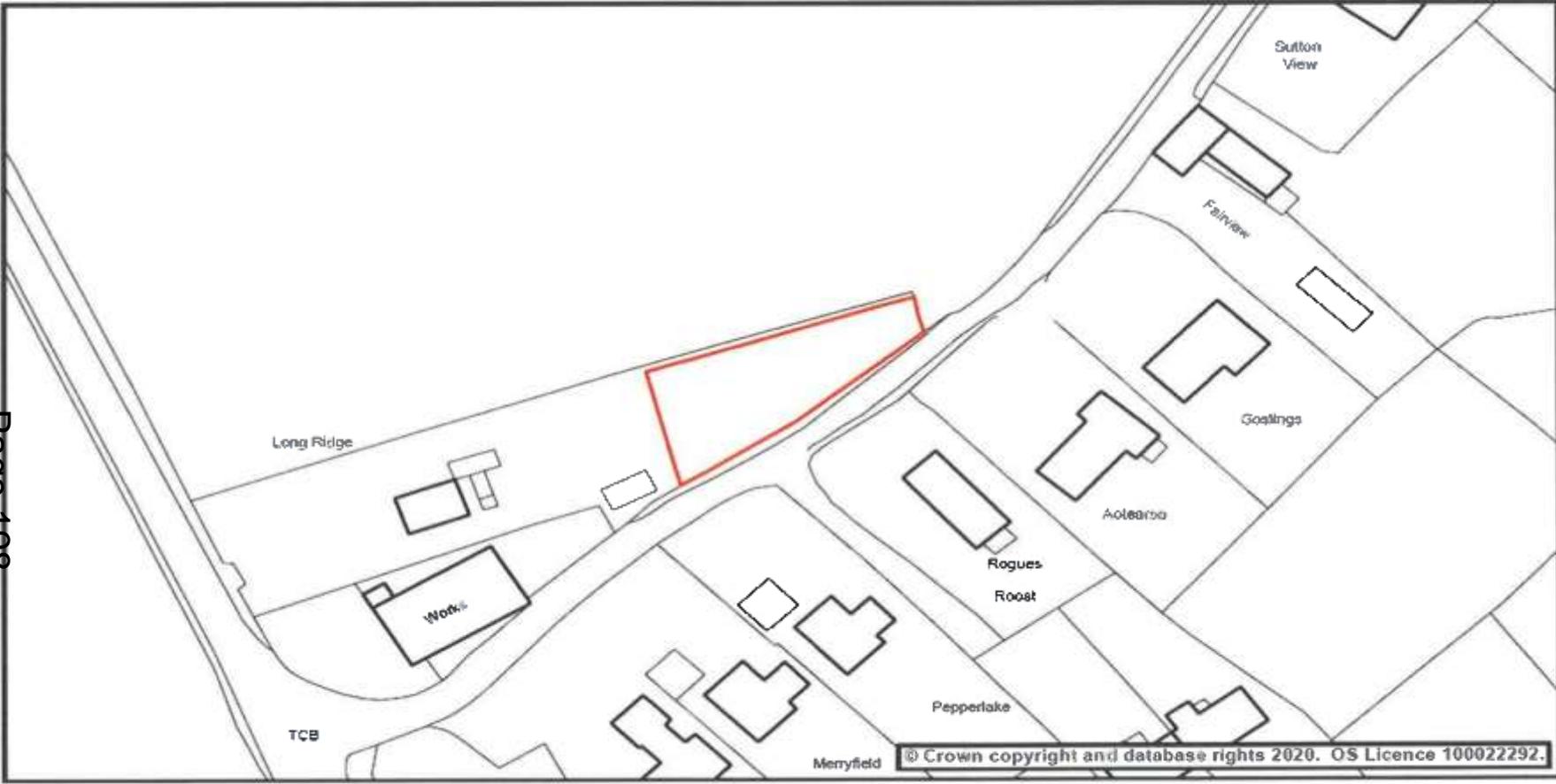
Page 197



Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. New Buildings, Sandford	Produced by GMS Unit



Page 198

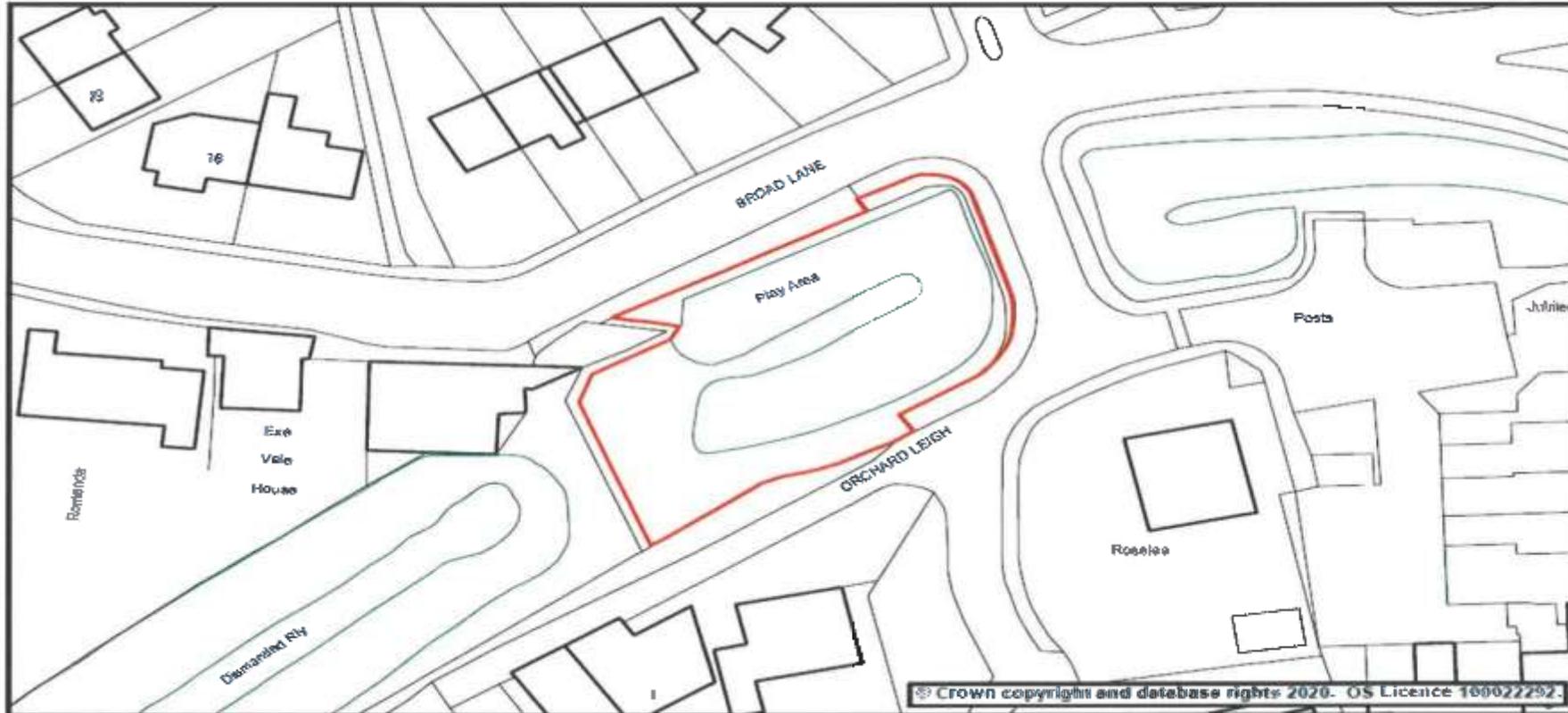




# Street Scene Plan 112

Scale: 1:500 @ A4	Date: 23 January 2020
Dsg. No: Orchard Leigh, Tiverton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 113

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Orchard Way, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 200





# Street Scene Plan 114

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Palmerston Park, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene

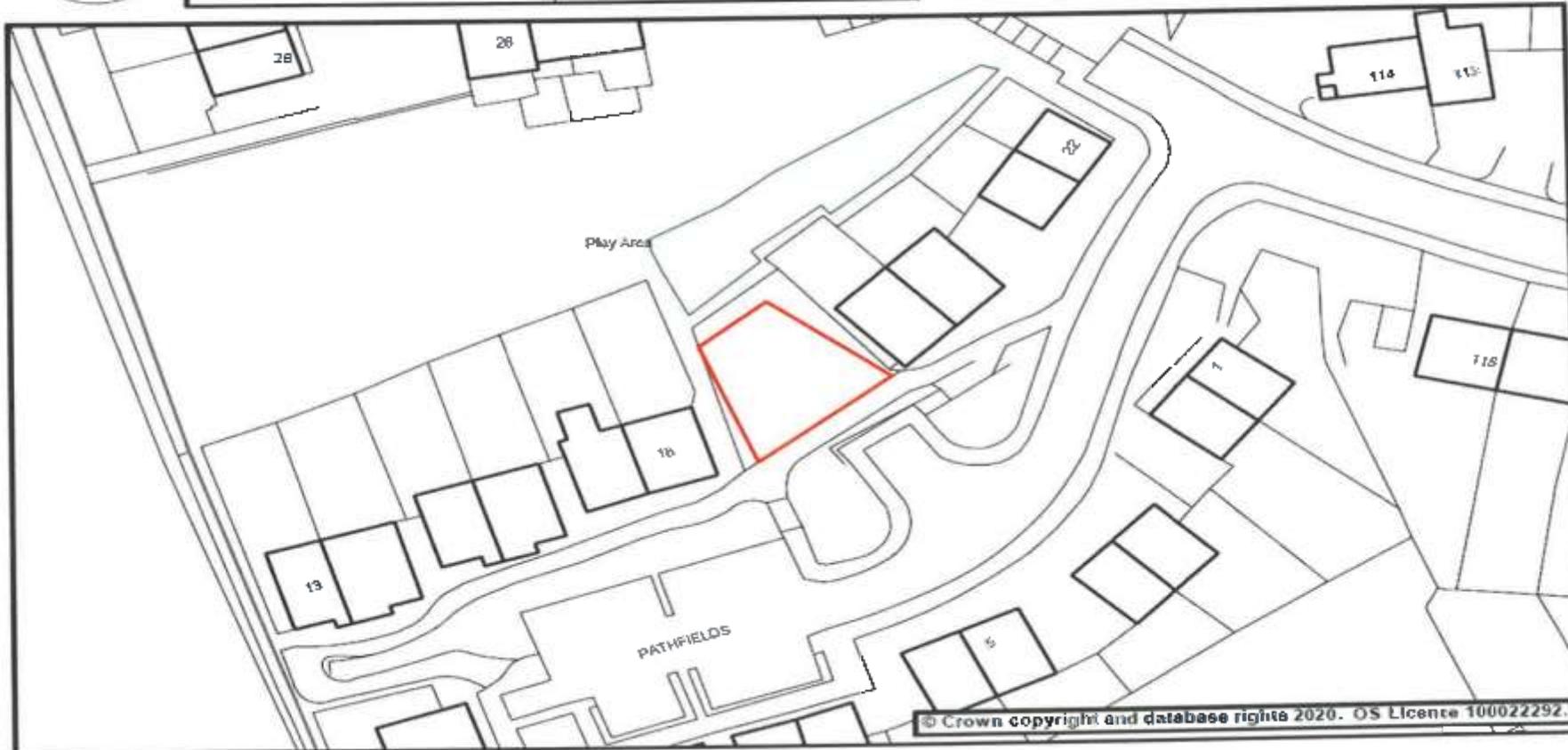
Plan 115

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Pathfields, Uffculme	Produced by	GMS Unit





# Street Scene Plan 116

Scale: 1:750 @ A4	Date: 23 January 2020
Org. No: Pippins Field, Uffculme	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



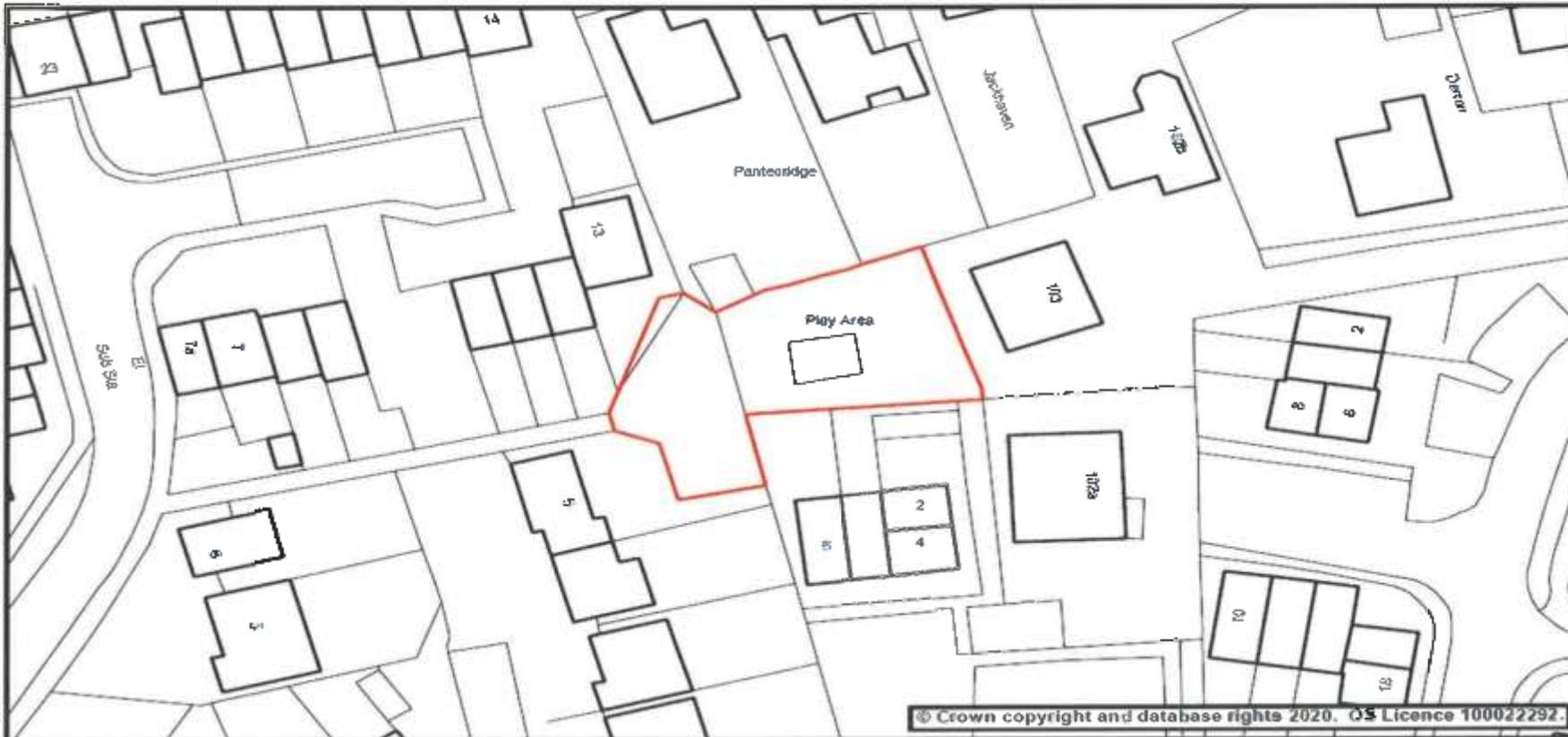
Page 203



**Street Scene Plan 117**

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Ploadal Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 204



# Street Scene Plan 118

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Primrose Close., Tiverton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 205



# Street Scene Plan 119

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Priory Road, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



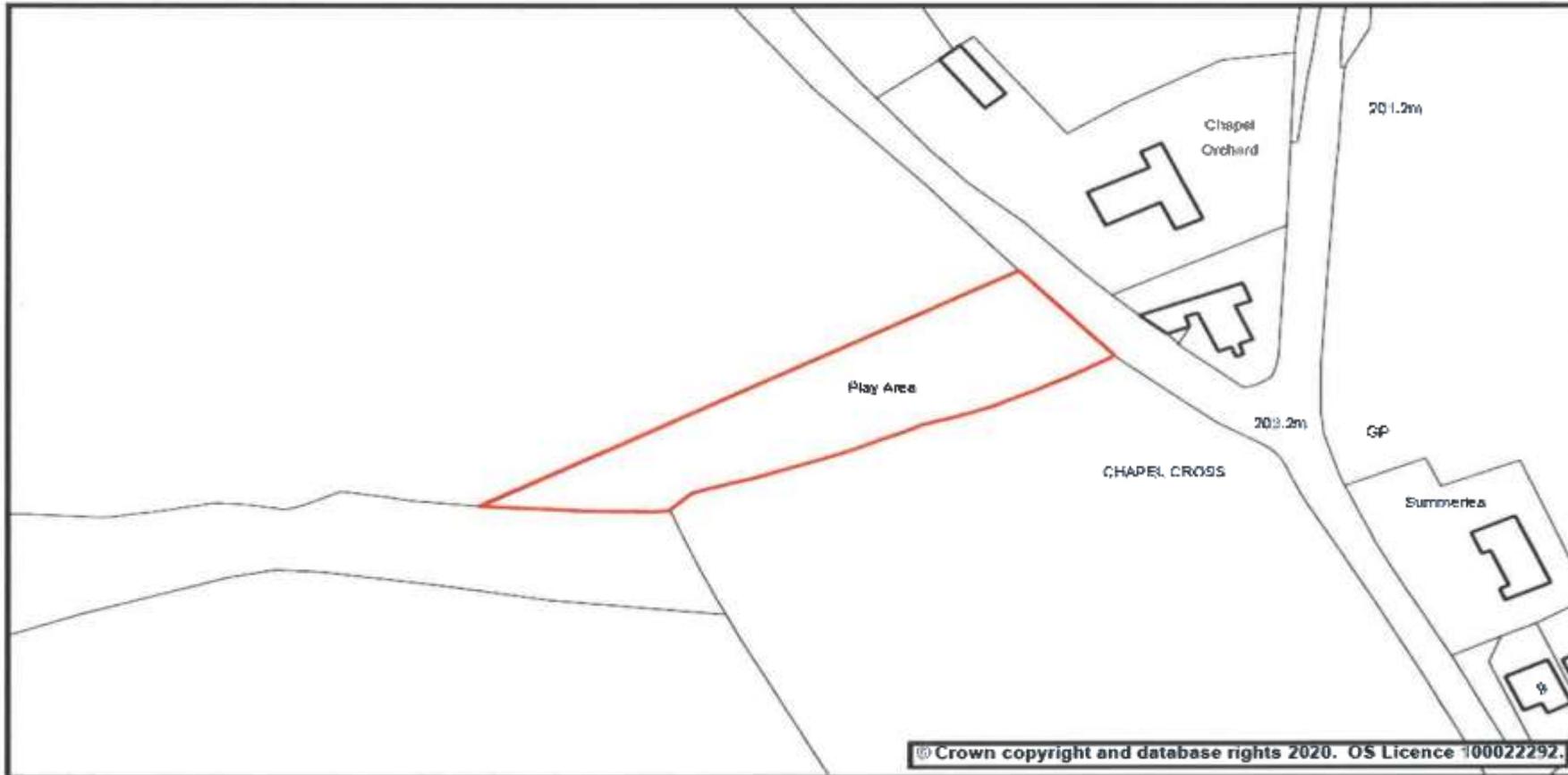
Page 206



# Street Scene Plan 170

Scale	1:1,000 @ A4	Date	23 January 2020
Org. No.	Puddington Play Area	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 207



# Street Scene Plan 121

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Queen Elizabeth Drive, Crediton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 208





# Street Scene Plan 122

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Queensway, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)

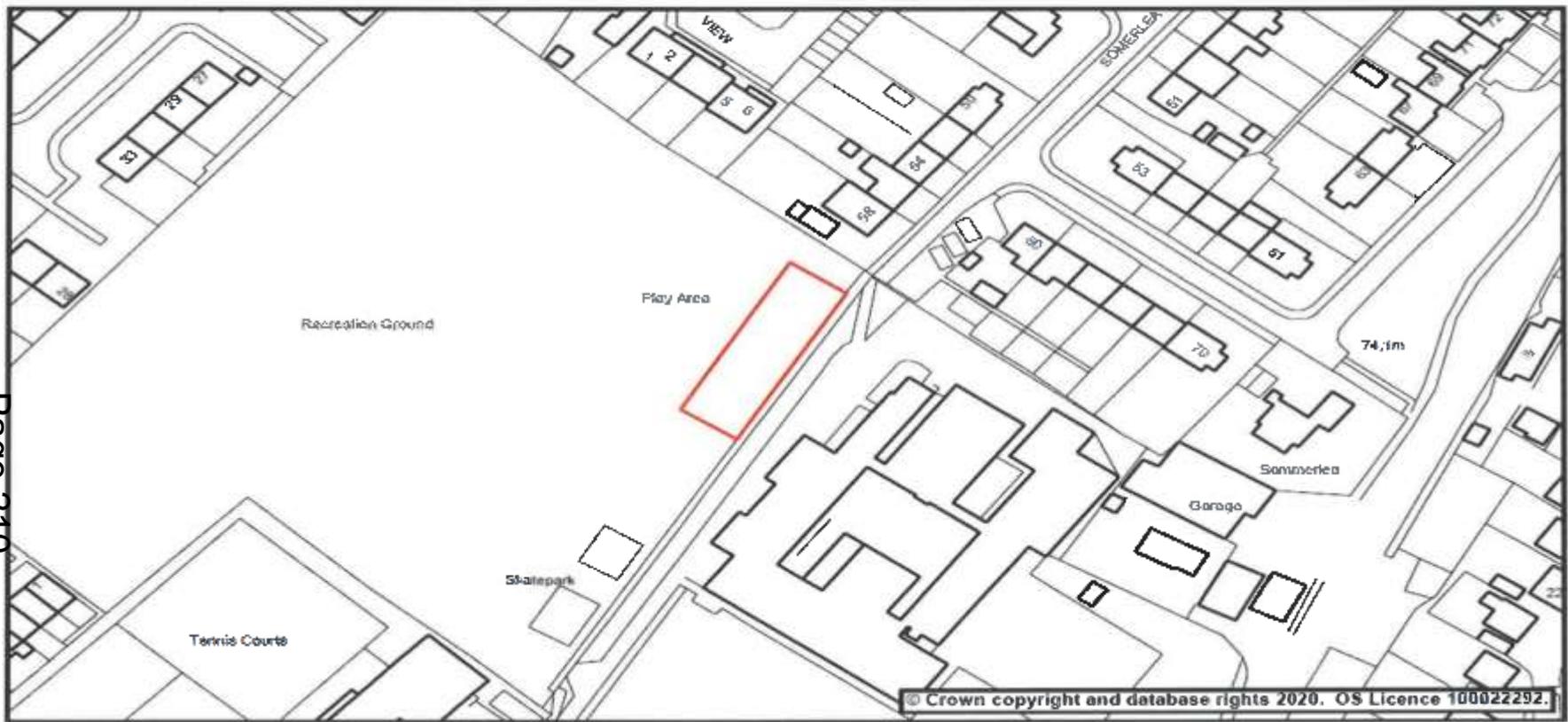




# Street Scene Plan 123

Scale 1:1,000 @ A4	Date 06 February 2020
Dist. No Recreation Ground, Willand	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 210



# Street Scene Plan 124

Scale: 1:750 @ A4	Date: 23 January 2020
Dwg. No: Rivermead, Cullompton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 125

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Siskin Chase, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 126

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	South View, Willard	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 213



# Street Scene Plan 127

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Spencer Drive, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



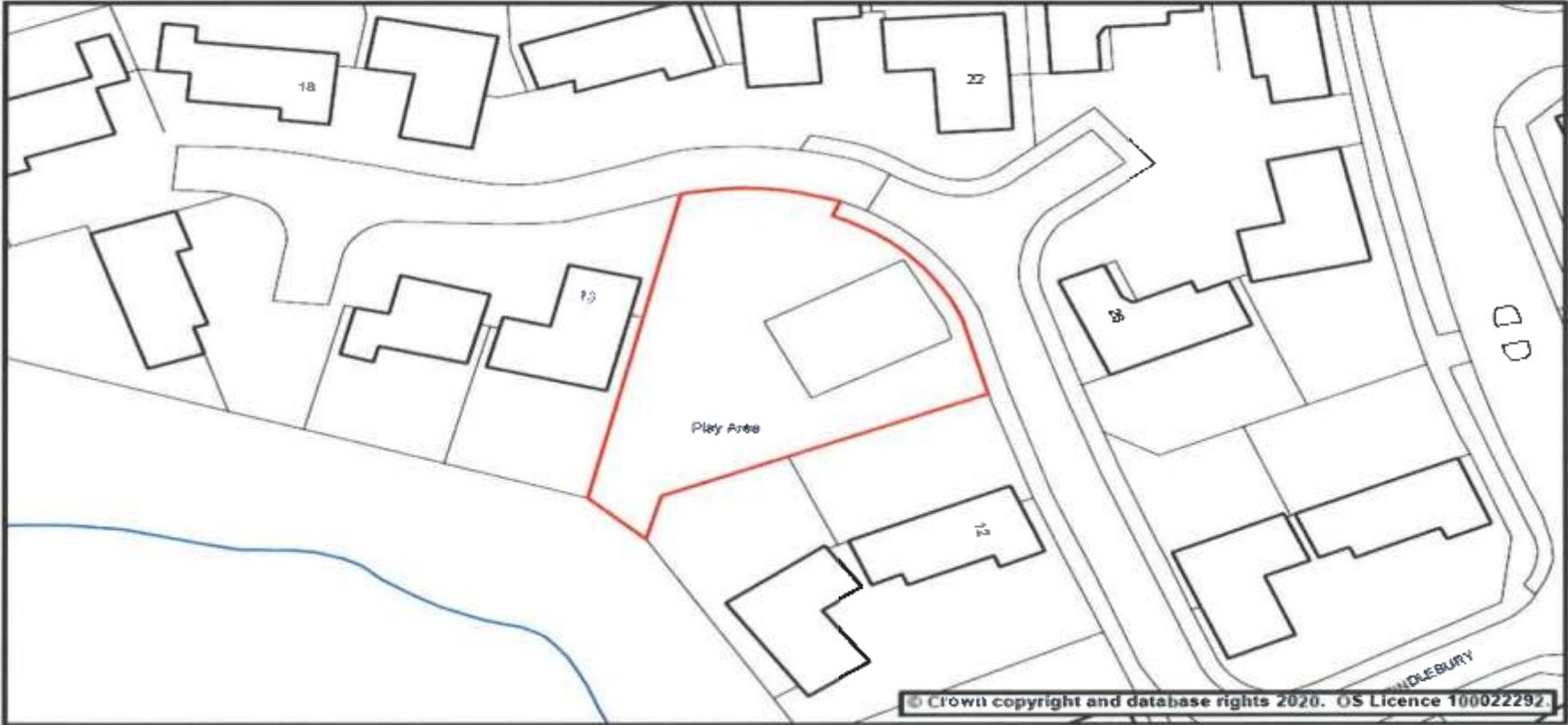
Page 214



**Street Scene Plan 128**

Scale: 1:500 @ A4	Date: 23 January 2020
Dwg. No. Spindlebury Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 215



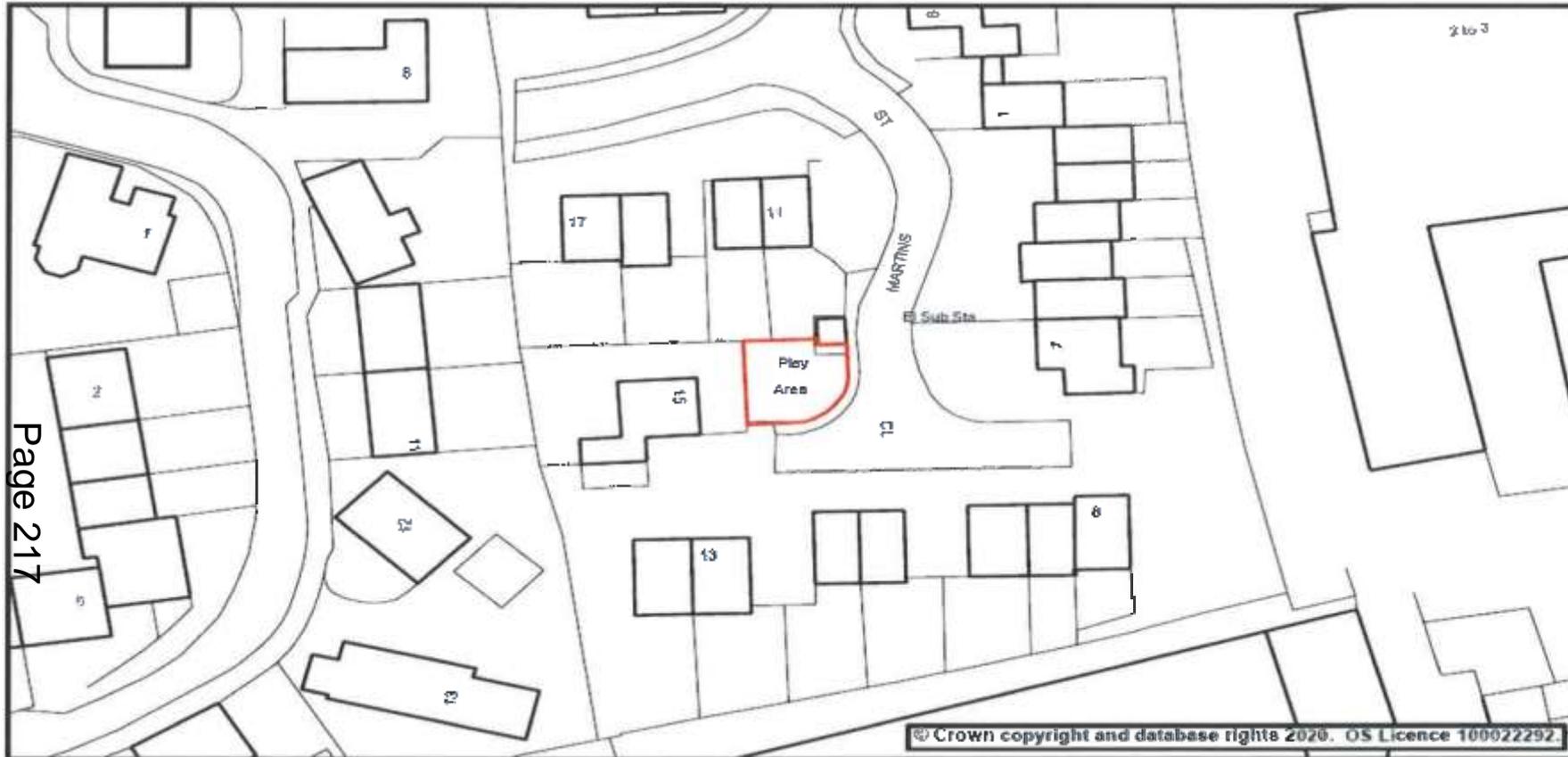


# Street Scene Plan 130

Scale 1:500 @ A4	Date 23 January 2020
Drp. No. St Martins Close, Bow	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 217



# Street Scene Plan 131

Scale 1:500 @ A4	Date 23 January 2020
Org. No. Starkey Close, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 218

Page 171

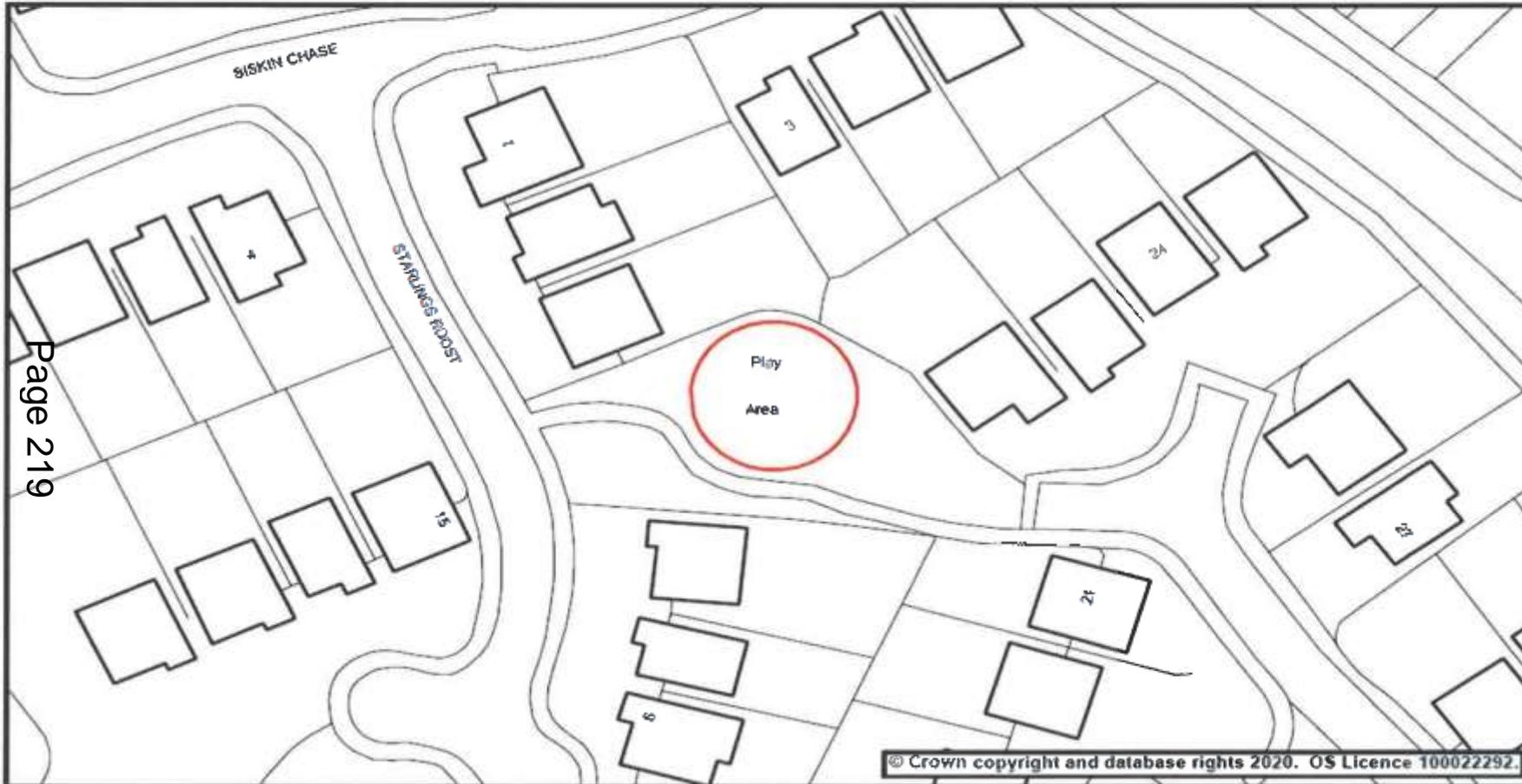


# Street Scene Plan 132

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Starlings Road, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 219

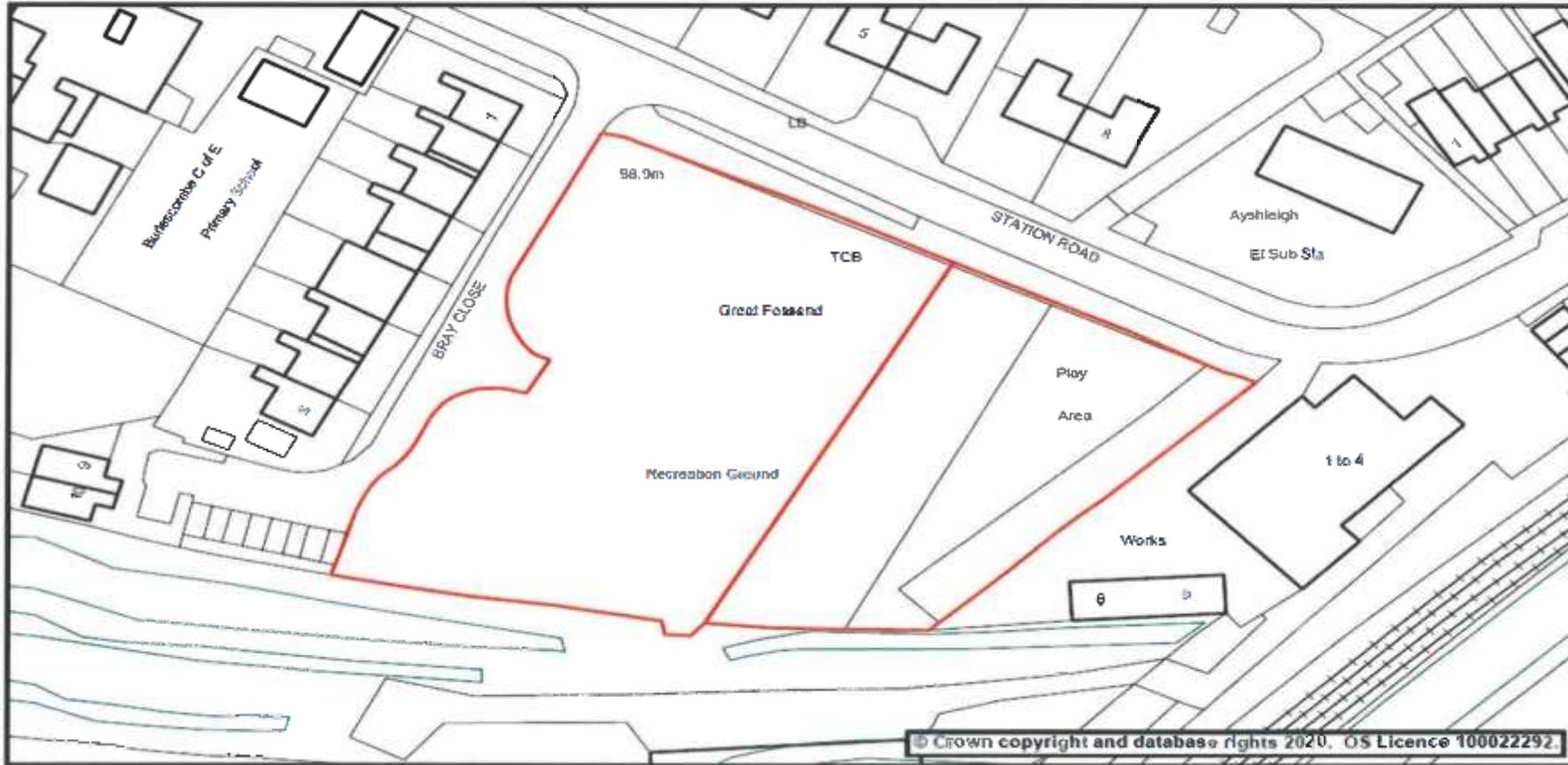


# Street Scene Plan 133

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Station Rd/Bray Close, Burfescombe	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 220



# Street Scene Plan 134

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Sunnymead, Copplestone	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan F35

Scale 1:1,066 @ A4	Date 23 January 2020
Dwg. No. Tiverton Adventure Playground	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 222



# Street Scene Plan 136

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Town Barton, Sandford	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 223





# Street Scene Plan 137

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Townlands, Bradninch	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 224



# Street Scene Plan 138

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Trickey Close, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plan 139

Scale 1:750 @ A4	Date 23 January 2020
Org. No. Tuckers Meadow, Crediton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 226

Page 179



# Street Scene Plan 140

Scale 1:750 @ A4	Date 23 January 2020
Dwg. No. Tufty Park, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PF  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 227





# Street Scene Plan 141

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Victoria Close, Willand	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 256255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





**Street Scene** Plan 142

Scale: 1:500 @ A4	Date: 23 January 2020
Dep. Nbr: Walnut Drive, Crediton	Produced by: GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



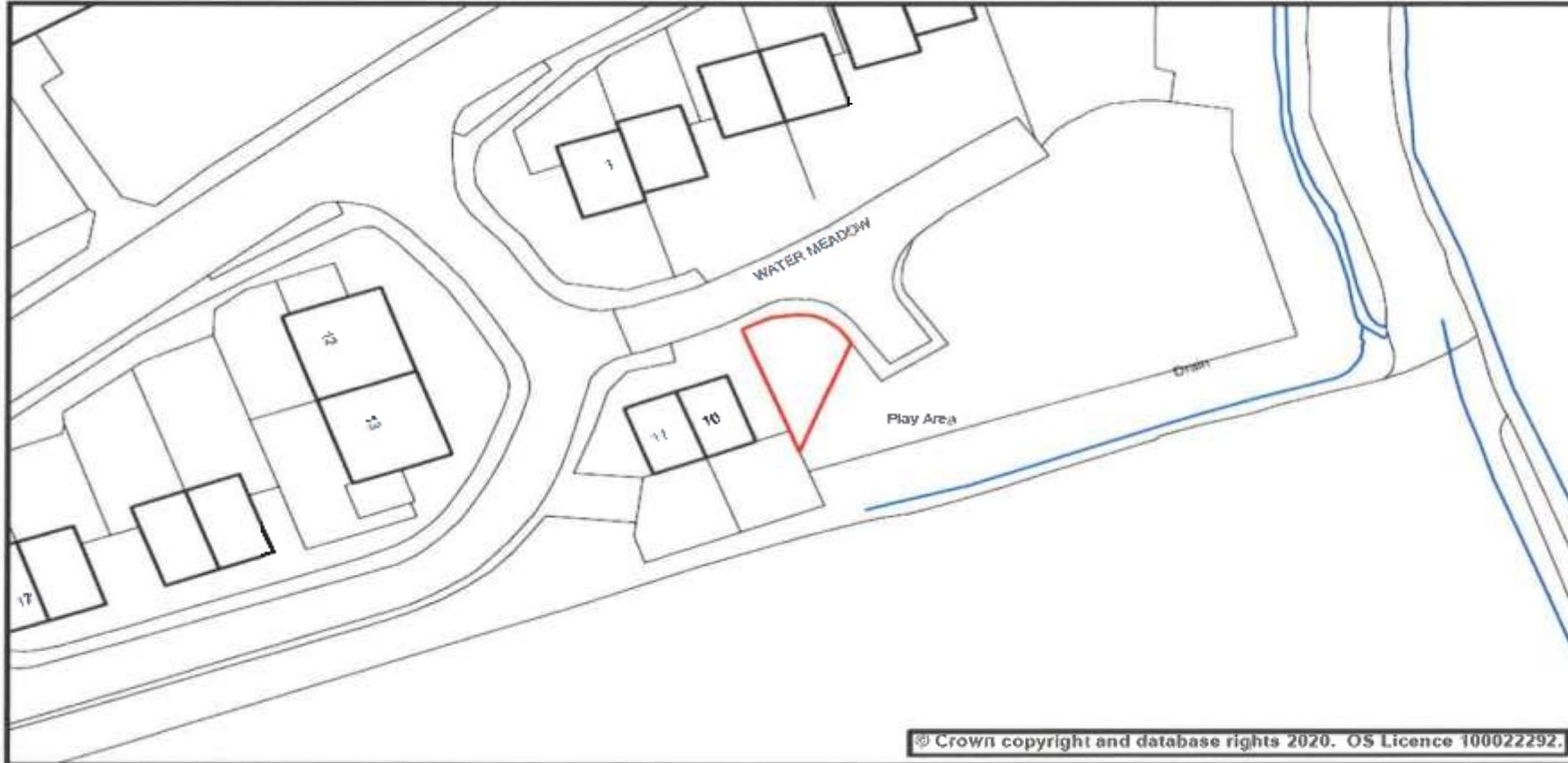


# Street Scene Plan 143

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Water Meadow, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 230



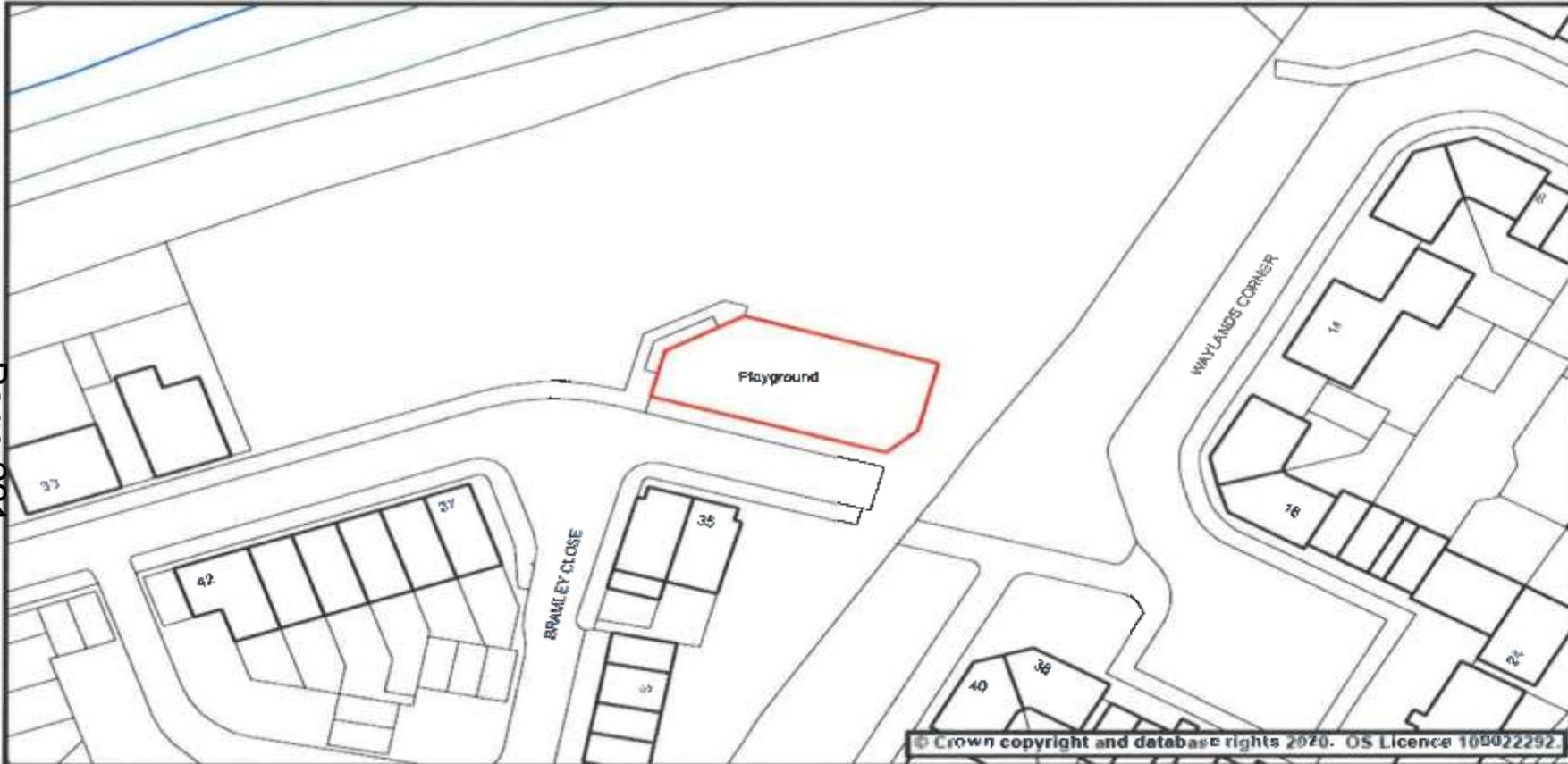
# Street Scene Plan 144

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Waylands Road, Tiverton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 231





# Street Scene Plan 145

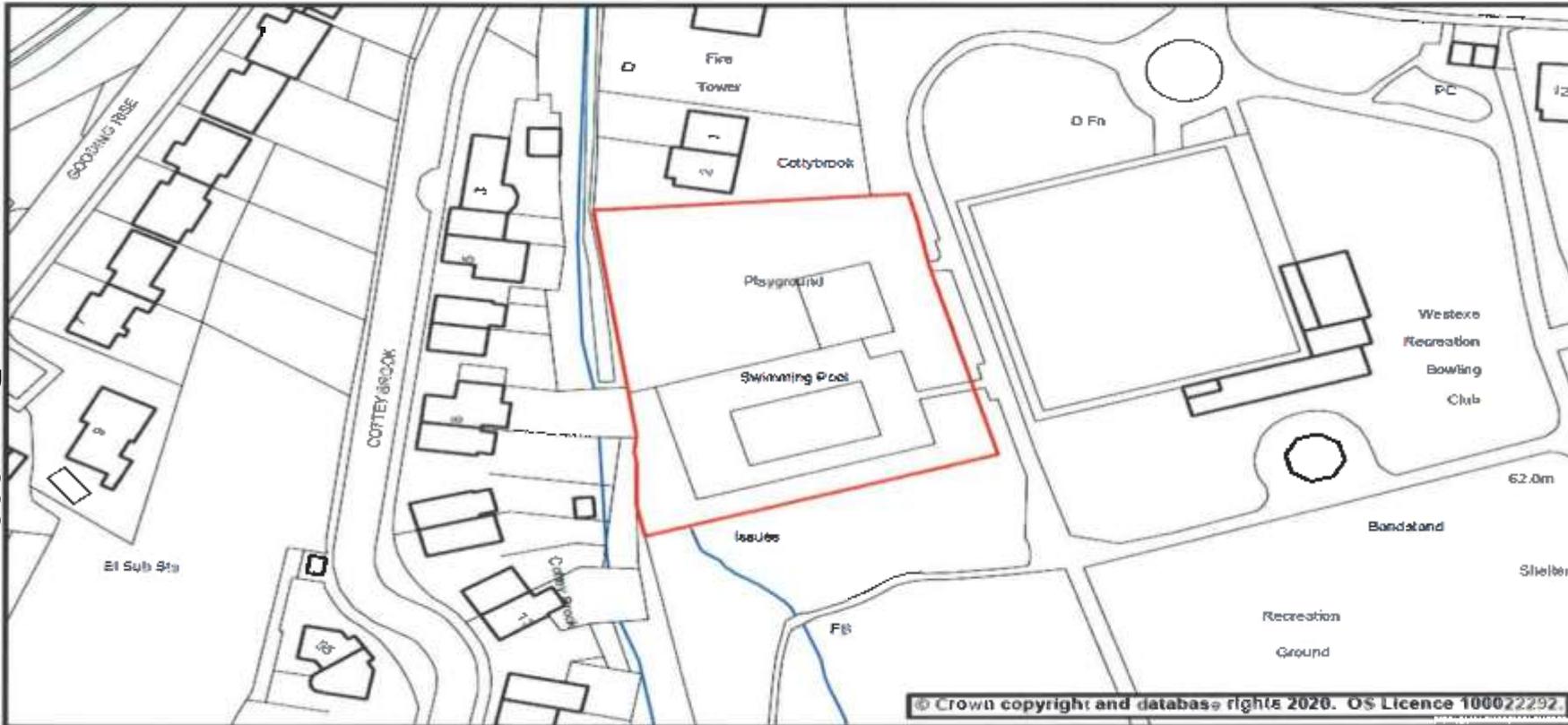
Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	West-Exe Recreation Ground & Pool, Tiverton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 232





# Street Scene Plan 146

Scale 1:1,000 @ A4	Date 23 January 2020
Dwg. No. Wilcombe, Tiverton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 233



# Street Scene Plan 147

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Worcester Crescent, Willand	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)





# Street Scene Plans 148

Scale 1:500 @ A4	Date 23 January 2020
Dwg. No. Tanners Close/Clover Drive, Cullompton	Produced by GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



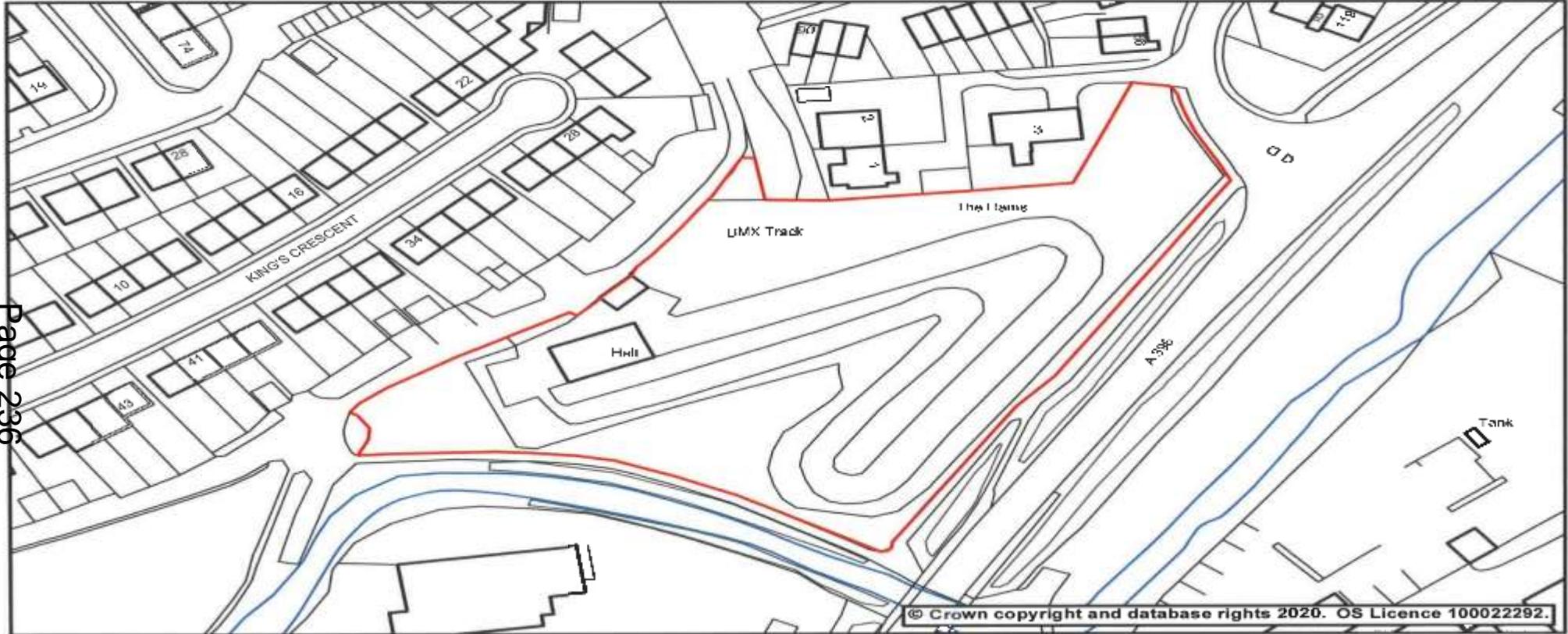
Page 235



# Street Scene Plan 149

Scale	1:1,000 @ A4	Date	23 January 2020
Drg. No.	The Hams BMX Track, Tiverton	Produced by	GMS Unit

Phoenix House  
Phoenix Lane, Tiverton EX16 6PP  
Tel: 01884 255255  
Website: [www.middevon.gov.uk](http://www.middevon.gov.uk)



Page 236

This page is intentionally left blank

This page is intentionally left blank

**JOINT COMMUNITY, ENVIRONMENT AND HOMES POLICY DEVELOPMENT GROUP**  
**20TH OCTOBER 2020**

**ENFORCEMENT POLICY**

**Cabinet Members:** Cllrs Dennis Knowles (Community Well-being/Licensing and Regulatory), Colin Slade (Environment) and Bob Evans (Housing)

**Responsible Officer:** Simon Newcombe, Group Manager for Public Health and Regulatory Services

**Reason for Report and Recommendation:** To provide Members with the Enforcement Policy PH/EP/09/20. This is policy was formerly the Public Health Services Enforcement Policy PH/EP/02/16 adopted in August 2016, as updated to encompass the (then) wider Operations Directorate functions in February 2019 under reference PH/EP/01/19. The policy was due for review in 2021 and for reasons set out in Section 1 of this report the review has been bought forward. These latest proposed updates to the Policy continue to cover the same broad enforcement functions.

The reason for the recommendation is to ensure the Council has an appropriate enforcement policy in place for the relevant statutory functions of the services within the scope of the policy. Without this, we may not meet the relevant legal requirements that are our duty as a regulatory authority.

**RECOMMENDATION(S):** That the joint PDG recommends to Cabinet that the updated Enforcement Policy attached in Annex 1 is adopted.

**Relationship to Corporate Plan:** As a regulatory authority, enforcement activities are matters which essentially overarch the Corporate Plan.

**Financial Implications:** There are no direct financial implications arising from adopting this updated policy other than to specify circumstances where the relevant services are legally able to levy fixed penalty notices, charge for application processes and for relevant enforcement actions, thereby deriving some cost-recovery.

Poorly managed enforcement and/or a failure of legal proceedings can result in resources being used wasted and costs being awarded against the Council.

**Budget and Policy Framework**

This is a policy to ensure the relevant Council services and functions are in compliance with Regulators' Code and the principles of good enforcement. There are no direct budget requirements arising from the policy however the broader financial implications are as set out above and within the body of the policy itself.

**Legal Implications:** If we do not have an appropriate enforcement policy in place for the statutory functions of the relevant enforcement services we may not meet the legal requirements that are our duty as a regulatory authority. Specifically, as set out in the Regulators' Code 2014 (Department of Business Innovation and Skills – now Department for Business, Energy and Industrial Strategy), the Code of Practice Powers of Entry 2014 (Home Office) and the provisions outlined in the Legislative and Regulatory Reform Act 2006 and the Regulatory and Enforcement Sanctions Act 2008.

**Risk Assessment:** Having an adequate policy in place is essential to meet the legal requirements set out above and the principles of good enforcement. It also serves to inform officers and decision-makers of the framework under which they operate, in addition to providing information to those people, organisations and businesses which are regulated and those protected by regulation.

Not having an adequate policy therefore undermines the principles of good enforcement, can impact upon legal proceedings and may ultimately result in a failure to protect the public from harm.

**Equality Impact Assessment:** A full assessment is not necessary for this report. This policy has however been reviewed in accordance with the requirements of the Equality Act 2010. That review indicates the policy complies with the public sector Equality Duty. This is underpinned by virtue of the policy seeking to ensure the overarching principles of good enforcement are met as set out in section 1.1 and 1.2 of the policy and that all our enforcement activities are carried out in a fair, consistent and equitable manner irrespective of the otherwise protected characteristics of individuals subject to enforcement and regulatory action. More information is also provided in Section 3.0 of this report.

The policy does recognise there may be circumstances where alternative enforcement actions including no action are undertaken due to the vulnerability of the persons involved which may include a mental or physical disability. In these situations, any deviation from a standard policy approach will be considered on a case by case assessment will be carried out in conjunction with available information provided by the individuals concerned and from any professional clinicians or therapists directly involved. Where appropriate this information will be included in the case merit test as set out in Section 5.17 of the policy.

**Impact on Climate Change:** None identified

## 1.0 Introduction

- 1.1 The purpose of this policy is to ensure compliance with Regulators' Code and the principles of good enforcement. It also serves to inform investigating officers and decision-makers of the framework under which they operate, in addition to providing information to those people, organisations and businesses which are regulated and those protected by regulation.
- 1.2 The target audience of this policy is investigating officers and decision-makers and service managers, Corporate Management and Leadership Teams, Cabinet, Legal Services and any person, organisation, company or business affected by regulatory action from those services covered by the policy; Public Health and Regulatory Services, Housing Services and Street Scene Services.
- 1.3 These services are responsible for several different broad enforcement functions across a number of services and teams:

### **Public Health and Regulatory Services**

- **Licensing** (hackney carriage and private hire drivers, vehicles and operators, alcohol sales, entertainments, temporary events/festivals, gambling, charity collections, animal establishments, caravan sites, scrap metal dealers, sex establishments and skin piercing/tattooists)
- **Environmental Health** (food safety, health and safety, private water supplies, communicable disease control, environmental permitting, air/land quality, noise and other statutory nuisances, pest control, filthy premises and drainage)
- **Private Sector Housing** (private sector housing standards/fitness and renewal, rogue landlords, empty homes and houses in multiple occupation)
- **Anti-social behaviour** (closure orders, civil injunctions, community protection notices and public protection orders)

### **Housing Services**

- **Tenancy breaches** (tenancy breaches within the Council's own housing stock, anti-social or disruptive behaviour by tenants, evictions and possession)
- **General tenancy management** (including provisions to undertake mandatory inspections and safety checks)
- **Unlawful occupation** (illegal squatting and unlawful subletting)

### **Street Scene Services**

- **Civil parking** (off-street parking enforcement in Mid Devon District Council's car parks)
- **Enviro-crime** (fly-tipping, , fixed penalty notices and littering, including from vehicles)
- **Dog fouling and stray dogs** (including microchipping)
- **Abandoned vehicles**
- **Compulsory recycling**

- 1.4 This brings together the core work and functions of this authority that positively impact upon the safety and health of the residents, visitors and workers in Mid Devon. In doing so, we are often dealing with the most vulnerable persons in need of support and protection. Enforcement actions therefore must be timely, effective and well-managed.
- 1.5 Each area of work uses different legislation to ensure compliance and each has its own extensive body of regulations, codes of practice and guidance. The majority of our duties and powers are set out under criminal legislation, however there are a number of areas covered by civil legislation (i.e. an offence under this legislation is not a criminal offence). We therefore ultimately may take action through the criminal and civil courts or engage with other tribunals or formal hearings. The exact nature of procedures used in each circumstance will vary and cannot be set out in full within this policy and will be applied as relevant on a case-by-case basis.
- 1.6 In addition to dealing with the impacts of the activities of private individuals, these services are working with many of our local commercial organisations and traders. Good enforcement policy and approaches should ensure this is done in a way which provides a level playing field in terms of regulation/regulatory burden yet and supports economic growth in addition to the principles of Better Business for All (BBfA).
- 1.7 BBfA brings together businesses and regulators to consider and change how local regulation is delivered and received. It involves the creation of local partnerships to identify the issues facing local businesses and shape the provision of effective support services to them. It was initially developed by Better Regulation Delivery Office (BRDO) which is now the Regulatory Delivery team at the Dept. for Business Innovation and Skills. More information is available in section 2.15 of the policy or at <https://www.gov.uk/government/publications/business-regulation-better-business-for-all>

- 1.8 With common aims across a broad range of individual functions these services nonetheless come under a number of cabinet portfolios and impact upon all corporate priority areas (Homes, Environment, Community and Economy).
- 1.9 Overall, the functions undertaken by these services assist the Council in achieving its ambition by contributing towards several priority outcomes including the health and resilience of our residents, growth of the economy and sustainable communities. It strives to accomplish this by undertaking its duties in a fair, consistent and equitable manner by requiring individuals, organisations and businesses to fulfil their legal responsibilities. It will achieve this using a combination of education, informal advice and regulation.
- 1.10 A review of the policy was scheduled for 2021. For reasons set out below, earlier this year it was identified that the policy required updating earlier. However, the work of the lead officer and relevant services in response to the Covid-19 pandemic put this work on hold and has now been completed at the earliest opportunity.

Policy review triggers:

- Newly adopted local enforcement policies covering the Street Scene service (Cabinet April 2020)
- Additional regulations enforced by Public Health and Regulatory Services: private sector housing functions covering new alarms, energy efficiency provisions and electrical safety
- Updated enforcement tools and service request triage procedures in Public Health and Regulatory Services
- Departure (and non-replacement of) the Director of Operations meant the structure of service management changed and the Operations Directorate ceased to exist - this Directorate is named in the title and throughout the current policy

## **2.0 What is regulatory and enforcement activity?**

- 2.1 'Regulatory' encompasses the Council's numerous powers and duties enabling the behaviour of individuals and/or organisations to be controlled in the public interest.
- 2.2 'Enforcement' includes any action carried out in the exercise of, or against the background of, statutory powers and duties of regulation. This is not limited to formal enforcement action such as prosecution in the criminal Courts or the giving of Notices. It also includes, among other things, the inspection of

premises for the purpose of checking compliance with regulations or conditions, the imposition of conditions on any licence, consent or similar formal permission, the issue of fixed penalty notices, the giving of Home Office cautions and the making of applications to the Courts for Orders to control the conduct of individuals and/or organisations, possession proceedings demoted tenancy proceedings closure orders

- 2.3 These actions cover the full hierarchy of options available, ranging from education and informal advice through to statutory notices and works in default, fixed penalty notices, seizure of goods and formal cautions. Ultimately this also includes prosecution for criminal offences. This may require evidence gathering which involves the seizure of information/documentation, overt and covert monitoring and sampling involving a wide range of media.
- 2.4 Whilst the general principles outlined in the policy will apply in all cases it must be recognised that each individual case will vary and each must be considered on its own merits before a decision is reached. Any significant deviations from the published policy must still meet statutory requirements and the reasons/justification documented.

### **3.0 Principles of good enforcement and the Regulators' Code**

- 3.1 This policy seeks to ensure that the application of any enforcement is undertaken in accordance with key over-arching principles and therefore is:
- transparent and accountable;
  - proportionate;
  - targeted;
  - consistent in approach; and
  - appropriate.
- 3.2 Further to these principles, that enforcement has regard to the provisions of the Regulators' Code, in that it:
- supports those we regulate to comply and grow;
  - provides for straightforward way for those we regulate to engage with us;
  - recognises that we base our regulatory activities on risk;
  - that we share information about compliance and risk;
  - information, guidance and advice is made available or signposted to help those we regulate to meet their responsibilities to comply; and
  - sets out our approach to transparent service standards, the provision of information and checks on compliance

More information on how we set out to achieve this contained in Section 2 of the Policy.

#### 4.0 **Policy review and update process**

4.1 The review of this policy has been carried out by the Group Manager for Public Health and Regulatory Services in conjunction with all service leads and key managers across the Public Health, Housing and Street Scene service.

4.2 Once the above review was complete, a working draft (all changes tracked) was subject to the normal internal Cabinet Lead, Group Manager and Leadership consultation. Importantly, Legal services were provided with an early opportunity to review all changes to ensure the policy remained fit-for-purpose from a key legal perspective given the overall purpose and requirement of the policy.

#### 5.0 **What is new in this policy?**

5.1 In recognising those policy review triggers identified in 1.10, a wider review of the policy was also undertaken to ensure it remains fit-for-purpose. In doing the overarching regulatory framework and guidance, as outlined above, were checked for updates, revisions or replacement.

5.2 Since the original review triggers were identified earlier this year, there has of course been some changes to our regulatory framework and approach due to the on-going Covid-19 pandemic. With a light-touch and to reflect the fluid nature of this situation, these changes have also been incorporated into the policy where possible.

5.3 Overall, given the relatively short time since the previous (major) update to the policy the main body of the policy itself remains current and relevant with no additional significant changes identified. Consequently, aside from minor formatting tweaks, the changes presented in this version of the policy are:

- Updated appendices relevant to Street Scene services to reflect the purpose and content of the following newly adopted policies; **Fly-tipping**, **Littering from Vehicles**, **Stray Dogs** (including micro-chipping), **Abandoned Vehicles** and **Compulsory Recycling** – all adopted under a general Environment Education Policy heading at Cabinet in April 2020. *Appendices L – P inclusive*
- **Housing standards (Private Sector Housing)** - The Smoke and Carbon Monoxide Alarm (England) Regulations 2015, The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 – both of which have now come into effect and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 which (in part) applies and in full from 1 April 2021. *Appendix J*

- **Statutory Nuisance and Anti-social behaviour** – new ‘Noise’ and ‘Reportable’ Apps tools and changes to management procedures for reactive complaints/service requests. *Appendix C*
- **Covid-19** - Setting out the relationship between existing H&S legislation and pandemic/Covid (or other pandemic) enforcement and recognising the new (temporary) Pavement Licensing regime. *Appendices I and B respectively*

- 5.4 The policy also reflects updated management structures and responsibilities including removal of reference to an ‘Operations Directorate’.
- 5.5 Sections 1 – 8 inclusive of the document form the key adopted policy. These contain all the common or generic over-arching policy approaches as will be relevant across most or all the statutory functions across the different services.
- 5.6 As before, the policy also contains a number of separate appendices A - P which are supplementary enforcement policies containing more detailed and largely function specific information. These are designed to be updated and revised more easily without significant revision to the overarching policy, unless there are also relevant changes to the legal framework covering broader enforcement practice and regulatory code of practice etc. It is therefore proposed in the policy to extend the formal policy review interval to 10 years (in line with other recently approved policies) and at all other time as required in light of any key changes to legislation or statutory guidance.
- 5.7 The main policy and appendices do not work in isolation. As set out, the document links to a number of other policies and guidelines that apply. This includes how the policy works in conjunction with other relevant Government guidance from authoritative bodies e.g. Health & Safety Executive, Environment Agency and Food Standards Agency. It also links to corporate policies covering areas such as conflict of interest and bribery. Finally, the policy contains essential links with function specific policies, for example those adopted as the Licensing Authority or as a provider of Social Housing.
- 5.8 All proposed changes to the policy document are tracked on the version attached to Annex 1 of this report.

## 6.0 Summary

- 6.1 The policy is required to ensure we are continuing to meet our legal requirements and carrying out our enforcement activities in a fair, transparent, equitable and effective manner.
- 6.2 This policy brings together the enforcement policy for the wide range of enforcement functions across the Council. In doing so, it sets out the enforcement approach and framework for all the enforcement activities of the Council with the exception of Planning enforcement and debt recovery.
- 6.3 All enforcement procedure and practice must therefore be developed, reviewed and ultimately take into account matters set out in this policy in addition to relevant function or activity specific legislation and statutory guidance.

**Contact for more Information:**

Simon Newcombe, Group Manager for Public Health and Regulatory Services, Corporate Management Team [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

**Circulation of the Report:**

Cabinet Members for Community Well-being, Environment and Housing and Property Leadership Team

Head of Legal Services (Monitoring Officer)

Corporate Management Team and relevant Group Managers

Members of Licensing and Regulatory Committees

Members of Community, Environment and Homes Policy Development Groups

**List of background papers:**

Regulators' Code 2014 (Department of Business Innovation and Skills),

Code of Practice Powers of Entry 2014 (Home Office)

Legislative and Regulatory Reform Act 2006

Regulatory and Enforcement Sanctions Act 2008.

All documents are available at <https://www.gov.uk/>.

**Annex 1 – Enforcement Policy** (attached separately)

This page is intentionally left blank

Mid Devon District Council

~~Operations Directorate~~

**ENFORCEMENT POLICY**

**Policy Number:** PH/EP/~~094/2019~~

Target audience:

Investigating Officers and Decision-Makers, Leadership Team, Cabinet, Legal Services and any person, organisation, company or business affected by regulatory action by the Operations Directorate. This includes Public Health and Regulatory Services, Street Scene Services and Housing Services

~~February 2019~~September 2020

## Version Control Sheet

Title: ~~Operations Directorate Services Enforcement Policy~~  
(Formerly Public Health Services Enforcement Policy PH/EP/02/16 August 2016 and  
Operations Directorate Services Enforcement Policy PH/EP/01/19 February 2019)

*Purpose:* The purpose of this policy is to ensure compliance with Regulators' Code and the principles of good enforcement. It also serves to inform investigating officers and decision-makers of the framework under which they operate, in addition to providing information to those people, organisations and businesses which are regulated and those protected by regulation.

*Owner:* **Group Manager for Public Health and Regulatory Services, Corporate Management Team**  
[snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)  
Telephone number 01884 244615

*Date:* ~~February 2019~~ September 2020

*Version Number:* 3.0 (draft)2-2

*Status:* Final

*Review Frequency:* **Every 10 years or sooner if required**

*Next review date:* ~~September February 203029~~

*Consultation* **This document was produced in consultation with the following:**

Public Health and Regulatory Service ~~team leads~~  
Street Scene Services  
Housing Services  
Legal Services  
~~Director of Operations~~ Corporate Management Team  
Leadership Team  
~~Legal Services~~

### Document History

This document obtained the following approvals.

Title	Date	Version Approved
Head of Service	20/06/16	1.0 <u>draft</u>
Management Team	28/06/16	1.0 <u>draft</u>
Community Well-Being PDG	08/07/16	1.0
Decent and Affordable Homes PDG	08/07/16	1.0
Licensing and Regulatory Committees	18/07/16	1.0
Cabinet	04/08/16	1.0 (with addendum)
Council	31/08/16	1.1
Updated draft following formal review	06/12/18	2.0
Updated final draft following legal review	22/01/19	2.1

Updated final report following Leadership Team review	13/02/19	2.1b <del>2</del>
<u>Licensing and Regulatory Committees</u>	<u>01/03/19</u>	<u>2.1c</u>
<u>Joint meeting of the Community, Environment and Homes Policy Development Group</u>	<u>15/03/19</u>	<u>2.1c</u>
<u>Cabinet</u>	<u>04/04/19</u>	<u>2.1c</u>
<u>Council</u>	<u>24/04/19</u>	<u>2.2</u>
Updated draft following formal review	<u>xx/09/20</u>	3.0 draft
Updated draft following Director, Legal and service lead reviews		<u>3.0 draft</u>
<u>Licensing and Regulatory Committees</u>	<u>15/10/20</u>	
<u>Joint meeting of the Community, Environment and Homes Policy Development Group</u>	<u>20/10/20</u>	
<u>Cabinet</u>		
<u>Council</u>		

## CONTENTS

<b>PREFACE</b>	<b>4</b>
<b>1.0 INTRODUCTION</b>	<b>6</b>
<b>2.0 GENERAL PRINCIPLES AND STATEMENT OF INTENT</b>	<b>8</b>
<b>3.0 CHARGING FOR ENFORCEMENT ACTIONS</b>	<b>10</b>
<b>4.0 COMPLIANCE WITH THE PRINCIPLES OF GOOD ENFORCEMENT</b>	<b>11</b>
4.1 Transparency	11
4.2 Accountability	11
4.3 Proportionality	11
4.4 Consistency	11
4.5 Targeting	12
4.6 Helpfulness	12
<b>5.0 ENFORCEMENT OPTIONS AND FACTORS</b>	<b>14</b>
5.1 Factors to be considered	14
5.2 No action	15
5.3 Informal action	15
5.4 Information Notices	15
5.5 Other Statutory Notices	15
5.6 Fixed Penalty Notices	16
5.7 Civil Fixed Penalty Notices	17
5.8 Prohibition Notices and Orders	17
5.9 Injunctions	17
5.10 Seizure of Goods, Equipment, Food, Articles or Records	17
5.11 Work in default	17
5.12 Management Orders	18
5.13 Compulsory Purchase Orders	18
5.14 Premises Licence Review	18
5.15 Simple Caution	19
5.16 Evidential and Public Interest Tests	20
5.17 Prosecution	20
5.18 Financial (Civil) Penalties	23
5.19 Proceeds of Crime Applications	24
5.20 Multi-agency approaches to enforcement	24
<b>6.0 INVESTIGATIONS</b>	<b>25</b>
6.1 Access and Powers of Entry	25
6.2 Notifying alleged perpetrators / offenders	25
6.3 Liaison with and referrals to other regulatory bodies and enforcement agencies	26
6.4 Surveillance and Human Sources: Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000 – Basis for Lawful Surveillance	26
6.5 Enforcement on Council premises or at events organised by the Council	28
<b>7.0 IMPLEMENTATION, MONITORING AND REVIEW</b>	<b>30</b>
7.1 Implementation and monitoring	30
7.2 Conflicts of interest and bribery	30
7.3 Complaints about service	30
7.4 Policy review	30
<b>8.0 PUBLICITY AND INFORMATION REQUESTS</b>	<b>31</b>

PREFACE

The Operations Directorate is responsible for This policy covers a number of several different broad enforcement functions across a wide range of number of services and teams:

Public Health and Regulatory Services

- **Licensing** (hackney carriage and private hire drivers, vehicles and operators, alcohol sales, entertainments, temporary events/festivals, gambling, charity collections, animal establishments, caravan sites, scrap metal dealers, sex establishments and skin piercing/tattooists)
- **Environmental Health** (food safety, health and safety, private water supplies, communicable disease control, environmental permitting, air/land quality, noise and other statutory nuisances, pest control, filthy premises and drainage)
- **Private Sector Housing** (private sector housing conditions/fitness and renewal, rogue landlords, empty homes and houses in multiple occupation)
- **Anti-social behaviour** (closure orders, civil injunctions, community protection notices and public protection orders)

Housing Services

- **Tenancy breaches** (tenancy breaches within the Council’s own housing stock, anti-social or disruptive behaviour by tenants, evictions and possession)
- **General tenancy management** (including provisions to undertake mandatory inspections and safety checks)
- **Unlawful occupation** (illegal squatting and unlawful subletting)

Street Scene Services

- Civil parking (off-street parking enforcement in Mid Devon District Council’s car parks)
- Enviro-crime (fly-tipping, Fly-tipping and littering (illegal dumping of waste, fixed penalty notices and littering, including from vehicles), dog fouling and fixed penalty notices)
- Dog fouling and stray dogs (including microchipping)
- Abandoned vehicles
- Compulsory recycling
- Civil parking (off-street parking enforcement in Mid Devon District Council’s car parks)

**Formatted:** Indent: Left: 1.27 cm, No bullets or numbering

**Formatted:** Font: Bold

**Formatted:** Font: (Default) Arial, Bold, Font color: Black

**Formatted:** Left, Indent: Left: 1.27 cm, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

**Formatted:** Font: Bold

**Formatted:** Font: (Default) Arial, Bold, Font color: Black

**Formatted:** Left, Indent: Left: 1.27 cm, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

**Formatted:** Font: (Default) Arial, Bold, Font color: Black

**Formatted:** Left, Indent: Left: 1.27 cm, Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Each area of work uses different legislation to ensure compliance and each has its own extensive body of regulations, codes of practice and guidance. The majority of our duties and powers are set out under criminal legislation, however there are a number of areas covered by civil legislation (i.e. an offence under this legislation is not a criminal offence). We therefore ultimately may take action through the criminal and civil courts or engage with other tribunals or formal hearings. The exact nature of procedures used in each circumstance will vary and cannot be set out in full within this policy and will be applied as relevant on a case-by-case basis.

The functions undertaken by ~~these services assists the~~ ~~Directorate assist the~~ Council in achieving its ambition by contributing towards several priority outcomes including the health and resilience of our residents, growth of the economy and fairness. It strives to accomplish this by undertaking its duties in a fair, consistent and equitable manner by requiring individuals, organisations and businesses to fulfil their legal responsibilities. It will achieve this using a combination of education, informal advice and regulation.

This policy details our approach to the use of our enforcement powers, whether that is criminal prosecution at one end of the spectrum or informal warnings and advice at the other. It also gives clarity as to how the unit will achieve compliance by setting out options and the criteria used to determine the most appropriate, effective and efficient response to breaches of legislation.

The purpose of this policy is also to ensure compliance with legal requirements and the principles of good enforcement. It also serves to inform investigating officers and decision-makers of the framework under which they operate, in addition to providing information to those people, organisations and businesses which are regulated and those protected by regulation. The policy cannot be absolutely prescriptive because the circumstances of each individual case and the evidence available are likely to vary. However, this policy should leave most readers in little doubt as to what they can expect by way of enforcement.

Particular regard has also been given to the provisions of the Regulators' Code 2014 (Department of Business Innovation and Skills), the Code of Practice Powers of Entry 2014 (Home Office) and the provisions outlined in the Legislative and Regulatory Reform Act 2006 and the Regulatory and Enforcement Sanctions Act 2008. All documents are available at <https://www.gov.uk/>. ~~This new policy document supersedes any previous enforcement policies covering individual functions within the services separately.~~

In ~~reviewing and updating~~ ~~ising~~ this policy we have considered how best we can:

- Understand and minimise negative economic impacts of our activities;
- Minimise the costs of compliance for those we regulate and ourselves as the regulator;
- Improve confidence in compliance for those we regulate; and
- Encourage and promote compliance.

The Housing Service is responsible for the management of the Council's housing stock. Our relationship with our tenants is therefore a contractual one, based on the tenancy agreement and also based on statute. We have a number of relevant policies which set out how we will enforce conditions of tenancy and these have regard to legislative and regulatory obligations as well as to good practice.

### Outside of policy scope

Planning and the enforcement and management of unauthorised development in addition to debt management processes are specifically outside the scope of this policy. These functions

operate under separate adopted policy and provisions. More information is available on the Mid Devon District Council website.

## 1.0 INTRODUCTION

1.1 This policy seeks to ensure that the application of any enforcement is undertaken in accordance with key over-arching principles and therefore is:

- transparent and accountable;
- proportionate;
- targeted;
- consistent in approach; and
- appropriate.

1.2 Further to these principles, that enforcement has regarded to the provisions of the Regulators' Code, in that it:

- supports those we regulate to comply and grow;
- provides for straightforward way for those we regulate to engage with us;
- recognises that we base our regulatory activities on risk;
- that we share information about compliance and risk;
- information, guidance and advice is made available or signposted to help those we regulate to meet their responsibilities to comply; and
- sets out our approach to transparent service standards, the provision of information and checks on compliance

More information on how we achieve this is set out in Section 2.

1.3 Past experience in the enforcement of statute and regulations shows that, in most cases, businesses and individuals comply with the law. Any failure to comply with legislative requirements often stems from ignorance, carelessness, lack of training, lack of effective management control and sometimes, from wilfulness or malice. In a social housing context (Council housing tenants), the reasons for non-compliance may differ and can include vulnerability issues and the service is tailored to meet the needs of tenants.

1.4 This policy must therefore guide all officers who are involved in taking enforcement action, investigating cases, serving notices and recommending or deciding upon the commencement of legal proceedings, when taking tenancy enforcement action or when regulating others.

1.5 What we mean by 'Regulatory' and 'Enforcement':

- 'Regulatory' encompasses the Council's numerous powers and duties enabling the behaviour of individuals and/or organisations to be controlled in the public interest.
- 'Enforcement' includes any action carried out in the exercise of, or against the background of, statutory powers and duties of regulation. This is not limited to formal enforcement action such as prosecution in the criminal Courts or the giving of Notices. It also includes, among other things, the inspection of premises for the purpose of checking compliance with regulations or conditions, the imposition of conditions on any licence, consent or similar formal permission, the issue of fixed penalty notices, the giving of Home Office cautions and the making of applications to the Courts for Orders to control the conduct of individuals and/or organisations, possession proceedings demoted tenancy proceedings closure orders

Formatted: Underline

Formatted: Underline

- 1.6** Whilst the general principles outlined below will apply in all cases it must be recognised that each individual case will vary and each must be considered on its own merits before a decision is reached. In certain instances for example, we may conclude that a provision in the Regulators' code is either not relevant or is outweighed by another provision.
- 1.7** In respect of our tenants, to ensure that any action taken to regain possession of a property is likely to succeed, Officers must be able to demonstrate that the tenant has been given an opportunity to modify their behaviour, that there is evidence to show the history and that the issues are ongoing despite attempts to resolve matters or that the matter is sufficiently serious even though limited to one incident to merit possession proceedings. The outcome sought must be reasonable and proportionate and if, for whatever reason, we decide that the chances of success are small, then we may decide not to proceed.
- 1.8** We will ensure that any decision to depart from the Code or any other of the general principles will be properly reasoned, based on material evidence and documented.

## 2.0 GENERAL PRINCIPLES OF ENFORCEMENT AND STATEMENT OF INTENT

- 2.1 We will carry out our activities in a way that supports those that we regulate to comply.
- 2.2 Officers will enforce against, or prosecute those who neglect, or wilfully fail, to comply with their legal obligations, where that failure constitutes a risk to the public, a breach of tenancy conditions or where action is required to minimise the risk.
- 2.3 Officers will seek to adopt efficient and effective approaches to regulatory inspection, tenancy management and enforcement, which improve regulatory outcomes, and enable us to deliver our obligations to all local residents and the wider community. The Housing Service has an obligation to provide support to those who may be vulnerable and any action taken will account of this.
- 2.4 The level of enforcement will be proportional to any alleged offence or breach of tenancy committed, consistent in application, (including consistency with other local authorities or enforcement agencies) transparent in its use and appropriate to the circumstances of the particular case in question.
- 2.5 Depending on the seriousness of a situation, the preference will be to enforce with moderation in the first instance, progressing through a graduated response to a tougher stance if offences are repeated. The nature and speed of this graduated response will vary depending on the statutory function/options available and the nature of the offence / tenancy breach. A tougher stance may also be taken for any offences or actions that have resulted in personal injury/harm, wide scale impacts on public health or to protect the vulnerable e.g. sale of alcohol to an underage child, a major food poisoning outbreak, domestic abuse or a family occupied property with Category 1 hazards.
- 2.6 Where it is applicable to our functions, we are also committed to Better Business for All (BBfA). This is a regulators alliance that includes Trading Standards, Environmental Health, Fire & Rescue along with Local Authority Economic Development Teams. It aims to:
- Simplify and rationalise business support in local areas, and ensure that national and local support offers are joined up for businesses.
  - Provide a single access point for business support, bringing together both Government offers and local offers, so businesses get what they need wherever they start their journey.
  - Bringing together public and private sector support, for example that offered by local authorities, universities, chambers of commerce and enterprise agencies.
  - Provides website/telephone/email support/the one door/no wrong door for businesses looking for business support.
  - Start-up workshops/clinics
  - Partnerships/facilitation support, working with national and local delivery partners.
  - ~~B~~FTE business advisors working across innovation centres and rural areas, organising clinics and ensuring join up with other delivery mechanisms.
- 2.7 In participating in this alliance we aim to create a local regulatory environment that helps to support business growth whilst not negating our enforcement responsibilities. The BBfA programme is an established approach to better regulation. It provides a model for partnership working between businesses and regulators focusing on

changing the culture of regulatory delivery at a local level. It encourages all parties to work together and share information to allow local economies to prosper and grow.

- 2.8** We will provide simple and straightforward ways to engage with those we regulate, and those tenants who live in our homes in order to hear their views
- 2.9** Where enforcement is necessary because of ignorance of the law (which is not of course a defence against criminal or civil proceedings), or the rights and responsibilities which derive from our tenancy agreements, rather than wilfulness, officers will give advice and attempt to facilitate the training of those involved, in addition to taking enforcement action. Will we undertake such an approach as far as is reasonable and practicable within the scope of our existing resources.
- 2.10** We believe that prevention is better than cure and therefore our role involves actively working with businesses and individuals to advise on, and assist with compliance. We will make clear not only what they have to do but, where relevant, what they do not. In practice, this means distinguishing between statutory and contractual requirements and advice or guidance about what is desirable but not compulsory, thereby minimising the cost of compliance by requiring proportionate action.
- 2.11** We will target our resources where they will have the greatest effect. We will carry out inspections only where there is a reason for doing so, for example, as a response to intelligence about particular premises or a particular issue/problem or as part of our risk assessment process. We will also undertake risk based inspections in line with at least our minimum statutory requirements. Accordingly, greatest effort will be focussed where failure to comply would pose a serious risk and there is a high likelihood of non-compliance.
- 2.12** We will apply a light touch approach to those businesses who comply with regulatory requirements and those who work with us to achieve compliance. However we will not hesitate to use the full range of enforcement tools at our disposal against those businesses or individuals whose activities are likely to cause material loss or harm to others, or endanger the health, safety and wellbeing of people or our neighbourhood. In undertaking formal enforcement action we may take into account previous informal advice and support that has not been given due diligence.
- 2.13** The Housing Service has a policy of regular tenancy audits as set out in our Tenant Inspection Policy. Some visits are carried out on a risk-assessment basis but we are still committed to visiting every property every 5 years
- 2.14** Enforcement decisions will be made in a fair, independent and objective way and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, disability, political views or the sexual orientation of the alleged perpetrator, victim, witness or offender.

### **3.0 CHARGING FOR ENFORCEMENT ACTIONS**

- 3.1** Where the legal powers exist to recover some of the Council's costs, consideration will be given to their use.
- 3.2** The recovery of our costs will be limited to the extent of the costs incurred (full cost recovery) but not more. Therefore charging will not be punitive. The recharge should also ensure that owners are not financially encouraged to delay in complying with their legal responsibilities.
- 3.3** The powers enabling Councils to charge for these functions are set out in the specific statute and formal guidance used. These provisions also provide for the recovery of the debts which arise.
- 3.4** Where legislation allows us to set our own fees for specific regulatory functions and activities then where possible we will take into account our proactive and reactive enforcement costs in addition to normal processing costs.
- 3.5** Where we are granting a license we will only charge the administration fees for processing the application but where an applicant is successful he or she will then be charged the wider costs of running (including enforcement costs) the licensing scheme
- 3.6** We will be transparent about our fees and charges whereby we publish and make available any schedule of charges and the basis on which these have been calculated. In respect of formal, statutory actions including notices costs will include officer time, travel time and costs and compliance visits/re-visits.
- 3.7** We will also regularly review our fees and charges in connection with enforcement actions.
- 3.8** Examples of where we can currently charge for enforcement action include some Licensing activities, housing improvements under the Housing Acts and Environmental Damage regulations. These are examples only and it is not an exhaustive list.
- 3.9** The Housing Service has a recharges policy which sets out the circumstances in which we will endeavour to recharge costs from tenants.

## **4.0 COMPLIANCE WITH THE PRINCIPLES OF GOOD ENFORCEMENT**

### **4.1 Transparency**

- We will make it clear what must be done, distinguishing between statutory requirements and what is desirable or recommended but not compulsory in written and verbal communication;
- We will write to confirm any verbal advice if requested;
- Any written advice given shall be provided in plain, accessible language and in a range of formats and media where possible;
- Where immediate action is necessary, give an explanation of why such action is to be taken and confirm this in writing;
- Adequate information will be provided to enable reference to be made to the relevant statutory and associated documents;
- Any service standards such as the content of inspections will be available, on request;
- We will make it clear what sort of conduct they may expect when an officer visits and what rights of complaint are open to them;
- Any relevant complaints or appeals procedures will be explained.

### **4.2 Accountability**

**4.2.1** Visits and inspections are usually made unannounced but, if appropriate and where necessary, appointments will be made. Where access cannot be obtained during the day, or in other appropriate circumstances, visits will be made outside normal working hours. Unless carrying out authorised covert surveillance work (see Section 6.4), or unless health and safety reasons at the time dictate otherwise, enforcement officers will identify themselves by name and their role within the Council and will produce their identity/authorisation documentation on request.

**4.2.2** Housing services do not normally make unannounced visits may do so occasionally without an appointment but if the tenant refuses to give access, we need to give them notice in accordance with the terms of the tenancy agreement.

**4.2.3** The decision to visit or inspect specific premises may be taken due to complaints, or problems that have been reported, e.g. general complaints about a certain type of premises, which are in need of investigation, or the premises need to be inspected due to its risk rating (which determines the frequency of enforcement inspections for high and medium risk premises).

### **4.3 Proportionality**

The type of enforcement action taken by officers will, in part, depend on the risk of, or actual, negative impact on others arising from the activity in question. Action taken will be proportionate to the breach/offence which has occurred. Where the law requires that risks should be controlled "as far as reasonably practicable" officers, will take into account the cost as well as the degree of risk. However, some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences.

## 4.4 Consistency

**4.4.1** Decisions on enforcement always entail a degree of judgement and the circumstances of each case will inevitably differ in detail. Furthermore, guidance upon which officers act does change over time and a decision made one day may differ from one made the next, for that reason. Consequently, there may be instances when enforcement may appear to be inconsistent for this reason. Officers will try to ensure that enforcement action is as consistent as possible by:

- following current internal policy, procedural and guidance notes;
- taking account of appropriate guidance from other authoritative bodies e.g. Food Standards Agency, Health and Safety Executive (HSE), Dept. of Business, Innovation and Skills (BIS), Department for Environment, Food & Rural Affairs (Defra), Environment Agency, the Institute of Licensing;
- taking due account of new case law relating to enforcement;
- taking account of any new legislation or guidance which impacts on their duties, liaising with other enforcement agencies as necessary;
- actively participating in joint local authority schemes to achieve greater consistency;
- having due regard to the HSE's Enforcement Management Model (when enforcing under Health & Safety legislation);
- having due regard for the Primary Authority Partnership Scheme;
- carrying out benchmarking and peer review exercises from time to time.
- taking into account the advice of other partners including the Police, Devon County Council and the Devon & Somerset Fire and Rescue Service.

**4.4.2** The above measures will be supplemented by specific enforcement training for officers and managerial checks on performance.

## 4.5 Targeting

**4.5.1** Enforcement generally will be targeted to those persons, premises or companies whose activities give rise to the risks that are the most serious or least well controlled. The Service therefore targets its enforcement action in three ways:

- Firstly officers carry out programmes of inspections or commence possession proceedings in cases involving tenants, on a risk rated basis. Premises or activities with the highest hazards, greatest risks, poorest compliance and worst management will be inspected more frequently than low risk premises. It follows that most of the enforcement activity arising from proactive programmes will be targeted on the cases most requiring it.
- The second targeting mechanism is the investigation of complaints where evidence, experience and this policy are used to determine enforcement action.
- The third targeting mechanism is planned, special surveys and enforcement initiatives carried out in response to national concerns as voiced by the government or its agencies, or local/regional concerns as voiced by Members of the Council, practitioner groups or resident.

#### 4.6 Helpfulness

We will work with individuals and businesses to help them comply with the law and / or contractual obligations, in the following ways:

- Provide advice in different languages, if requested and where practicable;
- Actively advise businesses (especially small and medium sized businesses) and assist with compliance;
- Officers will identify themselves by name (always presenting an official identity card, or warrant card, which can be verified by a phone call if requested); and
- In every other way will provide a courteous and efficient service.

## 5.0 ENFORCEMENT OPTIONS AND FACTORS

### 5.1 Factors to be considered

5.1.1 The method of enforcement selected should be calculated to produce the highest reasonable standards of compliance within the least time where practicable. In assessing what enforcement action is necessary and proportionate, consideration may be given to some or all of the following factors and any others which may be relevant to a specific case or regulatory area:

- the seriousness of compliance failure;
- current business practices, including response to previous advice;
- the degree of risk from the situation;
- the particular circumstances of the case and likelihood of its continuation or recurrence;
- whether any harm was caused;
- the views of any victim/injured party, financial gain or benefit from a noncompliance;
- the general cooperativeness of the alleged perpetrator or offender;
- the past history of the person(s), company or premises involved;
- the impact of the enforcement choice in encouraging others to comply with the law or change the behaviour of the offender;
- the likely effectiveness of the various enforcement options;
- any relevant legislative provisions, policy or legal, official, professional guidance or advice;
- whether the situation undermines the licensing objectives;
- blatant or reckless disregard for the law, poor management;
- whether a conviction is likely to result in a significant sentence;
- whether the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance (e.g. safeguarding issues or complainant in a noise nuisance case);
- whether the defendant has previous convictions or cautions which are relevant to the present offence;
- whether the offence, although not serious in itself, is widespread in the area where it was committed;
- whether an officer has been obstructed;
- whether the cumulative effect of such breaches would be serious even if the breach in itself was not;
- whether prosecution will have a significant deterrent effect;
- Local priorities of the service and Council (as may change)

5.1.2 Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions may occur where there is a serious risk to public safety or the

environment or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment.

- 5.1.3** The level of enforcement action that may be taken varies from no action through to formal proceedings in court. The main types of action that can be considered are shown below.

## **5.2 No action**

- 5.2.1** This is appropriate when it is a minor/technical non-compliance that is rectified immediately. Any details recorded about non-compliance may be used as a basis for judgement on future enforcement action.

## **5.3 Informal Action**

- 5.3.1** Informal action involves the offering of advice, verbal warnings, letters/emails, education, training and the issue of technical reports, including those generated on a premises or on-site following an inspection or audit.

- 5.3.2** This sort of action will be appropriate where the degree of risk (or in some cases environmental impact) from any given situation is minor, but cannot be rectified immediately. The breach of legislation is often technical but significant enough to warrant a written letter of warning. Formal action may be taken if similar infringements are found in the future. The person, business or organisation responsible would have no recent history of non-compliance and the officer would have good reason to expect them to put right the matters in question without the need for further intervention and therefore confidence in management is high.

- 5.3.3** Informal action will be recorded on departmental files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an offender or premises.

- 5.3.4** We promote a programme of food courses and training interventions which can be viewed and accessed via the Council website [www.middevon.gov.uk](http://www.middevon.gov.uk). Where possible we will also help signpost external training and education resources. Additional, plain language information on regulations, enforcement and compliance can be found on the universal [www.gov.uk](http://www.gov.uk) website.

## **5.4 Information Notices**

- 5.4.1** Many pieces of legislation enforced by the Council enable officers to demand information which is essential in order to serve notices or summons correctly. When the officer is uncertain about the information it holds, or where certain details are unknown, it will serve an information notice on those that have an obvious connection to the case, requiring for instance ownership confirmation, or perhaps company or premises details. Failure to comply with an information notice may hinder the Council in discharging its duties and is regarded as a serious offence, which will be pursued.

## **5.5 Other Statutory Notices**

Formatted: Indent: Left: 0 cm, First line: 0 cm

**5.5.1** In certain circumstances, legislation allows an officer to serve a notice requiring action to be taken or, that certain operations/activities be stopped immediately. In some instances the service of a statutory notice may be compulsory. The service of a legal notice may be followed by an investigation into the cause of the breach and further enforcement action, including prosecution may ensue, particularly where there is a deliberate failure to comply with the notice. Failure to comply with a legal notice will usually be taken as a disregard for the law and appropriate action will be taken. Legal notices are normally used where:

- there are specific legal requirements to serve a notice; and/or
- a serious threat to public health, safety, animal health, the environment or to amenity will arise or a situation deteriorate, if a breach is not remedied quickly; and/or
- there is a lack of confidence that the recipient will respond to informal approaches because of a history of non-compliance or other evidence; and/or
- an informal approach has failed, or in the opinion of the officer is likely to fail to achieve the necessary improvements; and/or
- standards are generally poor with little management awareness of statutory requirements;
- the breach is one of a number of matters prescribed under legislation.

**5.5.2** Notices will not be served for minor technical contraventions. The time limit on notices will be realistic yet reflect the nature and urgency of the situation and recipients of notices will be given the opportunity, if they wish, to discuss the requirements. If a form has been prescribed this must be used.

**5.5.3** Officers must have sufficient evidence to justify service and be prepared to pursue non-compliance through the courts.

**5.5.4** The response of the offender will be monitored to ensure a satisfactory outcome including follow-up checks as soon as possible after expiry. In most cases there is right of appeal against a notice either to a Court or Residential Property Tribunal. Where there is a right of appeal, advice on the appeal mechanism will be set out in writing at the time the notice is served.

**5.5.5** Failure to comply with a statutory notice will, in general, result in prosecution and/or work in default.

## **5.6 Fixed Penalty Notices**

**5.6.1** Certain offences are subject to Fixed Penalty Notices (FPNs) where prescribed by legislation. They are normally appropriate for offences at the minor end of the scale and avoid the defendant gaining a criminal record. Where legislation permits an offence to be dealt with by way of a FPN, we may choose to administer one on a first occasion, without issuing a warning. A FPN would not normally be appropriate for repeat offences. FPNs may be issued to offer the person or business the opportunity of discharging any liability to conviction for the offence to which the notice relates by paying a penalty.

**5.6.2** There is provision for the person to be tried for the offence should he/she elect this process or the matter may proceed to trial or be dealt with by way of a simple caution should the penalty not be paid. Additionally a notice may be given, withdrawing a penalty notice if it is considered that the penalty notice ought not to have been given.

**5.6.3** FPNs will, whenever possible, be served at the time of the offence or shortly afterwards.

**5.6.4** The level of fine attached to a specific FPN will be applied consistently in accordance with either national or locally adopted prescriptions. Where permitted, there may be a reduced fine payable for FPNs paid quickly within a specified number of days or through other qualifying criteria. This information will be included on the FPN.

## **5.7 Civil Fixed Penalty Notices**

**5.7.1** Local authorities can issue a civil penalty notices to the keeper of a vehicle from which litter is thrown. This is may therefore by used where the identity of the person who threw the litter is not known. [More information is contained in Appendix M.](#)

## **5.8 Prohibition Notices and Orders**

**5.8.1** These powers may be used where there are statutory grounds and where the requirements of any relevant statutory Codes of Practice regarding the use of such notices are fulfilled.

**5.8.2** The Council may prohibit the use of a particular piece of equipment, a treatment, or a specific activity, or it may close part or all of a premises, where the risk is more widespread. It would do so where the proprietor, owner or other responsible person or body is unwilling to voluntarily close, or the Council has a lack of confidence that a voluntary closure would be maintained as required or a voluntary closure would otherwise not be suitable.

**5.8.3** There are a wide range of different statutory powers with the provision to undertake prohibition and similarly referenced actions.

## **5.9 Injunctions**

**5.9.1** Injunctions may be sought as an alternative, or in addition to other enforcement mechanisms such as prosecutions.

## **5.10 Seizure of Goods, Equipment, Food, Articles or Records**

**5.10.1** Authorised Officers will use the relevant statutory powers to take possession and detain articles, substances, records or equipment where:

- there are reasonable grounds for suspecting that the article, substance or equipment is a cause of imminent danger to human or animal health, serious personal injury or pollution of the environment; and/or
- food is suspected of failing to meet the requirements of the relevant food safety legislation; and/or
- the article or all other relevant items are required in the investigation of a potential offence or for use as evidence in proceedings; and/or
- to secure the abatement of a statutory nuisance.

## **5.11 Work in Default**

**5.11.1** Work required in the interest of public health, safety or the environment may be undertaken by a service and the cost recovered from the duty holder where the notice allows. This may be appropriate when:

- it is necessary to carry out the work in the public interest and/or the costs are not prohibitive;
- there is a failure to carry out work covered by a statutory notice;
- immediate action is required; or
- it is unlikely that the work will be carried out unless done in default.

**5.11.2** The Council will make every effort to recover the full cost of the work carried out 'in default' including exercising the option of placing a land charge on a property where relevant and appropriate.

## **5.12 Management Orders**

**5.12.1** Under the Housing Act 2004, the Council may and in some circumstance must make an Interim or Final Management Order to take over the management of a licensable HMO or a property which should be subject to selective licensing under Part 3 of the Housing Act 2004. The management order allows the Council to completely take over the running of a property. Rights of appeal exist in relation to these powers and compensation provisions also arise in some cases. The purposes of the order are to secure proper management of the property

**5.12.2** In some cases an authority can make an order in relation to premises which do not need to be licensed. Such an order must be authorised by the First tier Tribunal. In the case of an HMO which does not need to be licensed authorisation can only give if the order is necessary to protect the health, safety or welfare either of the occupiers or of persons in the HMO's vicinity. In the case of other premises which are occupied by tenants or licensees the tribunal must be satisfied that the anti-social behaviour of the occupiers is causing significant problems in the area and the landlord is failing to take action against it.

**5.12.3** The authority may make Interim and Final Management Orders in respect of any property let in breach of a banning order under section 16 of the Housing and Planning Act 2016.

**5.12.4** Under the Housing Act, the Council may also issue an Empty Dwellings Management order. The purpose of an Empty Dwelling management order is partly to bring vacant dwelling in the private sector back into occupation and partly to address the impact that empty dwellings can have on a neighbourhood. The scheme for EDMOs is similar to that for management orders.

## **5.13 Compulsory Purchase Orders**

**5.13.1** The Council may compulsorily purchase property under Section 17 of the Housing Act 1985 and other provisions. These powers may be used as a last resort to acquire empty properties in order to bring them back into use. The consent of the Secretary of State is required and compensation provisions for the owner apply.

## **5.14 Premises Licence Review**

**5.14.1** Responsible Authorities and 'Other Persons' have the power under the Licensing Act 2003 to apply to have a Premises Licence reviewed by the Licensing Committee where activities at the premises appear to be undermining one or more of the four Licensing Objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).

**5.14.2** This option is also open to officers of the Licensing Authority (Licensing Team acting as a Responsible Authority) - in such circumstances the distinct functions of the licensing authority and of the responsible authority will be exercised by different officers to ensure a proper separation of responsibilities, procedural fairness and to eliminate conflicts of interest. Officers will generally only take such action of seeking a review if they feel that there are good reasons for a licence to be the subject of a review and no other 'body' has made the relevant application.

**5.14.3** Each application for a review will be considered on its own merits at a hearing by a licensing sub-committee and take into account locally adopted licensing policy. The instigation of a review may lead to the undertaking of other enforcement action by the appropriate parties. Possible review outcomes include; the modification of licence conditions, licence suspension or revocation, or removal of the Designated Premises Supervisor (DPS), exclude a licensable activity from the scope of the licence for a limited period of time only, to a maximum period of three months.

## **5.15 Simple Cautions**

**5.15.1** We may consider issuing a simple caution as an alternative to prosecution. Where there is a criminal offence, but the public interest does not warrant a prosecution, a simple caution may be an appropriate course of action. The Ministry of Justice guidance, Simple Caution for Adult Offenders sets out the aims of a simple caution:

- to offer a proportionate response to low level offending where the offender admits the offence;
- to deliver swift, simple and effective justice that carries a deterrent effect;
- to record an individual's criminal conduct for possible reference in future criminal proceedings or in criminal record or other similar checks;
- to reduce the likelihood of re-offending;
- to increase the amount of time officers spend dealing with more serious crime and reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts.

**5.15.2** Before inviting an offender to receive a simple caution, the case officer must discuss the proposed action with service management and cautions can only be formally issued by authorised officers delegated to do so. In practice this means some lead officers and the service or ~~Group~~ manager.

**5.15.3** The use of simple cautions will be in accordance with the guidance issued by the Ministry of Justice, Simple Cautions for Adult Offenders. There are four preconditions, which must all be satisfied if a matter is to be dealt with by simple caution, as follows:

- There is sufficient evidence to give a realistic prospect of conviction (see paragraph 5.16.1 for further guidance on the evidential test)
- The offender admits his or her guilt,

- The person being cautioned agrees to it, having been made aware by us of the consequences and having been given adequate opportunity to consider their decision and obtain legal advice if desired.
- It is not in the public interest for the offender to be prosecuted (see paragraph 5.16.2 for further guidance on the public interest test)

**5.15.4** The reasons for issuing a simple caution instead of prosecution in the courts would commonly be that the offender has no previous or recent history in relation to the offence and has done everything in their power to make amends. Depending on the circumstances, this would usually entail remedial work to premises and/or taking proper steps to ensure that the offence cannot recur.

**5.15.5** If a simple caution were to be offered and refused by the offender then the case would proceed to court or an alternative enforcement action considered.

**5.15.6** Following the acceptance of a caution, the offender may be invited to contribute towards the Council's costs in investigating and preparing the case, if these are significant. However a caution cannot be granted on condition that the Council's costs are paid.

**5.15.7** Where relevant, primary authorities and originating authorities will be notified of any caution issued.

## **5.16 The Evidential and Public Interest Tests**

### **5.16.1 The Evidential Test**

- We must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. In considering the evidence, officers should have regard to any lines of defence which are open to or have been indicated by the accused, as well as any other factors likely to affect the prospects of conviction including admissibility of the evidence and reliability of witnesses. This must be an objective test since a conviction will only be obtained if the Court or the jury is sure of a defendant's guilt. It should be noted that the evidence level required varies between criminal legislative cases (beyond reasonable doubt) and civil legislative cases (balance of probability).

### **5.16.2 The Public Interest Test**

- The public interest test must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against a caution or a more serious enforcement action e.g. prosecution carefully and fairly. Public interest factors that can affect the decision usually depend on the seriousness of the offence or the circumstances of the defendant. Some factors may increase the appropriateness of a caution whilst others may suggest that another course of action would be more appropriate.

**5.16.3** More consideration of both the evidential test and the public interest test is carried out as part of any final decision to prosecute for an offence (see 5.17).

## **5.17 Prosecution including merit and legal tests**

**5.17.1** Prosecution is appropriate for individuals, businesses or other duty holders who blatantly disregard the law, or refuse to achieve even basic minimum legal

requirements, often following previous contact with the authority, and who put any persons such as the public, visitors, customers or workers at serious risk.

**5.17.2** The circumstances which warrant prosecution are varied and include:

- where the offence involves a significant breach of the law such that public health, safety, animal welfare or the environment is or has been put at risk; or
- where the offence involves a failure by the offender to correct an identified serious potential risk having been given a reasonable opportunity to comply with the lawful requirements; or
- where the offence involves the failure to comply in full or in part with the requirements of a statutory notice; and/or
- where there is a history of similar offences; or
- obstruction or assault of an officer; or
- a simple caution has been offered but has been declined; or
- providing false or misleading information to us or others; or
- failure to pay a fixed penalty notice.

**5.17.3** For cases involving criminal legislation, at all times the requirements of the Police and Criminal Evidence Act 1984 (PACE) and the Criminal Procedure and Investigation Act 1996 will be adhered to. The relevant service team leader will determine the designated Authorised Officer in charge of the investigation (the case officer).

**5.17.4** The case officer will consider all relevant information and evidence when circumstances may warrant their recommendation for a prosecution, to enable a consistent, fair and objective decision to be made.

**5.17.5** The service manager must then carry out a **merit test** on the case officer recommendation and the case file to be satisfied, before further preparation for prosecution proceeds, that there is relevant, admissible, substantial and reliable evidence that the offence was committed by the accused. There must be a realistic prospect of conviction. A bare prima facie case is not enough. The merit test should therefore encompass a review of the following and must be completed by the service manager or another more senior officer other than the case officer who (other than in exceptional circumstances) has not been involved in the investigation or has directed management of the case:

- The case context (understand the problem/event/situation)
- The legal framework (has the relevant framework been applied/are other legal frameworks more applicable?)
- Compliance with this enforcement policy and any other internal policies as relevant
- The delegation and powers of the case/investigating officer (are these current and correct?)
- Analysis of the facts and supporting evidence in the specific context of the relevant legal framework (see also 5.16.1 and 5.17.8)

- The standard of the witness statements, continuity of evidence and overall case management
- Key strengths and any weaknesses of the facts
- The public interest test (see also 5.16.2 and 5.17.6 and 5.17.8)
- Alternative sanctions to prosecution if applicable under this policy e.g. formal caution (see 5.15) or civil penalty (see 5.18)

**5.17.6** Under the **merit test** the service manager must make an initial decision that it appears to be in the public's interest to prosecute, following the guidance in the Code for Crown Prosecutors and internal or external counsel where required including:

- seriousness of the offence;
- risk to public health, safety, animal welfare or the environment;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard for public health, safety, animal welfare or the environment for financial reward;
- previous history of the defendant;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- whether a due diligence defence exists and the likelihood of the defendant being able to establish such a defence;
- ability of important witnesses and their willingness to co-operate;
- the willingness of the defendant to prevent a recurrence;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it may create a legal precedent;
- whether other formal action would be more appropriate or effective; and
- any explanations offered by the defendant. Officers should invite the defendant to offer an explanation before a decision to prosecute is made.

**5.17.7** The **merit test** should therefore conclude with a clear decision supported by reasons as to whether to:

- refer back the case to the case officer recommending further work and investigation to ensure all reasonable lines of enquiry have been followed and concluded, to address any relevant identified issues and/or ensure the case recommendation is reviewed before a further merit test is undertaken again; or
- support the case officer recommendation under the legal framework applied; or
- make an alternative recommendation such as an alternative to prosecution or prosecution under a different legal framework (for which the Council have statutory powers and officers have delegated authority);
- where appropriate, to refer the case file to the legal services team to carry out a legal test and final decision as whether to proceed with a prosecution

**5.17.8** The **final decision to prosecute** will be made by the ~~Head of Group Manager~~ Legal Services ~~(and Monitoring Officer)~~ or their delegated officer within Legal Services who will review the review the merit test conclusions and also consider the following as part of a **legal test** into the case:

- Is there is sufficient evidence to provide a realistic prospect of conviction? The test must be applied to each proposed charge and for each defendant. This is a further

consideration of the evidential test as the prosecutor including the following different factors:

- Whether the evidence is admissible.
- Whether the evidence is reliable.
- Whether the evidence is credible.
- What the defence case may be and how it may impact the prospects of conviction.
- Whether there is any material that may affect the assessment of the sufficiency of evidence, including all material in the possession of the Council, and material that may be obtained as a result of further reasonable lines of enquiry being pursued.

The evidential test is not subject to the same standard as the burden of proof. The burden of proof requires a jury to be convinced of a defendant's guilt beyond reasonable doubt. The evidential stage requires only that the prosecutor must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction taking into account what the defence may be and how this is likely to affect the prospects of conviction. The test is met when the prosecutor is satisfied that an objective, impartial and reasonable jury, bench of magistrates or judge, properly directed, would be more likely to convict of the charge alleged.

- Is it in the public interest to prosecute? This is a further consideration of the public interest test as the prosecutor including the following different factors. The public interest stage only needs to be considered if the evidential stage is met and is where we must be satisfied that the public interest factors in favour of a prosecution outweigh those against. When making this decision, prosecutors must consider each of the following questions:
  - How serious is the offence committed?
  - What is the suspect's level of culpability? This question includes consideration of whether the suspect has benefitted from the alleged criminal conduct.
  - What is the harm caused to the victim and the circumstances surrounding it?
  - Was the suspect under the age of 18 at the time of the offence and what was their level of maturity?
  - What is the impact of the offence on the community?
  - Is prosecution a proportionate response?
  - Do sources of information require protecting in cases where public interest immunity does not apply?

This list of factors is not exhaustive and the weight given to the questions may vary.

**5.17.9** Where appropriate, disqualification of directors may be sought under the Company Directors Disqualification Act 1986. Consideration will also be given to prosecution of directors if a significant risk continues after warnings have been given by employees (e.g. if an offence was committed with their consent, connivance or neglect).

**5.17.10** Where there has been death at work resulting from a failure to comply with health and safety law, the matter may be referred to the police if the circumstances of the case might justify a charge of manslaughter. If the police decide not to pursue the case the Council would consider a health and safety prosecution. In order to ensure decisions

on investigation and prosecution are closely coordinated, the Work-Related Deaths Protocol, agreed between the relevant enforcing authorities will be followed.

## **5.18 Financial (Civil) Penalties**

**5.18.1** These are an alternative to prosecution relevant to Private Sector Housing Enforcement.

**5.18.2** A financial civil penalty can only be imposed as an alternative to prosecution. The Housing and Planning Act 2016 Section 126 and schedule 9 makes provision for the Council as the local housing authority to be able to issue a financial penalty for certain Housing Act 2004 offences. It does not permit the Council to impose a civil penalty and prosecute for the same offence. If a person has been convicted or is currently being prosecuted the Council cannot impose a civil penalty in respect of the same offence. Similarly, if a civil penalty has been imposed, a person cannot then be convicted of an offence for the same conduct.

**5.18.3** The offences include;

- Failing to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under part 3 of the Act (selective Licensing) (section 95)
- Offences in relation to the contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of House in Multiple Occupation (section 234)

**5.18.4** Refer to Appendix J for more details on financial (civil) penalties.

## **5.19 Proceeds of Crime Applications**

**5.19.1** Applications may be made under the Proceeds of Crime Act (POCA) 2002 for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from their criminal conduct. Proceedings are conducted according to the civil standard of proof.

**5.19.2** We will only use accredited financial investigators in respect of POCA applications, where necessary.

## **5.20 Multi agency approaches to enforcement**

**5.20.1** Wherever possible we will work with other agencies to determine the most appropriate agency to take action. In some circumstances an alternative enforcing agency may be better placed to take action than the Council. Action will be taken in consultation with the other agency.

**5.20.2** Where another agency is leading on taking enforcement action but requires the support from the Council we will provide the relevant expert advice.

**5.20.3** Where the Council is leading on the enforcement other agencies are expected to provide support and advice as necessary.

## 6.0 INVESTIGATIONS

### 6.1 Access and Powers of Entry

- 6.1.1** At times officers may have to access premises or land to investigate or undertake inspections in accordance with legislative duties. The majority of officers exercising Licensing, Environmental Health and some Private Sector Housing functions are not legally required to give advance notice about inspections and may not therefore do so e.g. The Food Safety Code of Practice requires officers to carry out some inspections without prior notice (notices of intent to enter). Officers will give adequate notice of intended entry where practicable or required but at times dependent on the risk or to avoid alerting perpetrators may do so without prior warning. On occasion officers may have to force entry and will apply to the courts for a warrant. There will be occasional situations that would warrant prior notification such as a project based interventions. Officers may also seek entry by invitation without notice and in such circumstances the purpose and possible consequences of permitting access will be explained in advance to the relevant parties.
- 6.1.2** In respect of our housing services tenants, the provisions of our tenancy agreements state we (our employees or contractors) must be allowed access to the property at all reasonable hours to carry out repairs, improvements, planned programmes, gas servicing and any safety checks, to inspect its condition and to complete new Tenancy visits and Tenancy Home checks. If we believe there to be a risk of personal injury or a risk of damage to the property or an adjoining property or in order to comply with our statutory duties, we must be allowed immediate access to the property. In these circumstances or if we consider there to be an emergency we will force entry into the property if necessary.
- 6.1.2** In determining the need for prior notification, officers will also have due regard to the provisions for the Home Office Code of Practice (CoP) on Powers of Entry 2014 as relevant. This code sets out considerations that apply to the exercise of powers of entry including, where appropriate, the need to minimise disruption to business. It will ensure greater consistency in the exercise of powers of entry, and greater clarity for those affected by them, while upholding effective enforcement.
- 6.1.3** Overall, the officer should have regard to the Home Office CoP in determining whether a notice of intent to enter is required and in respect of the wider areas of guidance that the CoP covers, for example:

- Providing notice of rights to occupiers

- Entering premises
- Number of persons present
- Private dwellings
- Entry without consent or a warrant
- Entry under warrant
- Timing of exercise of powers
- Seizure of property
- Retention of property
- Other persons
- Conduct
- Assistance from occupiers
- Leaving premises
- Action after exercise of powers

## **6.2 Notifying Alleged Perpetrators / Offenders**

**6.2.1** If we receive information (for example from a complainant) that may lead to enforcement action we will notify those concerned as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to anyone concerned. Throughout the course of an investigation business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a court when required and/or in accordance with the Data Protection Act 2018. See also section 8.4.

## **6.3 Liaison with and referrals to other regulatory bodies and enforcement agencies**

**6.3.1** Where there is wider regulatory interest, officers will refer information received to other relevant regulators. Where appropriate, enforcement activities will be planned and coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness and consistency of any enforcement including undertaking joint or parallel investigations and inspections.

**6.3.2** We will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies. These may include (but is not limited to) Government Agencies and Departments, other Local Authorities, Police ~~Services Forces~~ and Fire Authorities. This will be done in accordance with wider Data Protection legislation, data sharing agreements and policy as relevant.

**6.3.3** Within the Council itself, officers investigating complaints and carrying out inspections may find their work has relevance to the work of other departments and services. Officers will work together as appropriate in these circumstances. Adequate liaison will be maintained and where necessary consideration given to ways of cooperation in co-ordinating investigations and outcomes.

**6.3.4** In respect of health and safety matters, the Enforcement Management Model (EMM), together with the procedure for its application, provides the Council with a framework for making enforcement decisions that meet the principles of the HSE Executive Board Enforcement Policy Statement. It captures the issues officers consider when exercising their professional judgement and reflects the process by which enforcement decisions are reached.

6.3.5 Officers will liaise with Primary Authorities and Home Authorities when applicable.

#### **6.4 Surveillance and Human Sources: Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 (RIPA) – Basis for Lawful Surveillance**

##### **6.4.1 Human Rights Act and RIPA**

6.4.4 Officers will endeavour to carry out the investigation using overt methods, unless the only means of effective investigation is by way of covert directed surveillance and/or using covert human information sources (in very exceptional circumstances – see 6.4.17 and in accordance with the Council's RIPA Policy).

6.4.5 Where we undertake overt surveillance including the use of recording and sampling equipment we will ensure notice is provided to those alleged to be the source of the complaint being investigated informing them of our intentions. Such notice will be no less than 24-hours before surveillance commences which may then be undertaken of over a period of up to six-months before further notice is given if required.

6.4.6 Any covert directed surveillance must be carried out in accordance with Council procedures, RIPA (Regulation of Investigatory Powers Act 2000) and The Protection of Freedoms Act 2012. This is the statutory framework for covert surveillance. Authorisation for this type of pre-planned investigation may only be given in writing by formally appointed Authorised Officers (AO) within the Council and before being formally authorised by a Justice of the Peace (JP).

6.4.7 Officers should consult the latest internal corporate RIPA policy and forms before considering covert surveillance.

6.4.8 Officers should also be mindful that in certain circumstances conducting Open Source Research (OSR) for the purpose of gathering enforcement intelligence i.e. viewing web pages, social networks, chat rooms, information networks (e.g. twitter) and/or web based electronic mail may constitute covert directed surveillance and therefore a RIPA authorisation must be considered. Particular attention will be given to repeat visits to obtain/check or review publically available information in addition to more in-depth research including where profiles/personas are created to gain access to networking sites and this may become a covert surveillance activity requiring prior RIPA authorisation. Any covert interaction with other users including making/accepting friends requests, 'poking' or commenting on post will require authorisation.

6.4.9 Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites. Websites and other social media accounts set up purely for commercial and/or business (including charities and the voluntary sector) are not considered to consider an assessment of privacy and will not require RIPA or other authorisation to monitor.

6.4.10 Officers will not use personal accounts for purposes of enforcement based OSR, however simple the search. An official, open service profile should be used unless covert surveillance under a RIPA authorisation is required whereby a false account or profile is required.

6.4.11 Where OSR is carried out under a RIPA authorisation then officers are required to complete an Open Source Log/Register including details of any account, profile/persona used.

**6.4.12** Covert surveillance that does not require an RIPA authorisation (for example does not meet the maximum sentence threshold or is required for general purpose) may still be permissible but should be conducted under other legislation if relevant. If no other legislation is directly applicable then officers must still take into account privacy and collateral intrusion and conduct a privacy impact assessment and document this for later scrutiny if required. Therefore the same procedure should be followed for RIPA and amended RIPA authorisation forms used and approval advance obtained from an AO (subsequent approval of the court is not required in this circumstance).

**6.4.13** Any application made under RIPA should meet the following minimum criteria:

- Be required for prevention and detection of crime, for the protection of health or public safety
- In the case of directed surveillance, meet the crime threshold (an offence for which the maximum sentence is 6 months + or where an offence involves the sale of alcohol to a minor). For example, it cannot be used for littering, dog control or fly-posting offences
- Be related or relevant to a specific investigation or operation
- Likely to result in obtaining private information
- In the case of CHIS (see 6.4.14), adequately consider use (what is being asked), conduct (how it gets done/clear boundaries of action) in addition to the security and welfare of the person involved and any foreseeable outcomes to others
- Adequately consider and manage collateral intrusion
- Be proportionate (are lesser/alternative means that are less intrusive available?)
- Be cost-effective
- Be in accordance with the Council's RIPA policy

**6.4.14** In accordance with RIPA, authorities for directed surveillance are valid for up to 3-months from the date of the signature and up to 12-months for CHIS (1-month in the case of a minor under CHIS).

**6.4.15** Further guidance on the application of RIPA including directed surveillance, CHIS and OSR is available from the Home Office/Office of Security Commissioners and the National Police Chiefs Council/College of Policing.

**6.4.16** The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance, an authorisation is unlikely to be required or available under RIPA. Officers would in any case typically make monitoring overt (see 6.4.5).

#### **6.4.17 Covert Human Information Sources (CHIS)**

**6.4.18** The use of any Covert Human Information Sources (CHIS) must also be carried out in accordance with Council procedures and RIPA. It is considered unlikely that there will be any circumstances which would require the council to use CHIS and advice should be sought from the RIPA Monitoring Officer before any authorisation is applied for or considered granted

Formatted: Underline

#### **6.5 Enforcement on Council premises, or at events organised by the Council**

**6.5.1** In principle the Council cannot legally enforce against itself. Where infringements on Council premises or land including housing stock, or at events organised by the Council are identified, the matter will be formally notified to the appropriate ~~Group~~ Managerservice manager and ~~Service~~ Director. In serious cases then the Chief Executive will be advised. If the problem relates to health and safety matters then the Health and Safety Executive (HSE) will notified. If the potential breaches of the law are the responsibility of contractors employed by the Council, enforcement action will be taken against the contractor in the same way as in other cases not involving the Council.

**6.5.2** With respect to Health and Safety enforcement, we recognise a potential conflict of interest may occur where Mid Devon District Council is the relevant enforcing authority in relation to premises in which it also has an ownership or management interest. Therefore we will:

- Follow the guidance in Local Authority Circular 22/10
- Carry out our enforcement policy and practice in exactly the same way we do for all other premises and duty holders;
- Have arrangements in place to identify and resolve potential conflicts of interest;
- Inform the HSE if we identify a split in enforcement responsibility e.g. in an Local Authority (LA) owned and managed shopping precinct, LA enforces within retail outlets but HSE enforces those areas under direct LA control.

## 7.0 IMPLEMENTATION, MONITORING AND REVIEW

### 7.1 Implementation and monitoring

7.1.1 This policy reflects the essential principles and requirements of good enforcement as specified in the Regulators' Code 2014 (Department of Business Innovation and Skills), the Code of Practice Powers of Entry 2014 (Home Office) and the provisions outlined in the Legislative and Regulatory Reform Act 2006 and the Regulatory and Enforcement Sanctions Act 2008. Therefore adherence to this policy by officers is essential to demonstrate compliance.

7.1.2 The ~~relevant service~~Service Director, ~~Corporate Management Team member~~Group Manager and ~~service or team leaders~~Team Leaders, will be responsible for ensuring that all officers are familiar with the requirements of and carry out their duties in accordance with, this Enforcement Policy.

### 7.2 Conflicts of interest and bribery

7.2.1 As with other actions, decisions and activities of the Council, undertaking enforcement work can give rise to actual or perceived potential conflicts of interest which should be avoided. Officer must therefore comply with this general principle in addition to the Financial Regulations Part 18 and internal policies including; Anti-fraud and Corruption Policy; Officer Code of Conduct and Whistleblowing Policy

### 7.3 Complaints about service

7.3.1 Any complaint about a service carried out by the Council including our enforcement activities should be made in accordance with our Complaint policy available at [www.middevon.gov.uk](http://www.middevon.gov.uk) or by contacting Customer First via [customerfirst@middevon.gov.uk](mailto:customerfirst@middevon.gov.uk) or 01884 255255.

7.3.2 Our complaints policy does not affect any other statutory rights or entitlements a person or entity may have in respect of our enforcement decisions.

### 7.4 Policy review

7.4.1 This policy shall be reviewed at least every ~~102~~years. Other triggers for review include any significant apparent short-coming, case law, new statutory guidance or relevant legislative demand.

## 8.0 PUBLICITY AND INFORMATION REQUESTS

- 8.1. We will normally publicise details of any convictions, which could serve to draw attention to the need to comply with the law or deter others. Where appropriate, the media will also be provided with factual information about charges that have been laid before the Courts, any pending formal action and any enforcement action already taken.
- 8.2 In keeping with the spirit of the Freedom of Information Act and the Environmental Information Regulations, the Council publishes an increasing amount of information on its website: [www.middevon.gov.uk](http://www.middevon.gov.uk).
- 8.3 Anyone wishing to make an official request for information under this legislation should see the contact form on our website (under Freedom of Information) or call our Customer First team on 01884 255255.
- 8.4 During hearings, especially Licensing and Regulatory Sub-Committees, involving enforcement decisions and formal sanctions in the context of this policy, it may be necessary to pass the a resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Mid Devon District Council Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information. Reports heard and minutes made in this manner will therefore not be available for disclosure upon request and will remain confidential.
- 8.5 This policy document is freely available to the public on the Council's website, or as a paper copy on request to ~~the Group Manager for~~ Public Health and Regulatory Services, Phoenix House, Phoenix Lane, Tiverton EX16 6PP (telephone: 01884 255255), or via email [health@middevon.gov.uk](mailto:health@middevon.gov.uk). A reasonable charge may apply to cover the cost of producing paper copies of this policy.

**APPENDIX A**

**GENERAL ENFORCEMENT POLICY DECISION MATRIX (CRIMINAL LEGISLATION)**

**Summary of we consider when taking enforcement action for under criminal legislation?**

Officer(s) carry out **investigations/inspections**. This can be done in response to a complaint or request for assistance, as part of routine planned inspections of business premises or survey work.

Investigating Officer discovers evidence and is satisfied that a **criminal offence** may have been committed or is about to be committed. This is called *Prima facie* evidence.

- Investigating Officer considers a range of factors including:**
- Previous History - whether any similar situation has been found before.
  - Seriousness of the alleged offence(s), including:
    - Risks to the public or the environment
    - Any intent or recklessness of the person(s) committing the offence
    - Any obstruction of the Investigating Officer
    - Whether the alleged offence(s) are considered a special area of priority by Central Government and/or Mid Devon District Council
  - Is their enough evidence to provide a realistic prospect of conviction
  - Would any further action be in the public interest

For **LESS SERIOUS infringements** of the law and/or where there is no previous history of offences/non-compliance with legislation the following options are considered:

- **Informal Action** – verbal or written advice/warning
- **Statutory Notice** – service of a legal notice that will require certain specified action to be taken by the recipient

In all cases we will advise the alleged offender what he/she needs to do in order to comply with the law.

For **MORE SERIOUS offences** the following options will also be considered:

- **Seizure of goods or equipment** – In certain cases, goods or equipment may be seized to protect the public and/or employees, for example unsafe food or sound equipment being used to cause a nuisance
- **Formal Caution** – a Formal Caution is an alternative to prosecution and can only be issued if strict criteria are met. The Home Office of Central Government sets these criteria. A Caution stays on public record for three years. If a Formal Caution is offered to an offender, but

## APPENDIX B

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – LICENSING

#### Licensing policies

Formatted: No underline

There are a number of specific policies covering the different regulatory functions that licensing are responsible for. These include policies for the Licensing Act 2003, the Gambling Act 2005, hackney carriage & private hire licensing and sex establishments. These policies can be found here: <https://www.middevon.gov.uk/business/licensing/licensing-policies/>

General information about the full range of activities we are required to licence or regulate can be found at <https://www.middevon.gov.uk/business/licensing/>. This includes updated, temporary provisions to issue Pavement Licences under the Business and Planning Act 2020.

#### Licensing and Regulatory Committees

Formatted: No underline

The Licensing and Regulatory Committees are both made up of 15 elected members. The Licensing Committee is responsible for the Licensing Act 2003 and the Gambling Act 2005. The Regulatory Committee is essentially responsible for the rest, the main part of which is hackney carriage and private hire related. The Committees meet as a whole to determine policy related matters and Sub-Committees, usually made up of 3 elected members, meet to consider individual applications (including reviews of licences), breaches of conditions and any other issues which may result in an individual no longer being considered fit and proper to hold a particular licence.

#### Suspension or revocation licences

Formatted: No underline

The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 provides the regulatory framework for the Council as the licensing authority to carry out its functions in respect of Hackney Carriage and Private Hire Licensing. Under this regulatory framework the Council can suspend, revoke or refuse a licence on a number of grounds. The Council's Hackney Carriage and Private Hire Licensing Policy provides in detail how the Council will approach these matters.

When a licence is to be suspended or revoked, the Council will provide clear notice of this to the individual / premises concerned, outlining any rights of appeal they may have.

#### Out of hours enforcement activities

Formatted: No underline

MDDC\_Operations\_Directorate-Enforcement Policy (September 2020February 2019)

Page

35 of 96

Due to the nature of some of the activities authorised it is necessary to conduct out of hour visits and inspections. This can apply to late night establishments that sell alcohol / provide takeaways and also to the hackney carriage & private hire trade. Certain businesses are at their busiest during these times and late night visits allow officers of the Council to see how they function and comply with the relevant pieces of legislation and conditions 'in action'.

### **Overt operations**

Formatted: No underline

Officers will conduct overt inspections of licensed premises, individuals and the hackney carriage & private hire trade. Such inspections may be in partnership with relevant authorities including the Police, Devon County Council and the Driver Vehicle Standards Agency (DVSA) and others.

### **Test purchases**

Formatted: No underline

Due to the nature of certain offences it is sometimes necessary to conduct test purchases. This is normally complaint or information led and may follow on from less severe enforcement actions which have proved ineffective. Examples include test purchasing unlicensed taxi drivers and premises selling alcohol to underage individuals. Where relevant we will work with enforcement colleagues in other agencies and relevant authorities including the DVSA and Devon, Somerset and Torbay Trading Standards

### **Conditions**

Formatted: No underline

The Council have the ability to place conditions on a number of licences either at the application stage or via a review of a licence. Although different under each piece of legislation the Council may (generally) apply standard conditions and/or tailored conditions. Standard conditions guarantee a similar standard of activity across the district (i.e. animal establishments) and tailored conditions allow for the individual nature of certain premises to be catered for (i.e. premises licence).

### **Byelaws**

Formatted: No underline

The Byelaws for acupuncture, tattooing, ear-piercing, semi-permanent skin-colouring, and electrolysis specify the standards practitioners and premises must meet in order to get a licence to operate. Contravening a byelaw can result in a fine upon successful conviction in a Magistrates Court.

## APPENDIX C

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (NUISANCES AND ANTI-SOCIAL BEHAVIOUR)**

The purpose of this appendix is to provide more information on the provisions of statutory nuisance legislation under the Environmental Protection Act 1990 and its relationship with Anti-social behaviour legislation.

#### **Statutory Nuisance Enforcement**

##### **Proactive Inspections**

Whilst much statutory nuisance work will involve reactive responses to complaints from the public, the Council also has an important responsibility to carry out pro-active regulation to protect the amenity of residents. In particular, we will carry out proactive inspections, and take all necessary actions in the following circumstances:

- To control the emission of dusts, smoke, odour or effluvia where there is a very high likelihood of nuisance occurring and/or history of complaints or an on-going investigation
- To control potential nuisance from planned events, specific operations or activities, with a potential to cause significant disturbance
- To assist the Planning Department in assessing, and controlling, the impact of potential nuisance from proposed developments

Pro-active inspections may be conducted out-of-hours (e.g. during the evening or weekends) as well as normal working hours.

##### **Reactive Investigations**

Residents reporting an issue will first be asked to complete a nuisance referral form. This needs to be completed and returned to us before we begin the investigation to ensure we have all the relevant information we need to act appropriately.

The majority of our work is reactive and is likely to involve an officer turning up on site without a pre-arranged appointment in order to investigate the matter and determine if we are able to assist.

Where the issue relates to noise, or regular occurrences of actions such as bonfires, the alleged perpetrator will be written to and at the same time the person affected will be asked to keep a diary record of the issues.

If the diary is not returned within 6-weeks then it will be assumed that the issue has been resolved informally and the case will be closed.

Any resident reporting an issue is expected to give evidence in court if necessary unless there are extenuating circumstances.

### **Noise App and Reportable App**

These two apps are available for residents to use as an alternative to diary sheets.

The Noise app is specifically for recording noise occurrences and can be submitted to us for review.

The Reportable app allows for the uploading of photos and videos.

Both apps are useful for residents to report incidences in real time and also allow the team to better triage cases for further investigation.

### **Out-of-hours actions**

We do not operate an out-of-hours reactive complaint investigation service.

We will investigate any nuisance complaints during normal working hours and respond initially within 5-working days to request a nuisance referral form. The process detailed above for reactive investigations will be followed.

Proactive inspections may be carried out outside of normal hours if justified and we may also carry out overt surveillance i.e. where we have warned persons of our intention to carry out monitoring in advance. This may include the use of monitoring equipment such as noise recording devices, the Noise app or Reportable app services, but may also include an officer attending the site to witness the issue first hand.

### **Abatement Notices**

We have a duty to investigate complaints related to statutory nuisance and to serve an Abatement Notice if a statutory nuisance exists. It is an offence not to comply with an Abatement Notice without a reasonable excuse.

Section 79 of the Environmental Protection Act 1990 provides that various activities and circumstances may constitute statutory nuisances if they result in a state of affairs which is "prejudicial to health" or a nuisance. These are described as follows:

- any premises in such a state as to be prejudicial to health or a nuisance;

- smoke emitted from premises so as to be prejudicial to health or a nuisance;
- fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- any accumulation or deposit which is prejudicial to health or a nuisance;
- any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;
- artificial light emitted from premises so as to be prejudicial to health or a nuisance;
- noise emitted from premises so as to be prejudicial to health or a nuisance;
- noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street
- any other matter declared by any enactment to be a statutory nuisance;

The officer must be satisfied that a nuisance exists before taking enforcement action in line with this policy and there is significant case law and guidance available to assist the officer in assessing the individual circumstances of each case.

Legislation provides that various activities and circumstances which may constitute statutory nuisances if they result in a state of affairs which is "prejudicial to health" or a nuisance. This encompasses the keeping of premises; the emission of smoke, fumes, gases, dust, steam, smells, effluvia; the accumulation of material; the keeping of animals; the emanation of insects from commercial premises; the emission of artificial light; noise from premises; noise from vehicles or machinery in the street; any other matter declared to be a statutory nuisance by enactment.

The majority of statutory nuisance service requests relate to individuals and are usually due to the behaviour of a neighbour for example playing music too loud. These requests for service can be due to a clash of lifestyles or a consequence of a long standing neighbour dispute. It is expected that the complainant/s will be willing to give evidence in court if necessary unless there are extenuating circumstances.

The Council receives many complaints about different types of noise including alarms, loud music, construction sites, barking dogs, DIY, kitchen extract systems, and air conditioning units.

Moving vehicles on the highway are not relevant premises for the purposes of statutory nuisance. Parked vehicles, machinery or equipment in the street can give rise to noise nuisance under the statutory nuisance legislation.

### **Out-of-hours actions**

We do not currently operate an out-of-hours reactive complaint investigation service. We will therefore investigate any nuisance complaints during normal working hours and respond initially within 5 working days. As indicated above, proactive inspections can be carried out outside of normal hours if justified and we can also carry out overt surveillance (i.e. where we have warned the person(s) likely giving rise to the complaint notice of our intention to carry out monitoring) including the use of monitoring equipment such as noise recording devices or our Noise app service available for smartphone users.

### **Nuisances and anti-social behaviour**

Anti-Social Behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder. We work closely with many other agencies in Mid Devon to tackle and reduce ASB. The ASB legislation puts victims of crime first by having effective powers for tackling ASB that act as a real deterrent to perpetrators.

These enforcement powers under the Anti-Social Behaviour Crime and Policing Act 2014 include:

- Civil injunction
- Criminal Behaviour Order
- Community Protection Notice
- Public Spaces Protection Order
- Closure Powers

Many of these powers overlap with Nuisance and Licensing laws acting as an alternative less punitive/rehabilitation action against offenders, other than proceeding through the courts (a possible action with statutory nuisance cases).

When investigating nuisance complaints we will therefore work within the options available to us under both Statutory Nuisance and Anti-social behavior legislation.

Generally, Statutory Nuisance provisions will take precedence over the ASB powers. This is because there was nothing in the ASB powers that discharge the Council from its duty to issue an Abatement Notice where the behaviour is deemed to be a Statutory Nuisance. Therefore, we continue to have a duty to issue the notice, however the ASB powers are discretionary. Nonetheless, whilst we will in almost all circumstances, only need to resort to the Statutory Nuisance powers, we cannot be certain that, in some rare circumstance, we would need to issue an abatement notice AND seek an ASB injunction or other ASB provision. For example, we may still find a scenario where noise nuisance is occurring, but it might be allied to other forms of ASB by the same individual.

### **High Hedges**

Where there is an issue with an overgrown hedge a complainant may submit to the Council a High Hedge Referral form.

The Council will only take action where the hedge has a significant impact on light to the complainant's property.

Officers must follow the approved guidance on how to measure the impact on light and only if the impact meets the level in the guidance will the Council be able to take further action and require the hedge to be reduced.

There is a fee associated with investigating and taking action in respect of high hedges.

### **Informal Action**

In some cases the investigation may determine that the level of annoyance being caused is not sufficient to be considered a statutory nuisance. In addition there may be an underlying dispute between parties that means that low level ASB is being experienced by a number of neighbours/residents. In such cases there is no formal action that can be taken and therefore advice will be given to all those involved. The following options may also be considered:

- Mediation: In some cases, mediation may be offered as an alternative to statutory nuisance or ASB action where it is appropriate. Mediation does not necessarily mean that neighbours have to meet face to face as the Mediation service can offer a 'shuttle' service which takes messages between neighbours and act as mediators throughout the process to get an agreement.
- Neighbourhood Agreements: Neighbourhood Agreements can be used in some cases where all neighbours sign an individual agreement, but with the same conditions, agreeing to stick to certain neighbourhood behaviours/conditions. This means all neighbours are aware of what each other has agreed to adhere to and is in everyone's interest to stick to the agreement.

~~Mediation may also be offered as an alternative to statutory nuisance or ASB action where it is appropriate.~~

### **Offence and Defences**

If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.

There is a statutory defence where the defendant can show that he used "best practical means" (BPM) to prevent the harm from occurring

The BPM concept is well established in environmental law and requires the polluter to show that he has used the best means available to reduce the harm taking into account practicalities and cost.

### **Procedures and closing investigations**

We will follow set procedures when undertaking nuisance investigations following a common or related set of stages.

Initially where a report of an alleged nuisance has been received the person affected will be asked to complete a referral form. The case will be closed until such a time as the referral form is returned to the department.

Once the referral form has been returned a letter will be sent to the alleged perpetrator and at the same time the person affected will be asked to keep a diary record of the issues.

If the diary is not returned within 8-weeks then it will be assumed that the issue has been resolved informally and the case will be closed.

### **Individual action not involving the Council**

If you are the occupier of premises affected by noise, you can under section 82 of the Environmental Protection Act 1990 complain directly to a Magistrates Court. You may wish to do this because you do not want to involve us or that we are unable to help having investigated your complaint.

### **Other legislation dealing with nuisances and harmful emissions**

We may draw upon a wide range of other regulatory powers as appropriate to deal with nuisances or other harmful emissions. These include (not an exhaustive list):

- Public Health Acts 1936 and 1961 – for example in respect of sanitary complaints, noxious premises, drainage and verminous provisions
- Prevention of Damage by Pests Act 1949 – for example for dealing with damage and nuisance caused by infestations of rats and mice
- Control of Pollution Act 1974 – for example in respect of noise from construction sites
- Building Act 1984 – for example in respect of defective drainage
- Clean Air Act 1993 – for example in respect of dark smoke from chimneys and bonfires
- Environment Act 1995 – for example in respect of imminent danger of serious pollution
- Environmental Damage Regulations 2009 – for example in respect of pollution to land from commercial activities (not historic land contaminated prior these regulations coming into effect)

In applying these various regulatory powers we will take into account best practice and codes of practice issued by the relevant agencies and bodies including DEFRA, Environment Agency and Chartered Institute of Environmental Health for example.

## APPENDIX D

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (PRESCRIBED PREMISES FOR POLLUTION CONTROL)

The purpose of this appendix is to give further guidance on the provisions of the above legislation.

More information regarding prescribed premises for pollution control (also known as permitted installations) can be found at

<https://www.middevon.gov.uk/residents/environment/air-quality/regulated-installations/>

#### **Prescribed premises for pollution control**

Formatted: No underline

We are one of relevant enforcing authorities for the purposes Environmental Permitting Regulations 2016 (EPR) made under the Pollution Prevention Control Act 1999 in respect of installations prescribed for local authority control within our district.

Under EPR we regulate “installations” that carry out certain industrial activities. Permits are issued for these installations containing conditions that are intended to achieve a high level of protection for the environment as a whole. The powers cover two regimes, Local authority Integrated Pollution Prevention and Control (LA-IPPC) “A2 Installations” and Local authority Pollution Prevention and Control, “Part B installations”. For A2 installations the Regulations require that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, must be considered in the permit and that sites that cease to be permitted are restored to their original condition. For Part B installations the Regulations require that emissions to air should be considered.

Operators of prescribed installations are required by the EPR to comply with both procedural and operational conditions. A failure to do so in either case might constitute an offence.

#### **Enforcement of regulated installations**

The purpose of enforcement is to ensure that preventative or remedial action is taken to protect the environment or to secure compliance with the regulatory system. The need for enforcement may stem from an unauthorised “incident” or activity or from a breach of the conditions of a permitted activity. Although we expect full voluntary compliance with relevant

legislative requirements or permit provisions, we will use our enforcement powers where necessary. The powers available include:

#### **Preventative /remedial actions**

- Enforcement Notices
- Suspension Notices
- Variation of permit conditions
- Revocation Notices

#### **Criminal enforcement responses**

- Prosecution
- Formal caution
- Warnings

#### **Enforcement Notices**

Enforcement Notices may be served under the EPR where the operator is contravening or likely to contravene permit conditions. We will consider in each case the advantages of serving an Enforcement Notice, using warning letters or taking court proceedings. The use of an Enforcement Notice may not be appropriate merely to restate what is required by an existing condition. Warning letters will usually be sent and in the event of non-compliance prosecution will be considered.

#### **Suspension Notices**

We may serve a Suspension Notice under the EPR where, in respect of an installation permitted by it, there is a risk of serious pollution. This may or may not involve a contravention of a condition of the permit. Once the Council is satisfied that the requisite action has been taken, written notification shall be given to the operator and the Notice withdrawn.

Under the provisions of EPR, we may also serve a Suspension Notice for non-payment of the annual permit subsistence fee (see also Revocation Notice).

#### **Variation Notices**

We will consider the issue of a Variation Notice in respect of permitted installations in the following cases;

- where the operator formally requests a specific variation
- where the operator notifies the Council of a proposed change to the process or installation and the Council determines that a variation is required to accommodate that change
- where the Council believes that the existing conditions attached to an authorisation or permit require amending or additional conditions are required

When issuing a Variation Notice, we will include as part of that notice a copy of the consolidated authorisation or permit. Where the operator makes an application for a variation and we decide not to vary the permit then we will notify the operator of our decision and the right of appeal against that decision.

Formatted: Indent: Left: 0 cm, First line: 0 cm

### **Revocation Notices**

We may revoke a permit in whole or in part, at any time by service of a Revocation Notice for appropriate reasons. These also include non-payment of the annual subsistence fee.

When issuing a Revocation Notice the Council will provide an accompanying letter stating the reasons and effect of the Revocation Notice. We will give prior notice and appropriate warning of our intention issue a Revocation Notice giving the operator of the permitted installation appropriate notice to address the issue.

### **Failure to comply with permit conditions or Notices**

Failure to comply with permit conditions or the requirements of a notice may lead to a criminal enforcement response.

### **Operating without a permit**

The Council would expect any operator to be aware of the need for a permit and to obtain one before commencing operation. Should an operation be being carried on without a permit the operator will be invited to make a timely application and the additional fee for operating without a permit will apply. Failure to complying after the warning may lead to prosecution of the operator.

Operating whilst under the provisions of a permit Suspension or Revocation Notice may also be considered as operating without a permit and also lead to prosecution of the operator.

### **Other Actions**

#### **Requisitions for Information**

The Council may require any person to provide such information as it may reasonably require discharging its functions under the EPR. Where such a notice is not complied with the Council may instigate legal proceedings.

**APPENDIX E**

**SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (FOOD SAFETY)**

The purpose of this appendix is to give further guidance on the provisions of the Food Safety Act 1990 and food legislation made under the European Communities Act 1972. The principles of enforcement are clearly set out in the main enforcement policy. The policy will be followed in conjunction with the Food Standards Agency’s (FSA) Statutory Codes of Practice including the current Food Law Code of Practice and guidance.

We will work closely with other agencies including the FSA, Public Health England, the Department of Food and Rural Affairs (Defra), Primary Authorities and Home Authorities to ensure consistent and coherent regulation.

The ultimate purpose of the Council’s food safety enforcement function is to ensure that those persons with a statutory duty manage and control risks effectively, thus preventing harm.

**Food Safety information**

Formatted: No underline

More information on the regulation and enforcement of food safety and hygiene can be found at <https://www.middevon.gov.uk/business/food-safety-and-hygiene/>

**General food safety enforcement**

Formatted: No underline

The Council regards prevention as better than cure. As such officers will offer information and advice to those the Council regulates and seek to secure compliance avoiding bureaucracy or excessive cost. Individuals and businesses are encouraged to put food safety first and integrate safe and hygienic practices into normal working methods.

Enforcement action will be based primarily on an assessment of risk to public health. Formal action will be focused on situations where the public is put at risk, where food businesses are negligent of their obligations or intentionally infringe the law.

Only officers who are deemed competent by training, qualification and experience and who meet the criteria in the Statutory Code of Practice will be authorised to undertake enforcement action. The Council will also ensure that all appointed officers are trained in the use of this policy.

The purpose of enforcement is to:

- ensure that businesses take action to deal immediately with serious food safety risks;
- promote and achieve sustained compliance with the law;
- ensure that businesses which breach food safety requirements are held to account. This may include bringing alleged offenders before the courts.

The Council has a range of tools at its disposal in order to secure compliance with the law and to ensure a proportionate response to criminal offences. The powers available include:

#### **Preventative / remedial action**

- Informal action (advice, verbal action, request for action)
- Hygiene Improvement Notice
- Hygiene Emergency Prohibition Notice
- Remedial Action Notice
- Seizure/detention
- Refusal / Suspension / Removal of Approved Premises status
- Hygiene Prohibition Order

#### **Criminal enforcement responses**

- Prosecution
- Simple caution

#### **Food safety enforcement notices**

Informal action may be taken where:

- The act or omission is not serious enough to warrant formal action.
- Past history indicates that informal action can be expected to achieve full compliance.
- The officers' confidence in the management of the premises is high.
- The consequences of non-compliance will not pose a significant risk to public health.
- Even when some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.
- The availability of a due diligence defence (acting with reasonable care).

Formatted: No underline

Statutory Notices will be used only where the guidance criteria specified in the Statutory Code of Practice is fulfilled. Authorised Officers will only sign Improvement Notices if they have personally witnessed the contravention and are satisfied that it meets the criteria given in this policy.

The use of a Hygiene Emergency Prohibition Notice will be considered when an imminent risk of injury to health can be demonstrated. The officer will consider the guidance criteria specified in the FSA Statutory Code of Practice concerning the conditions when prohibition may be appropriate before service of the Notice.

The offer of Voluntary Closure of a premises, use of any equipment, process or treatment will only be accepted where the nature and extent of the offer would have at least the equivalent effect of the service of a Hygiene Emergency Prohibition Notice.

Remedial Action Notices will be used if a continuing offence in any food premises subject to approval under Regulation 853 / 2004 requires urgent action owing to a risk to food safety. The officer will consider the guidance criteria specified in the FSA Statutory Code of Practice concerning the conditions when a Remedial Action Notice may be appropriate before service of the Notice.

We will liaise with, where appropriate, other agencies including local authorities involved with the Primary Authority Scheme or Home Authority Scheme, before enforcement action is taken to ensure consistent and coherent regulation.

#### **Food detention/seizure**

Formatted: No underline

When food has not been produced, processed or distributed in compliance with the Hygiene Regulations an Authorised Officer may detain or seize the food. Following the detention/seizure the Authorised Officer will follow the advice set out in the FSA Statutory Code of Practice.

Food will be detained where there are suspicions or indications that food at a particular establishment is unsafe and therefore examination is necessary. Such action will be proportionate to the risk to public health and where immediate action is required to ensure food safety. Decisions on whether to release or seize the food will be made as quickly as is reasonably practicable.

The Authorised Officer will provide written notification of the detention/seizure as soon as is reasonably practicable.

A Food Condemnation Notification will be given to the person in charge and/or the owner of the food where the officer intends to have the food dealt with by a Justice of the Peace. If the Magistrate does not condemn the food, it will be returned to the owner, who will be entitled to compensation for any loss encountered,

A Withdrawal of Detention of Food Notice will be served as quickly as possible when evidence or information indicates that detained food can be released, and in any case within 21 days.

#### **Refusal / Suspension / Removal of food approvals**

Formatted: No underline

Certain food premises that handle products of animal origin require the approval under Regulation 853 / 2004 prior to conducting a business. Formal action will be taken against those premises which require approval but knowingly fail to gain approval before operation. An

establishment will be refused approval where it does not fully meet the requirements of Regulation 853 / 2004.

Where serious deficiencies are identified or production stopped repeatedly and the food business operator is not able to provide adequate guarantees regarding future production the Council will withdrawal approval and the establishment must not be used for any activities which would render it subject to approval under regulation 853 / 2004 with immediate effect. Suspension of approval will be considered where the food business operator can guarantee that it will resolve deficiencies within a reasonable time limit.

A Hygiene Prohibition Order may be imposed by the Court, following a successful prosecution, where it considers that the premises, equipment or processes put the public health at risk. The Court may also ban the Food Business Operator, and/or manager, from managing a food business.

Where an enforcement officer is satisfied that a case for prosecution is in the public interest and is supported by sufficient relevant evidence that is admissible and reliable, prosecution will be considered for:

- Non-compliance with a hygiene improvement notice, except where the remaining contraventions detailed in the notice are minor and do not pose a risk to public health or where the outstanding works are in hand
- A flagrant breach of law such that public health, safety or well-being is put at risk, or there is a serious offence under food safety legislation.
- A failure by the offender to correct an identified serious potential risk to food safety after having been given a reasonable opportunity to do so.
- The sale of the food unit for human consumption or not of the quality demanded by the purchaser.
- A failure to comply in full or part with a Statutory Notice, approval or registration.
- A continuing history of similar offences related to risk to the public.
- A Simple Caution has previously been issued for a similar offence.

A person will only receive a Simple Caution when the circumstance of the offence meet the criteria identified in Home Office Circular 016 / 2008.

## APPENDIX F

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (COMMUNICABLE DISEASE CONTROL)

The purpose of this appendix is to give further guidance on the arrangements for communicable disease control under the Health Protection legislation.

#### **General infection control enforcement**

We are actively involved in the surveillance, reporting and raising public awareness of the causes and prevention of communicable diseases across the district. A memorandum of understanding sets out the framework for a working relationship between Mid Devon District Council and Public Health England, South West Centre (PHE SWC) or its replacement organisation.

PHE SWC will lead on the development, maintenance, and dissemination of policies and procedures for the management of communicable disease and on the public health aspects of control of chemical and radiological hazards across Mid Devon. These policies and procedures will be developed as appropriate in association with other relevant local agencies including Environmental Health Departments, Environment Agency, Public Health Departments, Health and Safety Executive, primary health care, microbiology laboratories, water companies, etc. PHE SWC will also provide the gateway to a range of expert national advice in the areas of infectious diseases, chemical, radiation and nuclear hazards.

PHE SWC and Mid Devon will collaborate to provide specialist advice to health professionals, the public and the media on issues of public health protection that are of mutual concern across the district.

### **Notifications of infectious disease**

Formatted: No underline

PHE SWC and Mid Devon recognise that effective liaison is needed and agree to collaborate with partners, e.g. Care Quality Commission, HSE, to provide advice and support for control of infection in relevant premises including community settings, residential care homes, schools, nurseries, hotels and tattoo parlours.

PHE SWC and Mid Devon will liaise where necessary with each other where either agency becomes aware of adverse conditions or situations which may have contributed to a notified single case or outbreak of infectious disease such as filthy or verminous premises, poor housing conditions, lack of fire precautions in a house in multiple occupation, overcrowded housing, poor hygiene in a communal kitchen, unsafe working conditions, dilapidated drainage system, rodent infestation, a potential statutory nuisance, etc..

We will notify PHE SWC of any infections reported to us directly through alternative sources such as GPs, members of the public, government agencies, water companies, where they have identified a potential for a person or persons to become infected and as appropriate where they come across circumstances where there is actual contamination or the potential for contamination of a person or persons from a chemical or radiological agent.

We will only investigate and enforce infection control within our field of responsibility, including:

- Investigation of individual cases of notifiable diseases as defined in the single case management plan
- Provision of advice to affected individuals
- Inspection of suspected sources including work places and food premises within our field of responsibility
- Sampling of possible sources of infection
- Leading investigations of norovirus outbreaks within non care establishments e.g. hotels with PHS SW support where required
- Supporting PHE SWC with community outbreaks of diseases that are not usually investigated by Environmental Health e.g. non-food borne/food poisoning cases, providing local knowledge
- Enforce relevant food safety and or health and safety legislation where appropriate
- Enforce the Health Protection (Local Authority Powers) Regulation 2010, the Health Protection (Part 2 A Orders) Regulation 2010 where appropriate.
- Assist in distribution of faecal pots during outbreaks
- Supporting multi agency teams
- Disseminating information
- Rodent / pest control

More information on infectious diseases can be found at <https://www.middevon.gov.uk/business/food-safety-and-hygiene/infectious-disease/>

### **Health protection legislation**

Formatted: No underline

The revision of the Public Health (Control of Disease) Act 1984, as amended by the Health and Social Care Act 2008, and the introduction of the Health Protection Regulations 2010 require us to appoint Proper Officers to receive notifications of infectious disease but do not

need to be medically qualified. Proper Officers are not required for the implementation of Part 2A Orders.

We will appoint Proper Officers for the purposes of the Public Health (Control of Disease) Act 1984 (as amended) and associated communicable disease legislation, for the Mid Devon area. Public Health England Consultants are given delegated authority by this Council to act as Proper Officers.

These health protection powers provide us with a range of measures that can be used to prevent, protect against, control or provide a health protection response to an incident, including by chemicals and radiation, or spread of infection or contamination that presents, or could present, significant harm to health. They will be used where voluntary cooperation to avert a health risk cannot be secured and where other methods of control are ineffective, unsuitable or disproportionate to the risk involved.

### **Local authority powers**

Formatted: No underline

Local authority powers are available for use where voluntary cooperation to avert a health risk cannot be secured and where other methods of control are ineffective, unsuitable or disproportionate to the risk involved. When exercising these powers consideration will be given to:

- Risk of transmission
- Impact of transmission
- Necessity
- Proportionality
- Context

These powers allow us to serve, vary or revoke a notice to:

- require that a child is kept away from school;
- require a head teacher to provide a list of contact details of pupils attending their school;
- disinfect/decontaminate premises or articles on request;
- request (but not require) individuals or groups to co-operate for health protection purposes;
- restrict contact with, or relocate, a dead body for health protection purposes.

### **Health Protection (Part 2A Orders) Regulations 2010**

Formatted: No underline

We may apply to a Justice of the Peace (JP) for a Part 2A order that imposes restrictions or requirements on a person, a thing, a body or human remains, or premises. The order requires action to be taken to protect human health against infection or contamination that presents, or could present, significant harm to human health.

In deciding whether to apply for an order the officer will need to determine that the application is a proportionate, necessary and appropriate response to the risk to human health. The Public Health (Control of Disease) Act 1984 (as amended) sets out the criteria that a JP must be satisfied about before they can make an order. These are:

- that the person, thing, dead body or premises is, or may be, infected or contaminated;
- that the infection or contamination presents, or could present, significant harm to human health;

- there is a risk that the person, thing, dead body or premises might infect or contaminate others; and
- an order is necessary to remove or reduce the risk.

Evidence to support these four criteria must be provided to the court by a person suitably qualified to do so. Depending on the circumstances this may be an authorised officer, a doctor or scientist, and we will arrange for this person to provide evidence.

### **Request for compensation**

Formatted: No underline

Exclusion is a power under regulation 8 of the Health Protection (LA Powers) Regulations 2010 where the local authority may request a person to do, or refrain from doing, something and we may offer compensation. Mid Devon District Council would only consider compensation payments in exceptional circumstances where hardship is demonstrated and providing we made the decision to exclude a person for a given period of time.

## **APPENDIX G**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (PRIVATE WATER SUPPLIES)**

The purpose of this appendix is to give further guidance on the provisions of private water supplies and the requirements and standards for drinking water enforced through the Private Water Supplies Regulations 2016, as amended.

### **Private water supplies information**

Formatted: No underline

A private water supply is any water supply which is supplied to a property that is not provided by a water company that may come from a spring, well, borehole, pond, river, stream or rainwater harvesting. Most of these supplies are situated in remote, rural parts of Mid Devon and can originate from a range of sources including; boreholes, natural springs, and watercourses.

We will work closely with formal guidance provided by the Drinking Water Inspectorate (DWI) to ensure consistent and coherent regulation. The DWI is the competent authority for ensuring drinking water requirements are met and has a statutory role to act as technical and scientific advisors to local authorities on all aspects of drinking water quality.

More information on our sampling and regulation of private water supplies can be found at <https://www.middevon.gov.uk/residents/environment/private-water-supplies/>

### **Private Water Supplies legislation**

Formatted: No underline

The Water Industry Act 1991 defines the powers and responsibilities of Mid Devon District Council to act as the regulator for private water supplies across the district. Section 77 includes a requirement to check the wholesomeness and sufficiency of every private water supply within Mid Devon. Where a private water supply is deemed to be unwholesome and/or insufficient then a Section 80 notice will be served on the relevant person(s).

Under the Private Water Supplies (England) Regulations 2016, as amended, we are required to ensure that any private supply of water intended for human consumption does not constitute a potential danger to human health. We achieve this by conducting our statutory duties which includes:

- risk assessments (regulation 6);
- investigations (regulation 16);
- authorisations (regulation 17); and
- monitoring (sampling and analysis) (regulation 7)

### **Risk assessment**

Formatted: No underline

We are required to undertake a risk assessment of all private water supplies, except supplies to single non-commercial domestic dwellings, every 5 years. The purpose is to establish whether there is a significant risk of supplying water that could constitute a potential danger to human health and to establish whether there is a risk of non-compliance with any of the standards or indicator parameter values. Risk assessments involve looking at the whole private water supply including the source, storage tanks, treatment systems and the premises using the supply.

### **Investigation**

Formatted: No underline

Investigations are conducted whenever there is a failure to meet a standard or if it suspected for other reasons (risk assessment, operational incident, or complaint). The investigation has to determine whether the cause of the failure occurred within the private water supplier's system (raw water, treatment or distribution) or whether it occurred within the pipe work (domestic plumbing and fittings) within premises. Once the cause of the failure has been established action will be taken to restore the water quality so that it is wholesome. If we cannot secure action by informal negotiation and an authorisation has not been granted, a Section 80 Notice will be served.

### **Authorisation**

Formatted: No underline

In exceptional circumstances an authorisation may be issued to supply water to a lower standard on a temporary basis while remedial action is taken as part of an agreed and timed programme of work. We will issue authorisations, assessed and evidenced on a case-by-case basis and only after consultation with the DWI.

### **Sampling and monitoring**

Formatted: No underline

The type and frequency of sampling is determined by the following category and size of the supply:

Category of Water Supply

1. Commercial Supply - where the water is used for a commercial activity;
2. Large Supplies – where the average daily volume of water is more than 10 cubic meters;
3. Private Distribution System – where the water is supplied by a water undertaker or licensed water supplier and then further distributed by a another person;
4. Small Supply – where the water is supplied to more than one domestic dwelling;
5. Single Domestic Supply - a domestic dwelling.

Category	Volume	Sample Type*	Frequency
Private Distribution System	As outlined below		
Large Supplies (>10 <sup>3</sup> m per day) and Commercial Supplies	<10 <sup>3</sup> m per day	Group A and B	Once annually
	>10 <sup>3</sup> m ≤100 <sup>3</sup> m per day	Group A	Twice annually
	>10 <sup>3</sup> m ≤3300 <sup>3</sup> m per day	Group B	Twice annually
Small Supplies	varies	Group A and B	Every 5 years

\*Group A sampling involves looking at a suite of basic parameters and Group B sampling covers a much larger suite of parameters.

### Fees and Charges

The private water supply regulations enable us to charge for risk assessments and all sampling within rules set out by the Government. The current charges reflect current service delivery and can be seen on our website at the link for private water supplies.

Formatted: No underline

Formatted: Normal (Web)

**APPENDIX H**

**SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH  
(SMOKING ENFORCEMENT)**

The purpose of this appendix is to give further guidance on the provisions of smoke free legislation prescribed by the Health Act 2006 as updated in 2015.

Part I of the Health Act 2006 makes provision for the prohibition of smoking in certain enclosed or substantially enclosed premises, and allows for regulations to be made providing for other places (which need not be enclosed) and vehicles to be smoke-free. The Smoke-free (Exemptions and Vehicles) Regulations 2007 provide for enclosed vehicles used by the public or as a workplace by more than one person to be smoke free. The Smoke-free (Private Vehicles) Regulations 2015 will require all private vehicles to be smoke-free when they are enclosed, contain more than one person and a person under 18 is present in the vehicle.

Exemptions to the requirements for premises and vehicles to be smoke free are also contained in the Smoke-free (Exemptions and Vehicles) Regulations 2007.

### **Smoke free enforcement**

Formatted: No underline

It is our policy as the enforcing authority, to protect people working in or visiting an enclosed or substantially enclosed public place from exposure to second hand smoke. This policy also applies to vehicles used in connection with work and public service.

We will not embark upon a rigid proactive inspection programme under this legislation however, visits to check compliance will be undertaken at the same time as other enforcement visits or following receipt of a complaint. Enforcement activities by inspection will involve different approaches depending upon the circumstances including announced or unannounced inspections.

Authorised officers will assess compliance by observation within the premises, subsequently announce themselves and show appropriate identification to the person in charge of the premises at the end of the period of inspection.

### **Enforcement powers**

Enforcement powers available include:

#### Preventative / remedial action

A verbal warning, an informal letter or fixed penalty notice

#### Licensed premises and drivers

For licensed premises and drivers matters can be referred to a Licensing or Regulatory sub-committee respectively. This will take precedence over other enforcement responses excluding preventative/remedial actions outlined above.

#### Criminal enforcement responses

- Prosecution
- A fixed penalty notice may be issued when an offence has been committed.
- Fixed penalty notices apply to persons who smoke in a smoke free place,
- Premises or vehicle, or where the appropriate signage is not displayed at such places.
- A fixed penalty notice will be issued at the time when the contravention is identified or if appropriate at a later date.

Where repeat breaches of the legislation are witnessed or where fixed penalty notices are not paid in full, then prosecution proceedings will be taken. Prosecution will be considered against an individual found smoking in a smoke free premise or against a person in control of a smoke free premise who fails to erect the correct signage, where informal action and fixed penalty notices have failed to secure compliance. A prosecution will be considered against a person in control of a smoke free premise who fails to prevent smoking after informal action has been taken and liaison will be undertaken with the Licensing Team in respect of any licenced premises.

A general duty of care will apply under the Health and Safety at Work etc. Act 1974. This may be applied when checking, or giving advice on, smoking shelters, ventilation of non-smoke-free rooms, and people working in non-smoke-free rooms and private dwellings.

### **Smoking in private vehicles**

The existing smoke-free law, which makes public places and work premises and vehicles smoke-free, was extended in 2015. The Smoke-free (Private Vehicles) Regulations 2015 requires all private vehicles to be smoke-free when they are enclosed, contain more than one person and a person under 18 is present in the vehicle. It will be an offence for someone to smoke in a private vehicle with someone under age 18 present and for a driver not to stop someone smoking.

Note that electronic cigarettes and all forms of nicotine vaporisers are not included within the definition of smoking. The purpose is to protect children from the harm to their health caused by exposure to second-hand smoke in vehicles.

The police will be responsible for enforcing the legislation in vehicles on the road and have the power to serve fixed penalty notices. As the local authority, we have powers to carry out investigations together with providing information and raising awareness to ensure compliance. In doing so, we will take into account Chartered Institute of Environmental Health (CIEH) guidance: Implementation of Smoke-free Legislation in England - The Smoke-free (Private Vehicles) Regulations 2015.

Formatted: Right

## APPENDIX I

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – ENVIRONMENTAL HEALTH (HEALTH AND SAFETY)

The purpose of this appendix is to give further guidance on the provisions of the Health and Safety at Work etc. Act 1974 and subordinate legislation.

#### Health and Safety at Work etc. Act 1974

Formatted: No underline

Our policy is to protect the health, safety and welfare of people at work and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.

We will put into place adequate arrangements and procedures for enforcement by complying with the National Local Authority Enforcement Code – Health and Safety at Work issued under section 18 (4) (b) of the Health & Safety at Work etc. Act 1974. This Council will also follow the guidance issued to local authorities by the Health and Safety Commission in its Enforcement Policy Statement.

We will only enforce health and safety within our field of responsibility, defined as;

- Activities/premises being within the Councils geographical boundary which are so stipulated in the Health and Safety (Enforcing Authority) Regulations 1988 (as amended)
- Activities/premises locally agreed with the Health and Safety Executive.
- Activities/premises which fall within the memorandum of understanding to the flexible warranting scheme. (Local agreement between local authority officers and HSE inspectors).

The ultimate purpose of our health and safety enforcement function is to ensure that employers and those having a duty under the Act, manage and control risks effectively thus preventing harm.

The Authorised Officer of the Council will liaise with other agencies where appropriate, including the Health and Safety Executive, local authorities involved with the Primary Authority Scheme or Lead Authority Partnership Scheme (LAPS) and any other appropriate agency before enforcement action is taken to ensure consistent and coherent regulation.

Support is given to the Health and Safety Executive / Local Authority Liaison Committee (HELA) in its role liaising between local authorities and the Health and Safety Executive to ensure that a co-ordinated and progressive approach to health and safety takes place. To secure health and safety compliance, this Council will take part in national and local initiatives depending upon the resources available.

#### **Enforcement of regulated premises**

The appropriate use of enforcement powers, including prosecution, is important both to secure compliance with the law and to ensure that those who have a duty under it may be held to account for failures to safeguard the health, safety and welfare of employees or the public. Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

The purpose of enforcement is

- to ensure that duty holders take action to deal immediately with serious risks and
- to promote and achieve sustained compliance with the law,
- to ensure that duty holders who breach health and safety requirements and directors or managers who fail in their responsibility, are held to account. This may include bringing alleged offenders before the courts.

The Authorised Officer has a number of options available to secure compliance with the law and demonstrate a proportionate response to criminal offences. The powers available include:

#### **Preventative / remedial action**

- Informal action (advice, verbal action, request for action)
- Improvement Notices
- Prohibition Notices
- Seizure

#### **Criminal enforcement responses**

- Prosecution
- Simple Caution

A person will only receive a Simple Caution when the circumstances of the offence meet the criteria identified in Home Office Circular 016/2008.

Informal action is taken where an act, omission or contravention is not serious enough to warrant formal action and previous history with the management of health and safety would suggest this will achieve compliance.

Improvement notices will be served when one or more of the criteria below apply:

- Where one or more significant health and safety contraventions has occurred and they are likely to continue or to be repeated.
- The business/proprietor has a history of non-compliance.
- Standards are generally poor and the business/proprietor has little awareness or appreciation of their legal duties or of statutory requirements.
- Effective action needs to be taken to remedy conditions that are serious and deteriorating.
- Where there is a risk of ill health or injury, but not so as to warrant a prohibition notice

Prohibition notices will be served in the following circumstance:

- When an officer is of the opinion that an activity (or activities) carried on at a premises involves or may involve a risk of serious personal injury.
- Whilst the risk does not have to be imminent before an immediate prohibition notice can be served; such notices will generally only be served where the risk of serious personal injury is such as to require action to be taken without delay to control that risk.
- Immediate prohibition notices may be served not only where the risk is one of traumatic (acute) injury, but also where the risk is from a long term health hazard of a cumulative nature which may ultimately contribute to damage to health.

- Deferred prohibition notices may be served when a greater risk would result if that activity was stopped immediately.

All improvement and prohibition notices served will be placed on the Authority's public register if they relate to matters of a public concern. This is a requirement of the Environment and Safety Information Act 1988.

The Authorised Officer acting on behalf of the Council has powers to seize unsafe goods or equipment to prevent it causing harm to people. When goods or equipment are seized an officer will leave an appropriate receipt.

Subject to the application of the evidential and public interest tests, this Council will normally prosecute in the following circumstance:

- Death was a result of a breach of the legislation;
 

(NOTE: Health and Safety sentencing guidelines regard death resulting from a criminal act as an aggravating feature of the offence. If there is sufficient evidence that the breach caused the death, this Authority considers that normally such cases should be brought before the court. However, there will be occasions where the public interest does not require a prosecution, depending on the nature of the breach and the surrounding circumstances of the death.)
- The gravity of the alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants prosecution;
- There has been reckless disregard of health and safety requirements;
- There have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
- Work has been carried out without or in serious non-compliance with an appropriate licence;
- A duty holder's standard of managing health and safety is found to be far below what is required by health and safety law giving rise to significant risk of actual or potential harm;
- There has been a failure to comply with an improvement or prohibition notice;
- There has been a repetition of a breach that was subject to a simple caution;
- Where false information has been supplied wilfully, or there has been an intention to deceive, in relation to a matter which gives rise to significant risk;
- Inspectors have been intentionally obstructed or assaulted in the lawful course of their duties
- Where it is appropriate in the circumstances to draw general attention to the need for compliance with and maintenance of the standards required by law, and conviction may deter others from similar failures to comply with the law.

- Where a breach giving rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity

### Primary Authority Partnerships

A Primary Authority Partnership allows businesses to form a statutory partnership with a single local authority, providing access to assured advice on compliance which must be respected by local regulators. It also allows for co-ordination of inspection and enforcement activity. Where there is a Primary Authority Partnership in existence with a company, contact will be made with the Authority once enforcement action is being considered.

We recognise the status of the Primary Authority Partnership scheme, made under the Regulatory Enforcement and Sanctions Act 2008. Section 25c of this Act requires an enforcing authority that wishes to take enforcement action against a business which has a primary authority, to first notify the primary authority of the proposed action. Enforcement action is widely defined for the purposes of the Act by the Co-ordination of Regulatory Enforcement (Enforcement Action) Order 2009, as amended.

Statutory guidance on the scheme requires that the notification of proposed enforcement action by the enforcing authority:

- should be made via the Primary Authority Register;
- should be itemised, where multiple enforcement actions are being proposed; and
- should include specified details. These are set out in the statutory guidance and in the notification template on the Primary Authority Register.

The statutory guidance also requires that, when making a notification, an enforcing authority should ensure that, during the 5 working days following the notification, it is able to respond to requests from the primary authority for further information or clarification.

The Primary Authority has 5 working days to decide if it objects to the proposed enforcement action. If the Primary Authority or Regulated Business objects, they are entitled to refer the matter to the Secretary of State for consideration within 28 days. Secretary of State determinations must be adhered to.

The legislation recognises that there will be times when the need to act swiftly is critical and it allows for notification to the primary authority to be retrospective in certain defined circumstances. In brief, this applies for:

- Emergency prohibition notices under specified food safety legislation;
- Enforcement action that is required urgently to avoid a significant risk of harm to human health.

### Investigations

The Authorised Officer of the Council shall determine whether incidents, cases of ill health, or complaints should be investigated. Investigations are undertaken in order to determine:

- causes,
- whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law,
- lessons to be learnt and to influence the law and guidance,
- what response is appropriate to a breach of the law.

In deciding what resources to devote to investigations, we will have regard to the principles of enforcement set out in this statement and the objectives published in the Health and Safety Executive / Local Authority Enforcement Liaison Committee (HELA) strategic plans. In particular, in allocating resources the Council will strike a balance between investigations and mainly preventative activity.

To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. The Council recognises that it is neither possible nor necessary for the purposes of the Act, to investigate all issues of non-compliance with the law which are uncovered in the course of preventive inspections, or in the investigation of reported events.

In selecting which complaints or reports of injury or occupational ill health to investigate and in deciding the level of resources to be used, the officer will take account of the following factors:

- the severity and scale of potential or actual harm,
- the seriousness of any potential breach of the law,
- knowledge of the duty holder's past health and safety performance,
- the enforcement priorities,
- the practicality of achieving results,
- the wider relevance of the event, including serious public concern

In considering whether the law has been complied with, the Authorised Officer will have regard to relevant Approved Codes of Practice (ACOP) and guidance issued by the Health and Safety Executive and HELA. The officer will apply sensible judgement about the extent of the risks and the effort that has been applied to counter them.

Decisions involving significant resources will need approval from the Service Director or Service Manager.

The Enforcement Management Model (EMM) will be referred to when considering formal action for breaches of the law. Where action taken differs from that indicated by the EMM the reasons for this will be documented and reasonable.

### **Representations to the courts**

In cases of sufficient seriousness, and when given the opportunity, we will consider indicating to the Magistrates that the offence is so serious that they may send it to be heard or sentenced in the higher court where higher penalties can be imposed. In considering what representations to make, the Authorised Officer/Solicitor will have regard to Court of Appeal guidance.

### **Death at work**

The Authorised Officer will carry out a site investigation of all reportable work-related deaths that have taken place in a local authority enforced premises. Where there has been a breach of the law leading to a work-related death, the Council will consider whether the circumstances of the case might justify a charge of corporate manslaughter.

The police and Crown Prosecution Service (CPS) have legal responsibility to pursue a charge of manslaughter if appropriate. The Council are responsible for investigating contraventions

of health and safety. If in the course of their health and safety investigation an Authorised Officer finds evidence suggesting that a manslaughter incident may have occurred, they will pass it to the police for their consideration. If the police or the CPS decide not to pursue a manslaughter case we will normally bring a health and safety prosecution in accordance with this policy.

To ensure decisions on investigation and prosecution are closely co-ordinated following a work-related death, the HSE, the Association of Chief Police Officers (ACPO) and the CPS have jointly agreed and published "Work-Related Deaths: A Protocol for Liaison". The Authorised Officer acting on behalf of the Council will take account of this protocol when responding to work-related deaths.

### Lead/Primary Authority

The Health and Safety Executive (HSE) established the Lead Authority Partnership Scheme (LAPS) to improve safety management systems of organisations with multiple outlets that are subject to local authority regulation and promote the consistency of health and safety enforcement for such organisations

Where there is a Lead Authority Partnership in existence with a company where enforcement action is taken copies of letters, notices and other relevant matters will be sent to that Authority for their information/action.

A Primary Authority Partnership allows businesses to form a statutory partnership with a single local authority, providing access to assured advice on compliance which must be respected by local regulators. It also allows for co-ordination of inspection and enforcement activity. Where there is a Primary Authority Partnership in existence with a company, contact will be made with the Authority once enforcement action is being considered (see the above paragraphs under the heading "Primary Authority Partnerships")

### Regulating occupational health and safety during the coronavirus outbreak/pandemics

Duty holders have obligations to comply with health and safety at work legislation and requirements to manage and control workplace risks, including protecting workers and others from the risk of COVID-19 infection in the workplace. All workplaces will need to adapt their operations to manage the routine risk of infection and some may need to take further additional steps in the event of an outbreak associated with that setting.

Formatted: Font: Not Bold

▲ Our regulatory approach will continue to take proportionate account of the risks and challenges arising from the pandemic. Public health interventions and enforcement powers will be used as a last resort and where necessary to protect public health and to secure compliance with the law.

Formatted: Font: Not Bold

▲ Our activities will continue to be guided by the specific requirements and characteristics of the sectors we regulate and in line with advice from the UK Government and Public Health Bodies.

Formatted: Font: Not Bold

In particular:

Formatted: Font: Not Bold

- ▲ We will continue to work closely with our regulated sectors to enable businesses to put practical measures in place to enable people to work safely, while remaining compliant with public health and health and safety at work requirements

Formatted: Font: Not Bold

Formatted: List Paragraph, Indent: Left: 1 cm, Hanging: 0.75 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

- We will carry out work to check that appropriate measures are in place to protect workers from COVID-19 or other pandemic
- If a public health body identifies a cluster of cases in a workplace or declares a workplace outbreak, we will consider any virus transmission risk controls in the workplace, how they've been implemented and how it could affect the likelihood of virus transmission
- Where a public health body identifies infection levels of concern in a community and/or a community is in local lockdown we will work to help understand whether workplaces are contributing to transmission. Arrangements to trace and track COVID-19 or other pandemic cases will be considered
- We will support the Local Outbreak Management Plan (LOMP) that provides an outline for managing coronavirus (COVID-19) or other pandemic outbreaks in Devon to protect residents and support the most vulnerable. It sets out measures to prevent any further local outbreaks of coronavirus in Devon as well as action to respond rapidly to any outbreaks, limiting further spread

**Formatted:** List Paragraph, Indent: Left: 1.75 cm

**Formatted:** Font: Not Bold

**Formatted:** List Paragraph, Indent: Left: 1 cm, Hanging: 0.75 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Font: (Default) Arial, Font color: Black

**Formatted:** List Paragraph, Indent: Left: 1.75 cm

**Formatted:** Font: Not Bold

**Formatted:** List Paragraph, Indent: Left: 1 cm, Hanging: 0.75 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** List Paragraph, Indent: Left: 1.75 cm

**Formatted:** Font: Not Bold

**Formatted:** List Paragraph, Indent: Left: 1 cm, Hanging: 0.75 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Font: Not Bold

**Formatted:** Font: (Default) Arial, Font color: Black

**Formatted:** Font: (Default) Arial, Font color: Black

## APPENDIX J

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – PRIVATE SECTOR HOUSING

The purpose of this appendix is to give further guidance on the provisions of specific legislation and enforcement powers in respect of housing that is privately rented (excluding social housing).

#### Private rented homes

- On receipt of an enquiry from a tenant a 'tenant referral form' will be sent out.
- When the form has been returned the tenant, the landlord and any other relevant person will be notified of a formal inspection date.
- Following the formal inspection an assessment of the condition of the property will be undertaken and appropriate enforcement action taken if necessary.

#### Owner Occupied homes

- On receipt of an enquiry the owner will be contacted to provide advice.
- A formal inspection may be arranged depending on the circumstances
- Following the formal inspection an assessment of the condition of the property will be undertaken and appropriate advice or enforcement action taken if necessary.

#### Empty Homes

- On receipt of an enquiry the empty property will be investigated within 4 weeks.
- The person reporting the property **will not** be kept informed of progress due to the nature of such investigations and the risk of sharing personal data.
- Where intervention is required, the team will pursue the most suitable form of enforcement action to either improve the property or bring it back into use.

#### Houses in Multiple Occupation (HMO)

- Licensed properties will be inspected on a regular basis to check for breaches of the licence conditions. This will be determined on a risk basis.
- Where notification is received alleging a HMO it will be visited to determine if there are breaches of the Management Regulations or whether the property should be licensed.
- Identification of properties that require a licence will be carried out using local data, information from other agencies and proactive inspection programmes.
- Where an enquiry is made by a tenant in relation to disrepair or potential hazards, then the approach mentioned above (private rented homes) will be followed.

#### Anonymous Enquiries

- These enquiries will be risk assessed and dealt with as and when resources allow
- Where a problem is found to exist one of the approaches above will be followed depending on the circumstances.

## Proactive inspections

- Notification from other agencies such as the Police or Fire and Rescue Service may result in proactive inspections of properties that lead to formal action
- Specific areas may be identified as requiring proactive targeting resulting in a number of properties in a defined area being inspected and any necessary action undertaken.

All tenure types will be investigated in the same way, however the most appropriate course of action to deal with the individual circumstances will be determined on a case by case basis as detailed in this policy. Local authority owned property will only be inspected at the request of the housing department.

## Legislative Overview for Private Sector Housing

### Housing Act 2004

Since April 2006, the Housing Act 2004 ("the Act") has been the primary legislative tool for dealing with private sector housing conditions. Regulations made under the Act also play a significant role. The Act is divided into a number of parts, of which the following are most relevant in this context:

#### Part 1: Housing conditions

This Part covers the assessment of housing conditions being the Housing Health and Safety Rating System ("HHSRS") and regulations made under section 2 prescribed this as being the method for assessing the severity of hazards.

It also introduces Category 1 and Category 2 hazards. Category 1 hazards are the most serious and likely to cause harm to health and/or safety. Where the Council has identified a Category 1 hazard it is under a mandatory duty to take the appropriate enforcement action. Where it has identified a Category 2 hazard it has a discretionary power to take action.

This Part also sets out the available enforcement options for dealing with Category 1 and 2 hazards. They include:

- Improvement Notice - requires the taking of remedial action within a specified time period. Such notices can, on service, be suspended to come into effect at a later date or at a point in time when a specified event takes place.
- Prohibition Order - prohibiting or restricting some or all uses of all or part of a residential premises. Such orders may also be suspended on service.
- Hazard Awareness Notice - highlighting that there are hazards existing on a residential premise which should be considered for further action. Such a notice does not place a legal obligation on the recipient to carry out works.
- Emergency Remedial Action – action taken by the Council where there is a hazard which involves an imminent risk of serious harm. This action can only be taken in respect of Category 1 hazards.
- Emergency Prohibition Order - prohibiting or restricting some or all uses of all or part of a residential premises with immediate effect. Such an order can only be made in respect of Category 1 hazards involving an imminent risk of serious harm.
- Demolition Order under the Housing Act 1985 ("the 1985 Act") - this option is only available for residential premises containing Category 1 hazards and is not available in respect of listed buildings.

- Clearance Area under the 1985 Act - requiring the clearing of all buildings in a specified area. Under s47 of the 2004 Act, a clearance area is applicable when all the residential premises in the area concerned contain Category 1 hazards.

#### Part 2: Licensing of houses in multiple occupation

This Part requires the Council to introduce a mandatory licensing regime for certain types of HMOs.

The Licensing of Houses in Multiple Occupation (Prescribed Description)(England) Order 2018 has extended the scope of mandatory licensing from that contained in the 2004 Act. Any property occupied by five or more people, comprising of two or more households where there is some sharing of facilities now requires a licence.

This Part also empowers local housing authorities (“LHAs”) to introduce “additional HMO licensing” schemes to extend the scope of mandatory licensing to those HMOs not covered by the above regulations.

#### Part 3: Selective licensing of other residential accommodation

This Part empowers local housing authorities to introduce “selective licensing” schemes in all or part of their area requiring all private rented accommodation to be licensed, unless it is subject to exemption. An area may be designated if it is, or may become, an area of low housing demand and/or it has a significant and persistent problem with anti-social behaviour where the inaction of private landlords is a contributory factor.

#### Part 4: Additional control provisions in relation to residential accommodation

This Part empowers the Council to make Interim and Final Management Orders and take over the management of privately-rented residential premises. Such orders can be made when a residential premises is not licensed and there is no prospect of it being licensed, or when there is some other management problem requiring Council intervention. Interim Management Orders can be in force for up to a year, whereas Final Management Orders can last up to five years.

This Part also provides for Interim and Final Empty Dwelling Management Orders (“EDMOs”). EDMOs are similar to Interim and Final Management Orders, but relate to empty properties and are designed to ensure that dwellings become and stay occupied.

This Part also provides for the service of overcrowding notices in respect of HMOs that are not required to be licensed.

Section 26 and Schedule 3 of the Housing and Planning Act 2016 provides that a local housing authority can also make a management order in circumstances where a banning order has been made and where a privately rented property is being let in breach of a banning order.

#### Part 7: Supplementary and final provisions

This Part includes a number of provisions, such as the definition of an HMO. It also empowers the Council to enforce the HMO management regulations, to authorise officers to enter premises, and to require documents to be produced.

#### Housing and Planning Act 2016

Formatted: Underline

The Housing and Planning Act 2016 has introduced a number of additional powers for dealing private rented accommodation.

- Banning orders – introduced by regulation in April 2018. This permits local housing authorities to seek banning orders where landlords or property agents have been convicted of a banning order offence. Refer to The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017 for details on the offences.
- Database of rogue landlords and property agents - under section 30 of the 2016 Act a local housing authority must make an entry on the database where a landlord or property agent has received a banning order. They have the discretion to make entries where a landlord or property agent has been convicted of a banning order offence or has received 2 or more civil penalties within a 12 month period.
- Rent repayment orders – Chapter 4 or Part 2 of the Housing and Planning Act 2016, extends the scope of rent repayment orders to cover eviction: breach of a banning order; failure to comply with an Improvement Notice; failure to comply with a Prohibition Order and using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Financial penalties – Section 126 and schedule 9 of the Housing and Planning Act 2016 makes provisions for the local housing authority to use the power to issue a financial penalty for certain Housing Act 2004 offences as an alternative to prosecution.

The offences include:

- Failing to comply with an Improvement Notice (section 30)
- Offences in relation to licensing of Houses in Multiple Occupation (section 72)
- Offences in relation to licensing of houses under part 3 of the Act (selective Licensing) (section 95)
- Offences in relation to the contravention of an overcrowding notice (section 139)
- Failure to comply with management regulations in respect of House in Multiple Occupation (section 234)

### **Housing Act 1985**

The 1985 Act empowers the making of Demolition Orders and the declaring of Clearance Areas.

Part X concerning statutory overcrowding remains in force. A dwelling is statutorily overcrowded when the number of persons sleeping in it is such as to contravene the room or space standard. These standards are described in Part X of the 1985 Act.

Section 17 of the 1985 Act concerns the compulsory acquisition of land or property for housing purposes. This power may be used to acquire under-used or ineffectively used land or property by means of a compulsory purchase order ("CPO"). Before taking such action, the Council must show that there is a general housing need in the area and that a quantitative or qualitative housing gain will be made by making the order. CPOs must be approved by the Secretary of State.

### **Building Act 1984**

Section 59 relates to the drainage of buildings. Where drainage serving any building is defective, insufficient, or prejudicial to health or a nuisance, the Council may, by notice, require the owner of the building to remedy the situation.

If a water closet in a residential building is in such a state as to be prejudicial to health or a nuisance and cannot be adequately repaired, the Council may, by notice under section 64, require the owner of the building to reconstruct the water closet.

Section 76 makes provision for defective premises which are in such a state as to be prejudicial to health or a nuisance. If, by following the procedures set out in section 80 of the Environmental Protection Act 1990, there would be an unreasonable delay in remedying the defective state, the Council may, after having given nine days' warning to the relevant person, enter the premises to carry out the works required to remedy the defective condition.

Under section 77, the Council can apply to the Magistrates' Court for an order requiring the owner of a dangerous building to either make the building safe or (if the owner chooses) demolish it. If the owner fails to comply with the order, the Council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. In emergency situations, the Council can (without obtaining a court order) take immediate steps to make safe a dangerous building under section 78. In such circumstances, the Council must, if possible, attempt to give prior notice to the owner and occupier. Again, reasonable expenses can be recovered from the owner. Although such intervention may concern private sector housing, the Council's Building Control section is responsible for action under sections 77 and 78.

Section 79 concerns ruinous and dilapidated buildings and neglected sites. If a building is, by reason of its ruinous or dilapidated condition, seriously detrimental to the amenities of the neighbourhood, the Council may serve a notice requiring the owner to carry out remedial works or (if the owner chooses) demolish the building. If the owner fails to comply with the notice, the Council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner. This section also makes provision for dealing with any debris resulting from the collapse or demolition of a building, which by its nature is seriously detrimental to the amenities of the neighbourhood. If this condition is met, the Council may serve a notice on the owner requiring the clearance of the site. As above, if the owner fails to comply with the notice, the Council can carry out the works-in-default and recover the reasonable expenses incurred in doing so from the owner.

Although such interventions under the Building Act may concern private sector housing, the Council's Building Control service is responsible for action under sections 77, 78 and 79.

Formatted: None, Space Before: 0 pt

#### **Public Health Act 1936**

If a water closet provided in residential premises is in such a state as to be prejudicial to health or a nuisance, and it can, without reconstruction, be put into a satisfactory condition, the Council may serve notice under section 45 requiring the owner or occupier to repair or cleanse the water closet as necessary.

#### **Public Health Act 1961**

Section 17 concerns defective and blocked drainage. If it appears to the Council that a drain, private sewer, water-closet, waste pipe or soil pipe is not sufficiently maintained and kept in good repair, and can be sufficiently repaired at a cost not exceeding £250, it may, after giving

seven days' notice, carry out the necessary repairs and recover the expenses incurred from the person(s) concerned, namely the owner(s) or occupier.

In cases where the drain, private sewer, water-closet, waste pipe or soil pipe is stopped up, the Council may, by notice, require the owner or occupier to remedy the problem within 48 hours. If such a notice is not complied with, the Council may undertake the works-in-default and recover the costs incurred in doing so.

### **Law of Property Act 1925**

In cases where the Council is owed monies, as a result of the Council undertaking works-in-default under relevant legislation and the legislation provides that the cost of carrying out the works is a charge on the property the Council can exercise the power of sale conferred by the charge to recover the money if it is not paid. There is a requirement to serve notice under section 103 of the Law of Property Act 1925. This notice explains that money is owed under charge and that if it is not paid off within 3 months, the Council may then sell the property to recover the money. Depending on the wording of the particular relevant legislation the charge maybe a priority charge. This means that the Council's charge takes precedence against all other existing charges

### **Local Government (Miscellaneous Provisions) Act 1976**

When the Council requires information relating to the ownership of land in connection with the discharge of its statutory duties, it may, by notice under section 16, require certain persons to provide information within a specified timescale. In connection with the land concerned, such information can be demanded from any one or more of the following: the occupier, freeholder, mortgagee, lessee, any person receiving the rent (either directly or indirectly), and any managing or letting agent.

If water, gas or electricity supply to a dwelling has been cut off, or is likely to be cut off, owing to the non-payment of a bill by the owner, the Council may, under section 33, step in and make arrangements with the supplier to ensure that the supply is reconnected and/or maintained.

### **Local Government (Miscellaneous Provisions) Act 1982**

Sections 29 to 32 relate to the protection of buildings. If a building is unoccupied, or the occupier is temporarily absent, and it is insecure or likely to become a danger to public health, the Council may take action to ensure that it is adequately secured to prevent unauthorised entry and made safe. The Council can recover the costs from taking such action from the owner of the building.

### **Prevention of Damage by Pests Act 1949**

The Council is under a duty to ensure, as far as is practicable, that its district is kept free from rats and mice. If residential premises are in such a condition as to attract rats or mice, the Council may, by notice, require appropriate treatment to be undertaken and/or require remedial works to ensure that harbourage is no longer provided. For example, such a notice may require the removal of rubbish and furniture that has been discarded in the external grounds of a privately-owned property which has or is likely to attract rats and mice.

## Health Act 2006

Under the Health Act 2006, it became an offence to smoke in public places or places of work which are enclosed or substantially enclosed. Furthermore it is an offence not to display no-smoking signs in smoke-free premises. It is also an offence to be a manager of smoke-free premises and allow persons to smoke in them.

For the purposes of private sector housing, the common parts of HMOs and the common parts of buildings containing flats are deemed to be smoke-free premises.

### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Private sector landlords are required to ensure that at least one smoke alarm is installed on every storey of their rented property and that a carbon monoxide alarm is installed in any room containing a solid fuel burning appliance. They also require landlords to ensure that such alarms are in proper working order at the start of each new tenancy. In addition, the regulations amend the conditions which must be included in a licence under Part 2 or 3 of the Housing Act 2004 ("the 2004 Act") in respect of smoke and carbon monoxide alarms.

Formatted: Font: Bold, No underline

### **The Energy Efficiency (Private Rented Property) (England and Wales) regulations 2015**

The Regulations are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard for both domestic and non-domestic privately rented property, effecting and affects all tenancies, new tenancies from 1 April 2018.

Formatted: Font: Bold, No underline

Formatted: Font: Bold

The minimum level of energy efficiency means that, subject to certain requirements and exemptions:

- a) ~~From the 1<sup>st</sup> April 2018,~~ landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property):
- b) ~~From the 1<sup>st</sup> April 2020,~~ landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property).

Local authorities will enforce compliance with the domestic minimum level of energy efficiency. They may check whether a property meets the minimum level of energy efficiency, and may issue a compliance notice requesting information where it appears to them that a property has been let in breach of the Regulations (or an invalid exemption has been registered in respect of it).

Where a local authority is satisfied that a property has been let in breach of the Regulations it may serve a notice on the landlord imposing financial penalties. The authority may also publish details of the breach on the national PRS Exemptions Register. A local authority may also serve a penalty notice for the lodging of false information on the Exemptions Register.

### **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

These regulations apply to all new specified tenancies from 1st July 2020 and will apply all existing specified tenancies from 1st April 2021.

A landlord must ensure that the property meets the electrical safety standards and that the electrical installation is tested every 5 years (some installations may require more frequent testing) by a qualified person. The landlord must also ensure that the first inspection and testing is carried out before a new tenancy commences or if there is an existing tenancy the test must be completed by 1<sup>st</sup> April 2021.

A report must be obtained from the qualified person and a copy supplied to the tenant within 28 days of the inspection and test.

If the report indicates that remedial works to the electrical installation are required then the landlord must ensure these works are carried out by a qualified person within 28 days or sooner if indicated as urgent in the report.

The council has a duty to serve a remedial notice where any part of the regulations have been breached. In addition the council has the power to arrange for the remedial works to be carried out and recover reasonable costs from the landlord.

Failing to comply with these regulations may result in a financial penalty of up to £30,000.

### **Deregulation Act 2015 and Retaliatory eviction**

Formatted: No underline

Where a tenant has a legitimate complaint about the condition of their property they are protected from retaliatory eviction. It is also a requirements that landlords provide all new tenants with information about their rights and responsibilities as tenants. This legislation has been incorporated into the tenant referral form process to ensure that both landlords and tenants are aware of their responsibilities under this Act. The effect of this legislation is that a landlord is unable to evict the tenant for 6 months using the 'no-fault' eviction procedure (a section 21 eviction) where the council has served an improvement notice or taken emergency remedial action. There are various exemptions to this contained within the Act.

### **Houses in Multiple Occupation**

A building, or a part of a building, is an HMO if:

- It meets "the standard test"; or
- It meets "the self-contained flat test"; or
- It meets "the converted building test"; or
- It is a "converted block of flats" to which section 257 of the Act applies.

### **The standard test**

There are six parts to the standard test. A building (or any part of a building) will meet the test if:

- a) It consists of one or more units of accommodation that are not self-contained; and
- b) It is occupied by more than one household; and
- c) It is occupied by persons who use the accommodation as their only or main residence; and
- d) The accommodation is not used for purposes other than living accommodation; and
- e) At least one person is paying rent (or providing other consideration) for their use of the accommodation; and
- f) Two or more households share one or more basic amenity, or the accommodation is lacking in one or more basic amenity.

### **The self-contained flat test**

A self-contained flat will be an HMO if it meets tests b) to f) of "the standard test" above.

### The converted building test

There are six parts to the converted building test. A building (or any part of a building) will meet the test if:

- a) It is a converted building; and
- b) It consists of one or more units of accommodation that are not self-contained (whether or not there are self-contained flats in the building); and
- c) It is occupied by more than one household; and
- d) It is occupied by persons who use the accommodation as their only or main residence; and
- e) The accommodation is not used for purposes other than living accommodation; and
- f) At least one person is paying rent (or providing other consideration) for their use of the accommodation.

### Certain converted blocks of flats

This HMO definition applies to certain buildings (or parts thereof) that have been converted entirely into self-contained flats. As such, there is no sharing of basic facilities in this type of HMO. However, not all buildings converted into self-contained flats are HMOs. For a building of this type to be an HMO, it must meet both of the following tests:

- a) The building was not converted in accordance with the “appropriate building standards” (they being the Building Regulations 1991 or later versions of these Regulations); and
- b) Less than two-thirds of the self-contained flats are owner-occupied.

### Single Household

A household is generally considered to be a single family unit, comprised of members of the same family. Couples whether married or not are deemed to be of the same family. Relatives that may form part of a single household include: parents, grandparents, children, grandchildren, brother, sisters, uncles, aunts, nephews, nieces, and cousins.

### Basic Facilities

Toilets, personal washing facilities (e.g. showers, baths and washbasins) and cooking facilities (e.g. kitchens) are considered to be basic facilities.

### ~~Basic Facilities~~

~~Toilets, personal washing facilities (e.g. showers, baths and washbasins) and cooking facilities (e.g. kitchens) are considered to be basic facilities.~~

### HMO declarations

Sometimes, a building (or part of a building) is not solely used as living accommodation. In this situation, the HMO tests set out above (concerning sole use as living accommodation) cannot be met. However, if the building concerned is primarily used as living accommodation, and meets all the other relevant HMO tests, it may be appropriate for the Council, in the public interest, to declare the building as an HMO.

HMO declarations can be made by the Council in respect of buildings that would otherwise meet the “the standard test”, “the self-contained flat test”, and “the converted building test”. An HMO declaration cannot be made in respect of “converted block of flats”.

A relevant person can appeal to the Residential Property Tribunal against any decision of the Council to declare a building as an HMO.

### **Exemptions**

Schedule 14 of the Act specifies buildings which are not HMOs for the purposes of the Act. However, when considering action under Part 1 of the Act (HHSRS and enforcement of housing conditions), the specified exemptions do not apply. This allows for risk assessment to reflect the true nature of occupation. The exemptions are:

- Buildings managed or controlled by LHAs, registered social landlords (“RSLs”) and certain other public sector bodies, such as the Police.
- Buildings that are otherwise regulated under prescribed legislation, such as care homes (see Schedule 1 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/373) for the full list of enactments).
- Buildings that are managed and controlled by certain educational establishments and are occupied by students. As of January 2014, only those establishments specified in The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2013 (SI 2013/1601) are exempt. These regulations are regularly updated, usually on an annual basis.
- Certain buildings occupied by religious communities.
- Any building occupied by its owner and his/her family, and in which no more than two lodgers or tenants reside. HMOs defined by section 257 of the Act are excluded from this exemption.
- Buildings occupied by only two persons forming two households.

Exempt buildings are not subject to HMO licensing under Part 2 of the Act, or either of the two sets of HMO management regulations (see below). Furthermore, the provisions of Chapter 3 of Part 4 of the Act, which relate to the service of overcrowding notices in respect of HMOs not subject to licensing, do not apply to exempt buildings.

### **Public registers of housing licences**

The Council is required to maintain a public register of all licences issued. The information required to be contained within a public register is prescribed by legislation.

The Council maintains a public register for mandatory HMO licensing. This can be viewed at the Council’s main offices during working hours, by appointment. Paper copies of the registers are available; for which a fee may be charged.

The public registers includes the names and addresses of all licence holders and named managers. A summary of licenced premises may be published on the Council website, however this will exclude this information.

### **Licensed HMO Property inspections**

The Council will inspect all properties subject to licensing and make an assessment under the HHSRS. The inspection will be carried out before, or as soon as possible after, the granting of a licence; however, the timing will depend on the priorities of the Council’s inspection programme. The inspection will always take place during the licence period.

The licence holder, manager and occupiers will be given at least 24 hours' notice of the date and time that an HHSRS inspection will be undertaken. Any hazards identified will be dealt with following the enforcement principles in this policy.

The Council will also make unannounced inspections of licensed premises to ensure compliance with licence conditions and the Management Regulations.

### **Penalties for non-compliance with HMO licensing**

There are two offences associated with HMO licensing.

Failing to obtain a licence for a property which is required to be licensed is an offence. The offence is committed by the person having control of and/or the person managing the premises. A person committing such an offence is liable on summary conviction to a fine.

Once a licence has been issued, the licence holder and any named manager (if applicable) must adhere to the licence conditions. The licence holder and/or the licence manager will commit an offence if they breach any of the licence conditions. A person committing such an offence is liable on summary conviction to a fine.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced unlimited fines for these offences.

In respect of licensing offences there is a defence of "reasonable excuse".

### **Prosecution**

When a person fails to licence a property, or breaches a licence condition, the Council will begin an investigation to consider whether or not an offence has been committed.

### **Financial penalty**

[Refer to housing and planning act details above.](#)

~~See above.~~

### **Restriction on terminating tenancies**

No section 21 notice may be given in respect of unlicensed premises.

In this context, a "section 21 notice" is a notice served under section 21(1)(b) or (4)(a) of the Housing Act 1988 in order to regain possession of a property subject to a shorthold tenancy.

The following are not "unlicensed premises":

- A property subject to a valid temporary exemption notice;
- A property subject to a valid licence application that is being determined by the Council.

### **Rent Repayment Orders**

In certain situations, the Council or a resident may make an application to the Residential Property Tribunal for a Rent Repayment Order ("RRO").

If a property is licensable under the mandatory HMO or selective licensing regimes and the Council is of the opinion that an offence has been committed the Council may make an RRO application. An application can be made irrespective of whether the Council decides to prosecute for the offence.

Council applications will concern the repayment of housing benefit monies paid in respect of an unlicensed property. Applications may only relate to periods of up to 12 months.

RROs made in favour of the Council are a local land charge and the Council may use the enforced sale procedure under the Law of Property Act 1925 to recover its debt.

As detailed above, the scope of rent repayments orders has been extended to cover more than just HMO licensing offences.

### **HMO Management Regulations**

Section 234 of the Act provides for the making of HMO management regulations by the Secretary of State.

If a person managing an HMO does not comply with the HMO management regulations issued by the Secretary of State, they are guilty of an offence (unless they have a reasonable excuse).

The Secretary of State has issued two sets of regulations:

- The Management of Houses in Multiple Occupation (England) Regulations 2006 (SI 2006/372). These regulations apply to all HMOs, except those defined as converted blocks of flats under section 257 of the Act.
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 (SI 2007/1903). These regulations apply only to HMOs defined as converted blocks of flats under section 257 of the Act.

Both sets of regulations impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers;
- Taking safety measures, including fire safety measures;
- Maintaining the water supply and drainage;
- Supplying and maintaining gas and electricity, including having it regularly inspected;
- Maintaining common parts;
- Maintaining living accommodation; and
- Providing waste disposal facilities.

The regulations also impose duties on occupiers to ensure that they do not hinder the effective management of HMOs.

HMO licensing is an entirely separate legislative regime. The regulations apply to all types of HMOs, both licensable and non-licensable.

### **Enforcement of the Management Regulations**

In general terms, the Council will seek to ensure compliance with the regulations by means of an educative and informal approach. Initiating prosecution as a first response will not normally be the Council's approach. Therefore, where contraventions have been identified, the Council will usually send an informal notice to the person(s) managing the HMO, setting out the nature of the failings and requiring the taking of remedial action within prescribed timescales. Further legal action would not be taken if such a notice is complied with satisfactorily. However, failing to comply with the timescales set out in an informal notice without reasonable excuse may lead to prosecution proceedings being initiated by the Council.

In some situations, the Council may decide to initiate a prosecution without recourse to informal procedures. Immediate prosecution may be considered for contraventions that:

- Are so serious that the failings have exposed occupiers to significant risk or caused actual harm;

- Are related to other forms of enforcement action being taken by the Council; or
- Have been repeated and the manager has already been subject to informal intervention under the HMO regulations.

### **Charging for enforcement and other fees**

There are various provisions within the legislation stated above that allow the council to recover costs, or set fees.

Detailed below are the areas that the council will make changes for and any associated penalties:

HMO Licensing – Section 63(3) of the Housing Act 2004 Act provides that the authority may, in particular, require the application to be accompanied by a fee fixed by the authority.

Charging for enforcement action – The Housing Act 2004 section 49 gives the local housing authority the power to charge for administrative and other expenses related to certain enforcement action. The provisions are clear that only the costs associated with determining whether enforcement action is necessary, identifying the type of action and the serving of the notice can be recovered.

Charges will be applied to enforcement action under part one of the Act, to improvement notices, prohibition orders, emergency remedial action, emergency prohibition orders and demolition orders.

It is not considered appropriate to charge for the service of hazard awareness notices as these do not require the work to be carried out and are placed as a local land charge.

Demand for payment of the charge will be applied where a prohibition order is served, emergency remedial action is taken or an emergency prohibition order is served.

A demand will also be sent where there is non-compliance with any part of an improvement notice.

Demolition orders will be charged for and the cost of instructing a surveyor to carry out the Neighbourhood Renewal Assessment (NRA) will also be added.

### **Penalty Charges for offences under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

The maximum penalty for an offence under these regulations is £5000. It is proposed that the Council introduces the maximum penalty with a 25% reduction if payment is made within 14 days of the demand for payment.

### **Financial penalties for offences under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

Section 11 of the 2020 Regulations makes provision for the local housing authority to impose a financial penalty on an owner of a property where they have failed to comply with the electrical safety standards.

### **Financial penalties for offences under the Electrical Safety Standards**

Formatted: No underline

~~Section 123 of the Housing and Planning Act 2016 makes provision for the local housing authority to impose a financial penalty on an owner of a property where they have failed to comply with the electrical safety standards.~~

~~This part of the Act has not yet come into force however it is the intention of the council to implement the regulations and set the penalty in line with this policy.~~

### **Works in default**

As set out by provisions contained in Schedule 3 Part 3 of the Housing Act 2004, interest is to be paid on all costs associated with carrying out works in default (including the costs of the work itself) where the demand for payment remains unpaid after the initial 28 days. A £100 administrative fee is proposed with an interest rate of 3% to be applied annually.

## **APPENDIX K**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – HOUSING SERVICE**

The purpose of this appendix is to provide more information about how the Council, as a registered provider of social housing, will enforce tenancy breaches. The Housing Service has a contractual/statutory relationship with tenants but has certain obligations relating to the provision of support to those who may be vulnerable or who may need it for other reasons. It should be noted that work to manage and support those who breach their conditions of

tenancy should be balanced with our responsibilities to those other people who live on our estates and the wider community.

As a social landlord, the Council has statutory obligations. The following list of relevant legislation is not exhaustive; and these references are to be regarded as including references to them as amended, varied, replaced or re-enacted from time to time.

- Housing Act 1985
- Localism Act 2011
- Protection from Eviction Act 1977
- Landlord and Tenant Act 1997
- Civil Procedure Rules 1998
- Equality Act 2010
- Human Rights Act 1998
- Anti-social behaviour, Crime and Policing Act 2014
- Data Protection Act 2018

The regulatory framework for social housing, which is operated by the Regulator for Social Housing (RSH), contains a number of standards. Only those standards categorised as consumer standards apply to the Council as a registered provider of social housing, but they contain a number of required outcomes and specific expectations: <https://www.gov.uk/government/publications/regulatory-standards>

### **Objective**

We will provide a flexible, effective and efficient tenancy management service that reflects best practice, complies with legislative and regulatory requirements and recognises the rights of our tenants, in order to manage our homes efficiently and effectively.

We will provide advice and assistance to tenants to help them to sustain their tenancy:

- To ensure we comply with all legal and regulatory requirements and standards.
- To reduce tenancy fraud and subletting within our stock.
- To seek possession of the homes in our management where appropriate
- To ensure that their security of tenure is only reduced as a result of a Court Order or by way of mutual exchange.
- To support them exercising their rights under the terms of their tenancy agreement.

### **Prevention of Tenancy Breaches**

We will use a range of preventative measures to reduce breaches of tenancy. These will include but are not limited to:

- Identifying risk factors prior to allocating a home to a housing applicant using a home visit, wherever possible.
- Seeking landlord references and other background information in accordance with the provisions of the Devon Home Choice scheme, where possible.
- Using introductory and flexible tenancies
- Clearly explaining tenants' obligations at the start of the tenancy
- Closely monitoring new tenancies, and offering advice to new tenants, where appropriate

- Identifying tenants who need extra support and making appropriate referrals to external agencies
- Attending regular meetings and working in partnership with local Police, Early Help initiatives, and other agencies, as appropriate
- Undertaking regular inspections of properties with communal areas
- Undertaking Neighbourhood Walkabouts on a regular basis, inviting local people, Ward Councillors and other stakeholders, as appropriate
- Involving other agencies, as appropriate, to assist with addressing specific issues including those associated with non-payment of rent, anti-social behaviour, safeguarding and other serious issues
- Publicising our successes in tackling previous incidents of anti-social behaviour, in order to encourage people to report problems, and as a deterrent.

### Tenancy Inspections

In accordance with our policy relating to tenancy inspections, the Housing Service will visit properties in the housing stock regularly. These visits are known as “Tenancy Home Checks”. Regular inspections allow the Council to:-

Check that tenants are complying with the terms and conditions of their tenancy:

- Investigate alleged tenancy fraud;
- Identify abandonment and non-occupancy of a property;
- Prevent unauthorised subletting or assignment;
- Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair;
- Identify opportunities for service improvement, and tenants who wish to become involved;
- Provide support to tenants;
- Increase customer profiling information; and
- Raise concerns about the condition of a property, or safeguarding issues following an inspection

For more information, please refer to the tenant inspection policy which is available to view on the housing pages of the Council’s website:

<https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

If tenancies are not managed effectively and monitored by use of a robust tenancy inspection regime, there could be an increase in tenant arrears and anti-social behaviour which could have a negative impact upon neighbours and other residents in the local community.

### Tenure Type

Our tenancy policy sets out our approach to the use of different types of tenancy.

The Council also has an introductory tenancy policy which is available to view on the housing pages of the Council’s website:

<https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

This type of tenancy enables the Council to closely monitor the “trial period” of a tenancy. If the tenant complies with the conditions of the tenancy agreement, they will automatically

become a flexible or secure tenant after 12 months, depending on their tenancy agreement. The introductory tenancy policy sets out how we will respond to tenancy breaches involving those who have an introductory tenancy.

The aim of the tenancy policy is to enable the Housing Service to make the best use of available social housing stock. This will include reducing overcrowding, tackling under-occupation and making best use of adapted housing for those with a disability. This will support the development of sustainable communities in the District.

For more information, please refer to the tenancy policy which is available to view on the housing pages of the Council's website: <https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

This policy describes the different types of tenancies which are used by the Housing Service when letting properties, and the circumstances when we may use them. In particular, it explains when we might use a fixed term rather than a lifetime tenancy. It clarifies how a tenant or prospective tenant may appeal against a decision made about the type of tenancy offered.

It acknowledges that housing applicants may be vulnerable at the point when they are being allocated a new home and that this must influence the decision relating to the tenancy type which they will be offered. It states that advice and assistance will be made available to help tenants to manage their tenancies.

In addition, this policy sets out the circumstances under which flexible tenancies may not be renewed.

It is important for the Housing Service to review, to manage, to exchange or to end tenancies in accordance with relevant legislation and regulation. Failure to do so could result in delays in securing possession where this is being sought, or result in complex challenges which could be costly and which could also lead to risks associated with increased complaints and reputational damage. The Council must make best use of the housing stock and failure to manage the end of flexible tenancies, in particular, may have an impact upon the availability of suitable accommodation for those in housing need.

### **Tenancy Management**

Our approach to tenancy management is also described in the tenancy policy. This policy states that our tenancy agreements will set out the rights and obligations of both tenant and landlord.

In addition, it defines our approach to tenancy fraud, mutual exchanges and supporting tenancies.

Our tenancy changes policy, which is available to view on the housing pages of the Council's website: <https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/> reinforces our approach to dealing these and with other tenancy matters including succession rights, tenancy changes such as requests for a tenancy to become a joint one, and assignments.

It should be noted that unlawful occupation of one of our homes is not permitted. We will seek possession of the property through the County Court. The unlawful occupier will be liable for use and occupation charges along with any costs associated with legal proceedings.

Some tenants have the right to sublet their property and permission will be granted in accordance with the tenancy agreement. If a tenant does not have the right to sub-let all or part of their property, they will be in breach of the terms of their tenancy agreement. Where unlawful subletting is identified, legal action will be taken to regain possession of the property.

We will use all available tools and powers to remove any squatters found at any property in our management.

The Housing Service has a number of other policies which set out our approach to general tenancy management.

These include the following policies, which are all available to view on the housing pages of the Council's website: <https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

- Aids and adaptation policy
- Car parking management policy
- Decant policy
- Fire risk in communal areas policy
- Garage management policy
- Gas safety policy
- Hoarding policy
- Improvements to Council properties policy
- Leasehold management policy
- Neighbourhood management policy
- Pets and animals policy
- Recharges policy
- Tenant involvement strategy
- Tenant involvement policy
- Void management policy
- Vulnerability policy

### **Anti-Social Behaviour in our social housing**

The Housing Service of the Council is committed to prevent, investigate, respond to and monitor incidents of anti-social behaviour (ASB) involving our tenants. It states that: "By being responsive to complaints, and tackling issues in a fair, consistent and proportionate way, we can provide safe and secure environments around our homes and neighbourhoods, where people want to live".

The ASB policy and procedures can be found on the housing pages of the Council's website together with our policies relating to domestic abuse and harassment: <https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

The ASB policy sets out how:

- we will investigate complaints of ASB and nuisance
- we will tailor action plans to take account of the circumstances of each case
- we will make best use of the remedies available
- we will involve vulnerable tenants, victims and perpetrators, to resolve ASB problems
- we will support victims, witnesses and perpetrators

- we will work in partnership with other agencies to resolve problems and to prevent ASB happening on our estates

### **Income Management**

The Housing Revenue Account (HRA) supports the work of the Council's Housing Service. Most of the income into the HRA is derived from rents collected from tenants. The costs associated with managing and maintaining approximately 3,000 homes are significant and the HRA must balance. Therefore it is important that income is maximised in order to ensure that there are funds available to maintain the main asset of the Council, in good order.

We have an income management policy which relates to the Council's debt collection policy. These policies are able to view on the housing pages of the Council's website: <https://www.middevon.gov.uk/residents/housing/council-housing/strategies-and-policies/>

The aim of our income management policy is to create a rent payment culture, ensuring that rent and charges are collected quickly and effectively, whilst supporting our tenants in matters relating to financial inclusion and the ability to manage their money.

Our income management policy describes how we will oversee the management and recovery of arrears and other unpaid sums.

It states that we will adopt a "firm but fair" approach to recovery of rent arrears and that this will be sensitive to individuals' circumstances. It specifies that: "Proactive steps are to be taken to prevent and minimise the build-up of unpaid sums on rent and sub accounts where possible, recognising that from time to time tenants may experience financial difficulties". It states that in these circumstances: "Officers aim to support and work with tenants at the earliest opportunity to help tackle financial exclusion and to provide assistance to individuals experiencing financial difficulty".

### **Breaches of tenancy**

We will take steps to prevent and manage breaches of tenancy quickly and effectively, taking a multi-agency approach where necessary, based on the principles of prevention, investigation, evaluation, response and monitoring.

## **APPENDIX L**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (CIVIL PARKING ENFORCEMENT – OFF STREET)**

The purpose of this appendix is to give further guidance on the provisions of the Traffic Management Act 2004 s82. The principles of the Civil Enforcement are clearly set out in the main Civil Parking Enforcement – off street) policy. The policy will be followed in conjunction with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) Representations and Appeal Regulations 2007.

#### **General parking enforcement**

Mid Devon District Council enforces Council owned car parks and as such are considered the Enforcement Authority in those locations only. The policy set out in this document is intended to provide guidance and information to the public and Council employees carrying out car park enforcement duties. The policies and approach are consistent with current best practice and aim to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the legislation and associated guidance, the Traffic Penalty Tribunal (TPT) and the Local Government Ombudsman. These policies represent a foundation upon which fairness, openness, transparency and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be unduly rigid in their application.

By carrying out Civil Parking Enforcement within its own car parks Mid Devon District Council will:

- Maintain its car parks to a standard that encourages drivers to park legally and safely thereby improving traffic flow on the highway and making the Borough a more pleasant and environmentally safe place in which to live and visit.
- Provide parking at reasonable cost to the public so as to encourage the local economy.
- Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the District.

## **APPENDIX M**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (FIXED PENALTIES, FLY-TIPPING, LITTERING (INCLUDING FROM VEHICLES) AND DOG FOULING)**

The purpose of this appendix is to give further guidance on the provisions of the fixed penalty notice for offences contained within the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Act 1990.

#### **General Fixed Penalty Enforcement**

Fixed Penalty Notices (FPNs) are a means of punishing offenders for unlawful behaviour and offer a quick, flexible means of dealing with certain offences. It avoids overloading the judicial system with unnecessary cases. They allow a person who admits to the committing of an offence to end the matter promptly, avoid Court action and possibility of a criminal record. As well as an enforcement tool the use of fixed penalty notices is intended to encourage behaviour change and bring improvements to local environmental quality and protect public safety.

FPNs can be issued for:

- Fly-tipping

- Littering
- Dog Fouling

### Fly-tipping

Fly tipping is the illegal dumping of any waste onto land that has no licence to accept waste. It can vary in scale significantly from a bin bag of rubbish to a large quantity of waste dumped from a truck. Enforcement legislation is embodied within the Environmental Protection Act 1990 sections 33 and 34.

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force on 9 May 2016 which amends the Environmental Protection Act 1990 to allow the issuing of fixed penalties for waste deposit offences.

Mid Devon District Council is also a contributor to the web based National Fly Tipping Database Fly Capture which has been in operation since April 2004 and will continue to report fly-tipping in its area.

All authorised District Officers in the service Environmental Enforcement Team are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and will also refer to a specific Fly-tipping Policy (January 2020) when making enforcement decisions. Under the fly-tipping policy the FPNs for fly tipping were increased from £200 to £400 and the powers to use overt CCTV footage (i.e. does not require Regulation of Investigatory Powers Act 2000 (RIPA) authorisation) were also adopted to assist with enforcement.

The adopted Fly-Tipping Policy can be found under item 162 (Environment Education Policy) of the MDDC Cabinet meeting of 23 April 2020 available here:  
<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&Mid=1317&Ver=4>

### Littering from vehicles

Mid Devon District Council is committed to reducing litter on roadsides and verges and will take enforcement action against those who litter from their vehicles. It is recognised that it can be particularly difficult for District Officers in the Environmental Enforcement Team to identify which person in the vehicle committed the offence. Recently introduced powers allow Mid Devon District Council to hold the keeper of a vehicle responsible for littering offences committed from the vehicle.

The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (SI 2018/171) came into force on 1 April 2018 to introduce new fixed penalty powers for littering from vehicles. This allows local authorities outside London to issue civil penalty notices (a form of FPN) to the keeper of a vehicle from which litter is thrown.

Under the aforementioned legislation, this specific FPN is different in that it is a civil penalty and therefore a civil fine which, unlike a criminal penalty, does not carry the risk of a criminal prosecution. The 'keeper' of a vehicle is presumed to be the 'registered keeper', but evidence

may be provided showing that the vehicle was 'kept' by another person at the relevant time. The liability to pay the civil penalty rests with the keeper of the vehicle at the time of the offence.

Under section 89(1) of the EPA 1990 the District Council, as the local authority, has a general duty to keep land in its area clear of litter.

The amount of a fixed penalty is the amount specified under Section 88(6A) of the EPA 1990 for the fixed penalty for the offence of leaving litter which has been thrown from a vehicle. Mid Devon District Council has set this sum at £150. If this fixed penalty is not paid in full within the fixed penalty payment 14 days, the amount of the fixed penalty increases by 100% with effect from the day after the last day of the fixed penalty payment period.

These FPNs will be issued when District Officers in the service Environmental Enforcement Team observe offences whilst on patrol, on a pure chance basis whilst engaged on other duties, or following an approach by members of the public willing to stand as witness in any subsequent Court action. All authorised District Officers in the team are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and will also refer to a specific Littering from Vehicles Policy (January 2020) when making enforcement decisions. Under the policy, powers to use overt CCTV footage (i.e. does not require Regulation of Investigatory Powers Act 2000 (RIPA) authorisation) were also adopted to assist with enforcement.

The adopted Littering from Vehicles Policy can be found under item 162 (Environment Education Policy) of the MDDC Cabinet meeting of 23 April 2020 available here: <https://democracy.middevon.gov.uk/ie/ListDocuments.aspx?CId=133&MId=1317&Ver=4>

### Flyposting

Fly-posters usually advertise or promote events and are placed without permission of the owner of the property and can take the form of stickers, signs or posters. Where this is reported to us we will make enquiries into the source of the advertisements and take action if possible.

Graffiti and fly-posting are both illegal, spoil both public and private property and can be very costly to remove.

We have powers to prosecute both the people putting up the material and the businesses being advertised.

Legal measures to prevent fly-posting include:

- On-the-spot fines
- Use of fixed penalty notices
- Prosecution in a magistrates' court
- Use of Anti-Social Behaviour Orders
- Charging the offender for the cost of removing the posters

Formatted: Font: (Default) Arial

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

## Legislation

Formatted: Underline

It's illegal under the Advertisement Regulations to flypost on private property and under the provisions of Highway Law on Structures, Paving and Street Furniture within the Public Highway. We may attempt to secure the removal of the flyposting and advise the venue that if further incidents occur we will prosecute. As a result we will work with Highways Authority colleagues in Devon County Council if Highway Law is applicable.

Further Legislation in this area includes:

Section 43 of the Anti Social Behaviour Act 2003, which allows us to issue fixed penalty notices of for the offences of both graffiti and fly posting.

Section 48-52 of the Act enables local authorities to issue notices requiring the removal of graffiti and fly posting within 28 days from certain surface and structures. If the notice is not complied with we can undertake the work and recover costs.

Town and Country Planning Act 1990 - Section 220 (here we will work with our Planning Authority colleagues within the Council).

The Clean Neighbourhoods and Environment Act 2003 Act gives local authorities greater powers to order the removal of graffiti and fly posting - and to recover costs.

## **APPENDIX N**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (STRAY DOGS)**

The Environmental Protection Act (1990) (EPA) below appoints an officer "for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority". The current appointed officer in Mid Devon District Council is the Environmental Enforcement Manager.

Mid Devon District Council is responsible for the seizure and transport of stray dogs:

- Patrolling the District and enforcement of dog fouling legislation;
- Encouraging responsible dog ownership through presentations and talks;

Mid Devon District Council does provide a collection service during normal working hours and will endeavour to collect the dog by the end of the day. We will also endeavour to contact a finder within an hour.

The aforementioned legislation requires a dog in a public place to be fitted with a collar and tag bearing the name and address of the owner (see also Microchipping). Where a stray dog has a form of identification, or the owner of the dog is known, the District Officer will make

every effort to return the dog to its rightful owner. However, if the owner cannot be contacted a 'notice of seizure' (s.149 (3) & (4) EPA 1990) will be issued. The notice specifies that the dog has been seized, retained at kennels and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.

The owner of a stray dog is 'not entitled' to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s149 (5) EPA 1990). Should the dog not be claimed or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

The Environmental Protection Act 1990 specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of Mid Devon District Council is that, on the first occasion that a dog is seized, the District Officer will make all reasonable efforts to identify the owner and return it to them before taking it to the kennels. The District Officer carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the District Officer will either visit or telephone. If contact is made, the dog will be returned to the owner.

A dog will only be returned to an address if there is someone able to receive the dog; it will not be left at an unoccupied property, for example where the owner is out or with any person under the age of 18 years of age.

Mid Devon District Council currently insists on cash or debit/credit card for the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) before a stray dog is released to a claimant. Once all fees are paid the District Officer will arrange to deliver the dog back to the owner. The owner will be required to be at home to receive the dog and sign for its receipt.

Stray dogs will be collected out of hours until 6pm if the dog is detained or with the finder. Patrols for stray dogs will not be carried out between the hours of 5pm and 11am except in special circumstances. After 6pm details of the finder will be taken by the Council's Emergency Out-of-Hours service and arrangements will be made with the registered kennels for the dogs to be collected from a designated collection point. The dog will remain in the care of the kennels overnight and the District Officer will endeavour to make arrangements the following working day to reunite the dog with the registered owner.

Detained dogs will not be released by Mid Devon District Council until all costs incurred are paid in full. During office hours payment can be made in person at one of our community offices via debit/credit card or cash. Alternatively payment can be made on line on the Council's website.

All authorised District Officers in the service Environmental Enforcement Team are fully trained in dog handling and receive regular update training. All delegated officers will act in accordance with this policy and will also refer to a specific Stray Dogs Policy (January 2020) when making enforcement decisions.

The adopted Stray Dogs Policy can be found under item 162 (Environment Education Policy) of the MDDC Cabinet meeting of 23 April 2020 available here: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&MId=1317&Ver=4>

### **Microchipping**

It is compulsory for all dogs to be microchipped. The Microchipping of Dogs (England) Regulations 2015 come into force on the 6th April 2016 and are made under section 12 of the Animal Welfare Act 2006.

These Regulations provide for the compulsory microchipping of dogs, the recording of a dog's identity and keeper's contact details on a database. This does not apply where a Secretary of State approved certificate has been completed by a veterinary surgeon stating that a dog should not be microchipped for health reasons (this also applies to imported dogs who must otherwise be microchipped within 30 days of being imported). The certificate must state the period for which the dog will be unfit to be microchipped. A dog is deemed to be microchipped where the implanted chip complies with requirements detailed in the Regulations and where these details are recorded on a database by a database operator as specified within the Regulations.

Under the Regulations a keeper means:

In relation to an assistance dog:

- Until the dog ceases working as an assistance dog, the body responsible for its training and allocation;
- After the dog has ceased working as an assistance dog, the person with whom it normally resides;

In relation to a new born puppy:

- The owner of the bitch which gave birth to it

In relation to any other dog:

- The person with whom it normally resides.

The Regulations also set out obligations regarding a change of keeper.

Alongside Mid Devon District Council's statutory function to seize stray dogs, District Officers also work closely with Mid Devon District Councils Licensing Department, Neighbourhood Officers and the Police.

Offences that will relate to Mid Devon District Council enforcement role are:

- Failure to transfer a dog to a new keeper without a microchip (unless a certificate has been issued stating that the dog should not be microchipped for health reasons)
- Failure to comply with a notice served by an authorised person requiring dog to be microchipped within 21 days
- Obstructing an authorised person who is arranging for the dog to be microchipped, recovering the cost of doing so and/or taking possession of a dog for the purposes of microchipping.

The above offences are punishable on summary conviction (Magistrates' Court) by a fine not exceeding level 2 (£500) on the standard scale with a 6 month time limit upon discovery of an offence to commence a prosecution).

A keeper may appeal to the First-tier tribunal against a notice served requiring the keeper to have the dog microchipped within 21 days.

All delegated officers will act in accordance with this policy and will also refer to a specific Microchipping Procedure (Appendix A) set out in the aforementioned Stray Dogs Policy (January 2020) when making enforcement decisions.

## APPENDIX O

### SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (ABANDONED VEHICLES)

Local authorities have a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 to remove a vehicle which is abandoned on a road (including private roads) or land in the open air, subject to certain conditions. 1.2.1 Mid Devon District Council is not required to remove an abandoned vehicle situated on open air land if the cost of removing it to the nearest highway is unreasonably high.

Relevant legislation:

- Refuse Disposal (Amenity) Act 1978
- The Removal and Disposal of Vehicles Regulations 1986
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- Criminal Justice Act 1982

All authorised District Officers in the service Environmental Enforcement Team are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and will also refer to a specific Abandoned Vehicle Policy (January 2020) when making enforcement decisions, including processes for the assessment of vehicles and the removal, storage and disposal of a vehicles.

Under the legislation and the Abandoned Vehicle Policy, 3.10 Mid Devon District Council may recover any cost of removal, storage or disposal from the registered keeper for abandoning their vehicle. Mid Devon District Council is not permitted to recover any costs from an occupier of land upon which a vehicle has been abandoned. Current adopted costs for registered owners are: Initial removal: £150, Storage: £20 per day from the date of removal. These prices may change to reflect inflation.

The adopted Abandoned Vehicle Policy can be found under item 162 (Environment Education Policy) of the MDDC Cabinet meeting of 23 April 2020 available here: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&Mid=1317&Ver=4>

## **APPENDIX P**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (COMPULSORY RECYCLING)**

In November 2015 Mid Devon District Council introduced a Compulsory Recycling Policy, in line with waste and recycling legislation, aimed at encouraging residents to put their waste out in the correct containers and at the correct times, as prescribed by Mid Devon District Council.

Current recycling procedures are specified on the Mid Devon District Council website. In the autumn of 2015 Mid Devon District Council introduced a weekly food waste kerbside collection using blue food caddies and an opt-in fortnightly chargeable garden waste collection service using a brown bin. Further changes to waste and recycling arrangements may be made in the future.

One of the purposes of introducing compulsory recycling is to increase recycling performance and to reduce costs for the Council. This has had a positive effect by reducing the amount of waste.

The Environmental Protection Act 1990 legislation is aimed at encouraging everybody to use the right containers for the right kind of materials.

#### **Education and Enforcement**

Everyone should take responsibility for the waste they produce and Mid Devon District Council aims to educate local residents, businesses and visitors to increase awareness and understanding of their role in responsible waste management. This may be through targeted campaigns, the Mid Devon District Council website, leaflets, posters, events and working with community groups.

Mid Devon District Council has a statutory duty under the amended Environmental Protection Act 1990 ("the Act") to keep the streets clean and clear of litter and refuse. This legislation also gives Mid Devon District Council the powers to tackle local environmental quality issues and to undertake enforcement.

Mid Devon District Council recognises that residents may take time to get accustomed to the service requirements contained in its policies. Consequently Mid Devon District Council will adopt an approach that will always offer advice, support and guidance as the first and preferred way.

Mid Devon District Council are nonetheless aware that resorting to the use of formal powers may be necessary in some circumstances and is committed to seeing such measures applied in an open, reasonable and proportionate way.

A Notice under Section 46 (1) of the amended Environmental Protection Act 1990 needs to have been served on a property before any enforcement action can be pursued for this type of offence. This Notice formally requires the occupier to place the waste for collection in receptacles of a kind and number specified and effectively sets the ground rules for the way household waste should be managed by residents.

This Notice is in addition to the information provided on the Mid Devon District Council website.

Serving a Section 46 (1) Notice does not imply that a household is not managing their waste properly and, as such, the notices may be served on as many properties as appropriate to enable a consistent and fair approach to enforcement across the district.

All authorised District Officers in the service Environmental Enforcement Team are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and will also refer to a specific Compulsory Recycling Policy (January 2020) when making enforcement decisions including the four-stage enforcement procedure set out in the latter.

The adopted Compulsory Recycling Policy can be found under item 162 (Environment Education Policy) of the MDDC Cabinet meeting of 23 April 2020 available here: <https://democracy.middevon.gov.uk/ie/ListDocuments.aspx?CId=133&Mid=1317&Ver=4>

## **APPENDIX L**

### **~~SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (CIVIL PARKING ENFORCEMENT – OFF STREET)~~**

~~The purpose of this appendix is to give further guidance on the provisions of the Traffic Management Act 2004 s82. The principles of the Civil Enforcement is clearly set out in the main Civil Parking Enforcement – off street) policy. The policy will be followed in conjunction with the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) Representations and Appeal Regulations 2007.~~

#### **General parking enforcement**

~~Mid Devon District Council enforce Council owned car parks and as such are considered the Enforcement Authority in those locations only. The policy set out in this document is intended to provide guidance and information to the public and Council employees carrying out car park enforcement duties. The policies and approach are consistent with current best practice and aim to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the legislation and associated guidance, the Traffic Penalty Tribunal (TPT) and the Local Government Ombudsman. These policies represent a foundation upon which fairness, openness, transparency and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by councils must not be unduly rigid in their application.~~

~~By carrying out Civil Parking Enforcement within its own car parks Mid Devon District Council will:~~

~~Maintain its car parks to a standard that encourages drivers to park legally and safely thereby improving traffic flow on the highway and making the Borough a more pleasant and environmentally safe place in which to live and visit.~~

~~Provide parking at reasonable cost to the public so as to encourage the local economy.~~

~~Actively support the needs of disabled people bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the District.~~

## **APPENDIX M**

### **SUPPLEMENTARY ENFORCEMENT POLICY ISSUES – STREET SCENE SERVICES (FIXED PENALTY POLICY – DOG FOULING, LITTERING AND FLY-TIPPING)**

~~The purpose of this appendix is to give further guidance on the provisions of the fixed penalty notice for offences contained within the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Act 1990.~~

#### **General Fixed Penalty Enforcement**

~~Fixed penalty Notices are a means of punishing offenders for unlawful behaviour and offer a quick, flexible means of dealing with certain offences. It avoids overloading the judicial system with unnecessary cases. They allow a person who admits to the committing of an offence to end the matter promptly, avoid Court action and possibility of a criminal record. As well as an enforcement tool the use of fixed penalty notices is intended to encourage behaviour change and bring improvements to local environmental quality and protect public safety.~~

~~Fixed Penalty notices can be issued for:~~

~~Dog fouling~~

~~Littering~~

~~Fly tipping~~

**CABINET**  
**29 OCTOBER 2020**

## **DRAFT 2021/22 GENERAL FUND AND CAPITAL BUDGETS**

**Cabinet Member** Cllr Andrew Moore  
**Responsible Officer** Andrew Jarrett, Deputy Chief Executive (S151)

**Reason for the report:** To consider the initial draft 2021/22 Budget and options available in order for the Council to set a balanced budget and agree a future strategy for further budget reductions for 2022/23 onwards.

**RECOMMENDATION:** To consider the draft budget proposals for 2021/22 and start to plan for additional savings.

**Reason for the recommendation:** The Local Government Finance Act 1992 places a legal requirement on the Council to approve a balanced budget. These draft budget proposals assist the Council in understanding the extent of the budgetary imbalance and offers options to how this may be addressed.

**Relationship to the Corporate Plan:** To deliver our Corporate Plan's priorities within existing financial resources.

**Financial Implications:** The current budget for the General Fund shows a deficit of £3.012M. This highlights the need to take steps to plan for reductions to our expenditure levels, although any remedial measures will need to take account of the unprecedented situation that is currently being faced.

**Legal Implications:** None directly arising from this report. However, there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

**Risk Assessment:** In order to comply with the requirement to set a balanced budget, management must ensure that the proposed savings are robust and achievable. We must also ensure that the assumptions we have used are realistic and prudent. Failure to set a robust deliverable budget puts the Council at risk of not being able to meet its commitments and casts doubt on its "going concern" and VFM status.

**Equality Impact Assessment:** There are no Equalities Impact implications relating to the content of this report.

**Climate Change Assessment:** The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change.

### **1.0 Introduction**

- 1.1 2019/20 was the fourth and final year of a four year fixed funding settlement. The Fair Funding Review together with the business rates baseline reset, originally set for publication in September 2019, were

delayed a year due to Brexit pressures. That intention to publish in 2020/21 for implementation in 2021/22 is now further delayed due to the Covid 19 pandemic.

1.2 As a result, we are awaiting details of the funding that will be received for 2021/22. This also has a significant impact on our ability to forecast for future years. We expect the Review to alter our funding but we have little indication of what this might involve. The areas we are particularly concerned with are:

- Business Rates baseline reset – how much of our growth are we likely to lose?
- When, or even whether, will we move to 100% Business Rates growth retention? In the Budget 2016, this was to be in place “before the end of Parliament”.
- What will 100% Retention mean in terms of losing other funding streams such as RSDG and what additional responsibilities will we have?
- New Homes Bonus – the mechanics of this will change and we may lose additional years’ (we lost 2 years payments in 2018/19). We expect more of the Bonus to be redirected to the Better Care Fund to help Upper Tier authorities cope with the pressures of Social Care.
- Will we lose funding in relation to our rurality (RSDG)?
- Will we be tasked with administering additional reliefs/services?

1.3 It is worth reflecting that our budgets are affected in a number of ways:

- The funding received from Central Government.
- Devon County Council (DCC) and other public bodies’ budgets are being reduced centrally and hence this pressure is passed on to us in areas we work collaboratively.
- The increasing pressure on social care budgets has a “knock-on” effect to the level of funding that is available to lower-tier authorities.
- Government departments such as Ministry of Housing, Communities and Local Government, Department of Work and Pensions also have lower budgets and reduced grants.
- Changes in customer demand/expectations in the context of the local/national economy.

1.4 No financial report in these times, would be complete without reference to the implications of Covid 19. The pandemic and the effects of the measures to combat it, have structurally altered the services that we offer, the delivery channels that we employ and our funding mechanisms. In the context of budget setting for 2021/22 and beyond in respect of the MTFP, the question becomes an issue of what assumptions should our expectations be based upon:

- The country was placed into lock down largely for the first quarter of 2020/21. This significantly impacted service delivery and those income streams that depend on this activity. Since that time, services have been able to resume but often with new ways of working especially in our leisure centres.
- Further both the ongoing health and economic implications of the virus have impacted residents’ habits and expectations. This can be seen in planning for example where economic uncertainty has

seen a slowdown in the larger development applications, whilst the smaller home improvement type of application have seen an increase in activity.

- A great deal of uncertainty remains regarding the reoccurrence of the virus in the coming months, if not years, and the measures that may be taken to contain it.
- Since the end of lockdown, we now have 3 months of data which give some indication as to how our income streams may behave going forward. This report is based on those trends continuing. It is quite possible, however, that another infection peak over the winter months, say, could result in measures which further limit service activity and significantly disrupt these trends. In this case our assumptions would prove to be over optimistic and income expectations would need to be downgraded accordingly.
- It is noted that the 2020/21 budget was set before Covid 19 was a consideration. Hence when we look at the major budget variances in section 2 below, we are comparing a pre Covid view of 2020/21 with a post Covid recovery scenario in 2021/22. Even without possible further disruption, income is not expected to recover to pre pandemic levels before the start of 2021/22, resulting in losses from budget year to budget year.
- The Collection Fund is another area of deep uncertainty. Collection rates have been impacted with some residents and businesses struggling to make payments on council tax and NNDR respectively. Whilst we have extrapolated the emerging trends, the robustness of this approach will be tested in the face of the risks mentioned above regarding rising infection rates; along with the ending of the original furlough scheme and a generally declining economy.
- In the face of these threats, Council funding has been supported by grants from government. So far £994k has been received in 3 tranches in Covid 19 emergency funding. A fourth tranche of £1 billion has just been announced and we are waiting to hear what the Mid Devon share of this will be. The Council has also benefited from the Job Protection Scheme and a first application of £608k has recently been made under the government's Income Compensation Scheme. There have also been hints at support in relation to collection fund losses although nothing more substantive as yet. There is however no indication from government that any of this support will continue into 2021/22. As stated above, significant income losses are expected to run into next year but there is no certainty as to how these will be funded.

1.5 Although the priority is to balance next year's budget, strategic decisions will need to be made to accommodate reduced or changes to funding going forward.

1.6 Based on years of public sector austerity many services can no longer continue to reduce cost and still be expected to deliver "business as usual". It is important to remember that some services are statutory and in some cases must breakeven, i.e. we cannot generate a profit. This restricts where savings/cuts can be imposed and section 8 below provides more details.

- 1.7 The proposed savings embodied in the draft budget will need to be agreed by Members, as every proposed saving that is rejected will need to be matched by a suggestion of where a similar saving could be made. Members will be aware that the budget is an evolving process. We have already made a range of assumptions relating to: pay awards, inflation, fees/charges, demand for services, property increases, etc. More information may well change/alter our assumptions in the months leading up to February, when the budget has to be finalised. So the current budget gap of £3.012M will be revised over the next few months, but it is based on the most current information, in conjunction with professional guidance that is available.
- 1.8 The Council continues to look at opportunities to reduce operational costs without immediately reducing service levels. However it remains a real possibility moving forward that some difficult decisions will have to be made relating to what the Council can and can't afford to deliver/support in the future.

## 2.0 The Draft 2021/22 Budget

- 2.1 The initial aggregation of all service budgets (which also includes assumptions surrounding predictions of interest receipts, contributions to our capital programme, transfers from/to reserves and Council Tax levels) currently indicates a General Fund budget gap of £3.012m (Appendix 1).
- 2.2 At this point it is worth summarising how we have arrived at this deficit. The table shown below shows the main budget variances affecting the 2021/22 draft budget.

**Table 1 – Reconciliation of Major 2021/22 Budget Variances**

<b>Variances</b>	<b>Pressure £k</b>	<b>Saving £k</b>
<b><i>Covid 19 Losses</i></b>		
Income - Leisure	644	
Income – Waste	66	
Income - Parking	58	
Income – Environmental Services (Licencing)	40	
Income - Planning	201	
Income – Council Tax Collection	46	
Income - Other	28	
	<b>1,083</b>	
Collection Fund – Council Tax	138	
Collection Fund - NNDR	405	
	<b>543</b>	
<b><i>Subtotal</i></b>	<b>1,626</b>	
<b><i>Operational</i></b>		
Income – Waste - SSA		-30
Income - Waste - Garden		-25
Inflationary increases (excl HRA shown below)	46	
Pay award and pension increases	266	

Pension lump sum increase	26	
Pay – CMT increment	39	
Pay – remove DOO (50%)		-46
Pay – CS – Pay movements	25	
Pay – CS – Pay movements - EMR utilisation (vulnerability grant re Customer Welfare Officer)		-15
Pay - FP – revert GM role to full time	13	
Pay – HG - Rough Sleeper Navigator Post & Rough Sleeper Housing Options Accommodation Officer	72	
Pay – HG – Housing Options Officer	38	
Pay – HG – EMR utilisation		-110
Pay – HR – JE’s & officer joining the pension scheme	21	
Pay – PS – Climate Change Co-ordinator	23	
Pay – R&B - Restructure		-29
Pay – RS – Covid pressures	42	
Pay - Other	11	
Premises - Blue Frog cleaning contract additional cost	25	
Property Maintenance - 30 year programme	323	
Transport costs		-61
Software upgrade - Efin	52	
Cullompton HAZ – Costs net of grants	169	
Cullompton HAZ – EMR utilisation		-169
Local plan costs	78	
Local plan costs – EMR utilisation		-78
Crediton Masterplan	60	
Crediton Masterplan – EMR utilisation		-60
Garden Village Project	283	
Garden Village Project – EMR utilisation		-283
Other planning projects	64	
Other planning projects – EMR utilisation		-94
Net recharge to HRA (after inflationary increases etc.)		-44
	1,676	-1,044
<b>Other</b>		
Interest Receivable (3RDL + CCLA + Temp investments)		-133
Interest Payable		-123
Finance Lease Interest	111	
3 Rivers Impairment		-131
Capital MRP		-185
NHB - decrease	641	
NHB – EMR transfer		-641
Other EMR utilisation	1,162	
Other small variances	53	
	1,967	-1,213
	5,269	2,257

Deficit	3,012
---------	-------

2.3 In compiling the 2021/22 draft budget we have also examined budget performance during 2020/21 and then made any relevant budget corrections for staffing changes, levels of income, changes in legislation, increases in inflation, etc.

2.4 Due to the need to get budget information to all of the PDG and Cabinet meetings during October and November there are key issues that have not been resolved or are still to be fully evaluated. These issues may either improve or worsen the summary budget position currently reported and can be summarised as follows.

- Ongoing impact of Covid 19 on service activity and income streams
- Ongoing impact of Covid 19 and the economic consequences on collection fund receipts
- Further government announcements regarding financial support for the impacts of the pandemic.
- Provisional Finance Settlement in December
- Ongoing service reviews (including changes to fees/charges)

### 3.0 The Past

3.1 Just to remind Members of the financial journey the Council has been on since the austerity programme in 2010/11, here is a list of some of the challenges that have been presented to MDDC in balancing budgets during recent years.

- Net loss of £4.2m in Formula Grant
- Loss of funding for Housing Benefit admin and Regional Housing Pot removed circa £0.6m
- Council Tax freezes accepted for a number of years
- Costs associated with Local Plan
- Tax and pension related pressures including:
  - Pay award
  - Increased pension back-funding costs
  - Government mandated auto-enrolment to the Pension Scheme
  - National Insurance change
- Apprentice Levy introduced (currently c£49k)
- Covid 19 impacts across all budgets, significantly with regard to income and the collection fund.

3.2 The following lists just some of the actions taken by MDDC to mitigate these funding reductions.

- Significant efficiency agenda has led to service reductions amounting to over £2.5m
- Increased income has been generated by a number of services
  - Waste shared savings agreement with DCC
  - Garden Waste Scheme
  - Improved recycling scheme
- Increased commercialisation

- £200k profit from Market Walk and Fore Street properties
- Business Rates Devon Pool participation
- Set up a Special Purpose Vehicle to return profits to the General Fund, along with a margin on interest received
- Increasing CCLA holding to £5m
- Colocation with Department for Work & Pensions (DWP)
- Revised Car Parking Strategy in 2019/20
- Rationalising MDDC property estate, including depots, parks, toilets and car parks (which has involved significant work with third parties – especially Town and Parish Councils)
- Significant renewable energy investment across the corporate estate to reduce utility expenditure
- Joint working with North Devon DC as part of the Building Control Partnership and providing recent waste management support
- DCC Transfer Station located at Carlu Close

#### **4.0 The Future**

4.1 Already a lot of work has been undertaken to understand the current position, which indicates a draft budget gap of £3.012m. The task now is to develop our spending plans together with an associated funding plan so that we may deliver a balanced General Fund budget by February 2021 in order to formally set the Council Tax. The work with town and parish councils will continue.

#### **5.0 Capital Programme**

5.1 In addition to this revenue funding pressure, is our ongoing commitment to future capital programmes, not helped by the current low levels of capital receipts and the assumed future phasing out of New Homes Bonus funding stream. Even greater pressure may be placed on future programmes if additional borrowing is made to fund new Council Houses, Depots, Sport Centre and Town Centre enhancement works, etc.

5.2 The draft Capital Programme for 2021/22 is attached at Appendix 3. Excluding the HIF infrastructure schemes and further housing development projects, the size of our current and future capital programmes remains very small, due to the reductions in funding and level of sale receipts and now only includes material projects that are essential maintenance, or asset replacement or income generating/cost reducing.

#### **6.0 The Autumn PDGs and Cabinet meetings**

6.1 The first round of draft budget meetings will allow discussions with Members, Senior Management, Group Managers and Finance Officers in order to review the proposed draft 2021/22 budget. This will include scrutinising and challenging the initial position (and confirming acceptance of all proposed savings put forward) and discussing any other budget areas that Members would like to see additional savings from.

6.2 Before the next round of PDGs and Cabinet in January the Council will receive formal confirmation regarding its Formula Grant, other emerging legislative changes, more information regarding the 2020/21 budget performance etc. At

this point if any of the initial assumptions/estimates significantly worsen, then we will need to bring further savings options forward for consideration.

## 7.0 Public Consultation

7.1 Last year's consultation highlighted the most valued statutory services were:

1. Refuse Collection & Recycling - 93%
2. Street Cleaning - 59%
3. Planning & Building Control - 58%

And those least appreciated were:

1. Licencing - 11%
2. Electoral Services - 15%
3. Benefit Claim Processing - 20%

Similarly for discretionary services, the most valued were:

1. Parks, Playgrounds and Open Spaces - 69%
2. Town Centre Regeneration - 56%
3. Public Toilets - 48%

And least appreciated:

1. Tourism - 19%
2. CCTV - 28%
3. Outdoor Leisure eg tennis courts and football pitches - 34%

## 8.0 Statutory, Discretionary Services and the Level of Service Provision

8.1 Whilst the Council has a legal obligation to perform some activities, others are at the discretion of the elected members, subject to funding. Although some undertakings are clearly statutory and others clearly discretionary, there are some service areas that have elements of both.

8.2 The main *discretionary* services of the Council comprise:

- Business development (although a corporate priority)
- Community development (includes community group grants)
- Leisure facilities
- Parks and open spaces (identified as important to the public at 7.1)
- Shops and industrial units

### What can we do to balance the budget?

8.3 An activity's net cost could be changed by one or more of these factors:

- a) Changing the frequency of service provision, for example 3 weekly waste collection
- b) Changing the quality, instead of a "Platinum service" we may be forced to offer a "Silver service"

- c) Rescheduling activities to less difficult years. This could apply to some aspects of property maintenance. However, with so many funding challenges ahead, it is not clear when the “less difficult years” might be. In the meantime, our capital assets would be declining and costs would likely escalate as a result.
- d) Reducing the overheads and maximising a lean approach to operations. Whilst this is already the case, we are always exploring new ways of working to improve service delivery and drive savings. One option would be to include a vacancy management policy although in many cases this already happens informally.
- e) Stopping the activity entirely
- f) Different models of service delivery (including partnership)

When considering options which contribute to balancing the budget, operational changes require careful planning, possible trials and implementation periods which add up to a lead time which, along with the costs of implementation, will likely reduce the benefit arising in 2021/22.

- 8.4 Over recent years, this Council has prudently built up its general fund reserve and associated ear marked reserves. These reserves have been built up to prudently provide for the maintenance of services to our residents. They also provide a financial buffer to weather any kind of temporary storm associated with changes to the FF review, business rate review and changes to NHB. Whilst nobody predicted the pandemic, its financial effects could justify utilising this contingency in order to maintain the delivery of critical services when our residents need them the most. If we do this, we must be mindful, that all the other challenges remain and must be met with reduced financial resilience.
- 8.5 Over the last five or six years the Authority has concentrated its efforts in maintaining frontline service levels across all sectors by reducing overheads and raising income. It is now clear that following those budgetary cuts some service areas are struggling to deliver their service plans, within their existing budgets. Indeed in a few cases external reviews have necessitated increasing the resources in a particular service area to meet our legal obligations.
- 8.6 **What options are available if something is *statutory*?** Although we cannot stop the function, we may be able to approach it differently in terms of frequency or quality.
- 8.7 Increasing fees (or start charging for a service). Some of our income streams are influenced by external market forces and in setting prices we have to be mindful of the going market rate. This option becomes further limited in the current environment of reduced demand and economic uncertainty. There is an opportunity to revisit legacy dual use agreements for leisure centres to ensure they represent good value for money. Aside from Council tax, the main income streams are:
- Building control fees
  - Burial fees
  - Car park charges
  - Industrial unit rent
  - Leisure centre fees
  - Licence fees

- Market tolls
- Shop rents
- Planning fees
- Trade waste fees
- Garden waste

8.8 Any multi million pound business employing staff and utilising assets needs teams to support them and our frontline services are no different.

8.9 The key components, some statutory, others essential, include:

- Audit
- Accountancy
- Customer First
- Procurement (Buying goods and services)
- Human resources (Includes health and safety)
- IT
- Legal services
- Property services

8.10 For example our waste service has to have vehicles and depots to operate from, both of which need to be maintained. The staff need to be managed, to be paid, and legislation provides for health and safety considerations. Depots and buildings such as Phoenix House are fixed costs, although even here we have created savings by renting out some space. The “back office” activities are therefore intrinsically linked to the “frontline” and savings from both areas continue to be made.

8.11 In section 2 we see that even under the assumption of ongoing recovery from the Covid 19 measures, this draft budget predicts losses arising from the pandemic in the region of £1.6m. Government has shown a willingness to assist local authorities through the worst effects of these difficult times, not least in the form of emergency grants and the Income Compensation Scheme. No announcement has yet been made relating to schemes which would alleviate pressures in 2021/22. However, with many local authorities unable to rely on their reserve base to get through the crisis, it is conceivable that further support will be forthcoming.

## **9.0 Conclusion**

9.1 The feedback from all of the PDGs and Scrutiny will be reported to the January Cabinet for consideration in order to set a balanced 2020/21 budget. Faced with such a daunting budget gap this is likely to require difficult choices. The Medium Term Financial Plan is in process for presentation to Cabinet in December so that the savings programme for the next 4 years can be achieved based on the priorities identified in the Corporate Plan. Having identified possible savings, there will need to be careful consideration of their potential impact, probable lead times for delivery of that saving and any associated disengagement costs or possible ‘spend to save’ implications that would arise.

**Contact for more information:** Andrew Jarrett  
Deputy Chief Executive (S151)  
01884 234242  
[ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)

**Circulation of the Report:** Leadership Team  
Elected Members  
Group Managers

This page is intentionally left blank

## GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2021/22

	Budget 2020/2021	Movement	Draft Budget 2021/2022
Notes	£	£	£
Cabinet	5,433,721	292,620	5,726,341
Community	2,890,445	1,546,959	4,437,404
Economy	(549,012)	261,002	(288,010)
Environment	3,736,850	318,215	4,055,065
Homes	303,880	69,180	373,060
<b>TOTAL NET DIRECT COST OF SERVICES</b>	<b>11,815,884</b>	<b>2,487,976</b>	<b>14,303,860</b>
Net recharge to HRA	(1,481,630)	(44,449)	(1,526,079)
Provision for the financing of capital spending	1,052,154	(184,144)	868,010
<b>NET COST OF SERVICES</b>	<b>11,386,408</b>	<b>2,259,383</b>	<b>13,645,791</b>
PWLB Bank Loan Interest Payable			
Finance Lease Interest Payable	48,340	111,070	159,410
Interest from Funding provided for HRA	(49,000)	2,600	(46,400)
Interest Receivable / Payable on Other Activities	439,878	(122,998)	316,880
Interest Received on Investments	(568,322)	(135,968)	(704,290)
Transfers into Earmarked Reserves	2,597,050	(639,978)	1,957,072
Transfers from Earmarked Reserves	(1,369,370)	(169,025)	(1,538,395)
Proposed Contribution from New Homes Bonus Reserve	(960,540)	522,040	(438,500)
<b>TOTAL BUDGETED EXPENDITURE</b>	<b>11,524,444</b>	<b>1,827,124</b>	<b>13,351,568</b>
<b>Funded by: -</b>			
Revenue Support Grant	-	-	-
Rural Services Delivery Grant	(466,700)	-	(466,700)
New Homes Bonus	(1,418,190)	641,440	(776,750)
Retained Business Rates	(3,312,727)	255,320	(3,057,407)
Business Rates Pooling Dividend	(150,000)	150,000	-
CTS Funding Parishes	-	-	-
Collection Fund Surplus	(112,000)	112,000	-
Council Tax (28,239.34 x £213.84)	(6,064,827)	26,127	(6,038,700)
<b>TOTAL FUNDING</b>	<b>(11,524,444)</b>	<b>1,184,887</b>	<b>(10,339,557)</b>
<b>REQUIREMENT TO BALANCE THE BUDGET</b>	<b>-</b>	<b>3,012,011</b>	<b>3,012,011</b>

**Current Assumptions: -**

- 2020/21 Salary budgets include an assumed increase of 2% across all spinal scale points.
- Income flows have been reviewed and adjusted for changes in demand and unit price and so reflect the estimated impacts of the pandemic assuming recovery continues according to current trends.
- Investment income has been based upon the existing lending criteria now in force.
- Support services have been calculated in accordance with the annual process.
- All earmarked reserves have been reviewed and adjustment made based upon existing need.
- New Homes Bonus receipts based on existing legislation changes.
- Retained Business Rates - s31 grant relating to 100% relief for Retail, hospitality and Leisure in 2020/21 will compensate for deficit brought forward and has been included in this line.
- Any business rates deficit brought forward from 2020/21 is expected to be funded from EMR and so is not included as a pressure above.
- It is assumed that in the shadow of Covid 19, there will be no dividend from the Devon Business Rates Pool in 2021/22.
- Council Tax has been increased by £5 (the higher of £5 or 2%) from £208.84 to £213.84.
- As with NNDR, any Council Tax deficit brought forward from 2020/21 is expected to be funded from EMR and so is not included as a pressure above.

This page is intentionally left blank

2021-22 BUDGETS

Transfers into Earmarked Reserves

Page 359

SERVICE	EMR		TOTAL	MAINTENANCE BUDGET	PLANT BUDGET	EQUIPMENT BUDGET	VEHICLES BUDGET	OTHER BUDGET	NEW HOMES BONUS
IE435	EQ653	NEW HOMES BONUS GRANT	776,752						776,752
PS990	EQ685	FORE STREET MAINT S.FUND	5,000	5,000					
PS992	EQ685	MARKET WALK MAINT S.FUND	20,000	20,000					
CP540	EQ686	PAYING CAR PARKS (MACHINE REPLACEMENT SINKING FU	3,000			3,000			
LD201	EQ720	ELECTION COSTS - DISTRICT	25,000					25,000	
LD300	EQ721	DEMOCRATIC REP & MANAGEMENT	5,000					5,000	
PR810	EQ728	STATUTORY DEVELOPMENT PLAN	100,000					100,000	
EQ754	EQ754	PHOENIX PRINTERS EQUIP SFUND	2,200			2,200			
EQ755	EQ755	ICT EQUIPMENT SINKING FUND	189,500			189,500			
EQ756	EQ756	FLEET CONTRACT FUND	559,600				559,600		
GM960	EQ760	GROUNDS MAINTENANCE	15,820		15,820				
EQ761	EQ761	RECYCLING PLANT SFUND	20,000		20,000				
EQ763	EQ763	RECYCLING MAINTENANCE SINKING FUND	2,700	2,700					
PS880	EQ765	BUS STATION	5,000	5,000					
ES100	EQ766	CEMETERIES	25,000	25,000					
ES450	EQ767	PARKS & OPEN SPACES	25,000	25,000					
RS140	EQ837	LEISURE SINKING FUND	75,000			75,000			
PS980	EQ837	Property maintenance - new	100,000	100,000					
WS710	EQ839	WASTE PRESSURE WASHER	2,500			2,500			
<b>TOTAL</b>			<b>1,957,072</b>	<b>182,700</b>	<b>35,820</b>	<b>272,200</b>	<b>559,600</b>	<b>130,000</b>	<b>776,752</b>
<b>2020/2021 Budget</b>			<b>2,597,050</b>	<b>182,700</b>	<b>34,360</b>	<b>272,200</b>	<b>559,600</b>	<b>130,000</b>	<b>1,418,190</b>
<b>Movement</b>			<b>(639,978)</b>	<b>-</b>	<b>1,460</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(641,438)</b>

## Transfers from Earmarked Reserves

SERVICE	EMR	Description	TOTAL	UTILISE NHB	OTHER
EQ638	EQ638	DEV CONT LINEAR PARK	(4,170)		(4,170)
EQ640	EQ640	W52 POPHAM CLOSE COMM FUND	(1,950)		(1,950)
EQ641	EQ641	W67 MOORHAYES COM DEV FUND	(1,630)		(1,630)
EQ642	EQ642	W69 FAYRECROFT WILLAND EX WEST	(4,620)		(4,620)
EQ643	EQ643	W70 DEVELOPERS CONTRIBUTION	(6,650)		(6,650)
EQ644	EQ644	DEV CONT WINSWOOD CREDITON	(3,080)		(3,080)
ES733	EQ652	PUBLIC HEALTH	(65,400)		(65,400)
PR402	EQ652	CULLOMPTON HAZ	(15,000)		(15,000)
CD200	EQ653	COMMUNITY DEVELOPMENT	(45,000)	(45,000)	
PR400	EQ653	BUSINESS DEVELOPMENT	(80,000)	(80,000)	
EQ755	EQ653	ICT EQUIPMENT SINKING FUND	(189,500)	(189,500)	
PR402	EQ653	CULLOMPTON HAZ	(124,000)	(124,000)	
CM300	EQ653	CORPORATE MANAGEMENT	(58,000)		(58,000)
PR402	EQ722	CULLOMPTON HAZ	(30,000)		(30,000)
PR810	EQ726	BROWNFIELD SHARED PLAN	(36,263)		(36,263)
PR400	EQ728	BUSINESS DEVELOPMENT	(60,000)		(60,000)
PR810	EQ728	STATUTORY DEVELOPMENT PLAN	(86,270)		(86,270)
PR810	EQ729	CUSTOM & SELF BUILD	(45,000)		(45,000)
HG320	EQ742	HOMELESSNESS EMR	(160,740)		(160,740)
FP100	EQ755	ICT EQUIPMENT SINKING FUND	(20,000)		(20,000)
EQ756	EQ756	FLEET CONTRACT FUND	(524,060)		(524,060)
CS932	EQ766	CUSTOMER FIRST	(19,362)		(19,362)
PR810	EQ821	NEIGHBOURHOOD PLANNING FUNDING	(13,200)		(13,200)
PR225	EQ824	GARDEN VILLAGE PROJECT	(338,000)		(338,000)
LD100	NEW	ELECTIONS	(45,000)		(45,000)
	EQ740	RELEASING OF RESERVES TO FUND THE 21/22 GF BUDGET	-		
<b>APPENDIX ONE SUB TOTAL</b>			<b>(1,976,895)</b>	<b>-438,500</b>	<b>(1,538,395)</b>
IE440	EQ659	NNDR Smoothing EMR	(2,976,607)		(2,976,607)
IE420	NEW	C/TAX SMOOTHING EMR	(180,653)		(180,653)
<b>TOTAL</b>			<b>(5,134,155)</b>	<b>(438,500)</b>	<b>(4,695,655)</b>

2020/2021 Budget

**(2,329,910)**      **(960,540)**      **(1,369,370)**

Movement

**(2,804,245)**      **522,040**      **(3,326,285)**

Note:

- EMR reserves will be created in 2020/21 for Collection Fund deficits arising from Covid 19. These reserves will then be released in 2021/22 from the NNDR Smoothing Fund and the Council Tax Smoothing Fund to offset the realisation of these deficits.
- The NNDR release of £2.98m includes £2.5m being that deficit arising from the Retail Hospitality and Leisure 100% Relief Scheme which has been funded by s31 grants.
- These deficits and their associated EMR releases offset and are not therefore included in Appendix 1. This leaves only budget year impacts and thus aids clarity.

**MDDC Budget - Draft 1  
Capital Program**

**Appendix 3**

**Estimated  
2021/22  
£k**

**Exe Valley Leisure Centre**

Evlc - Boilers and CHP	122
Evlc - Fitness Studio renewal of equipment	153

**Culm Valley sports centre**

Cvsc - remodelling dance studio *	153
Cvsc - Squash court conversion to fitness *	204

*\*Subject to the ongoing discussions with the school/DCC regarding dual use.*

**MDDC Shops/industrial Units**

Market Walk Unit 17 - remodelling options	510
---	-----

**Other Projects**

Hydromills Electricity generation Project - Tiverton Weir	800
---	-----

**HIF Schemes**

Cullompton Town Centre Relief Road (HIF bid)	4,141
Tiverton EUE A361 Junction Phase 2 (HIF bid)	4,700

**ICT Projects**

Additional Unified Communications budget	30
Hardware replacement of Network Core Switch	80

**Private Sector Housing Grants**

Disabled Facilities Grants-P/Sector	577
-------------------------------------	-----

**Other General Fund Development Projects**

Other projected 3 Rivers Borrowing*	651
3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton*	358

3 Rivers scheme - Knowle Lane, Cullompton (note slippage from 20/21 will fund planned spend in 21/22)*	0
Waddeton Park, Post Hill, Tiverton (note slippage from 20/21 will fund planned spend in 21/22)	0

**TOTAL GF OTHER DEVELOPMENT PROJECTS 1,009**

*\*To be updated after the Cabinet meeting 29/10 considering the company's interim trading request.*

**HRA Projects**

**Existing Housing Stock**

Major repairs to Housing Stock	2,275
Renewable Energy Fund	250
Home Adaptations - Disabled Facilities	300

**\* Housing Development Schemes**

HRA Building Schemes - to be identified (note slippage from 20/21 will fund schemes in 21/22)	0
Garages Block - Redevelopment	408
Affordable Housing/ Purchase of ex RTB	500

*\* Proposed Council House Building / Other schemes subject to full appraisal - update to Homes PDG & next Cabinet meeting.*

**HRA ICT Projects**

**Total HRA ICT Projects 0**

**Total HRA Projects 3,733**

**GRAND TOTAL GF + HRA Projects 16,212**

**MDDC Funding Summary**

**General Fund**

	2021/22 £k
<b>EXISTING FUNDS</b>	
Capital Grants Unapplied Reserve	577
Capital Receipts Reserve	70
NHB Funding	1,030
Other Earmarked Reserves	152
HIF Funding	8,358
Other Funding	0
<b>Subtotal</b>	<b>10,187</b>
<b>NEW FUNDS</b>	
PWLB Borrowing	2,292
Revenue Contributions	0
<b>Subtotal</b>	<b>2,292</b>
<b>Total General Fund Funding</b>	<b>12,479</b>

**Housing Revenue Account**

	2021/22 £k
<b>EXISTING FUNDS</b>	
Capital Grants Unapplied Reserve	0
Capital Receipts Reserve	1,115
NHB Funding	21
HRA Housing Maintenance Fund	0
Other Housing Earmarked Reserves	2,597
<b>Subtotal</b>	<b>3,733</b>
<b>NEW FUNDS</b>	
PWLB Borrowing	0
Revenue Contributions	0
<b>Subtotal</b>	<b>0</b>
<b>Total Housing Revenue Account Funding</b>	<b>3,733</b>
<b>TOTAL FUNDING</b>	<b>16,212</b>

**PDG SERVICE UNIT MOVEMENTS**

**APPENDIX 4**

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2020/21	2021/22		
<b>Cabinet</b>					
SCM01	Leadership Team	442,690	414,540	(28,150)	-6.4%
SCM02	Corporate Functions	86,790	89,770	2,980	3.4%
SCM03	Corporate Fees/Charges	365,110	302,060	(63,050)	-17.3%
SCM06	Pension Backfunding	753,571	779,690	26,119	3.5%
SES01	Emergency Planning	7,500	8,150	650	
SFP01	Accountancy Services	436,790	543,590	106,800	24.5%
SFP02	Internal Audit	92,100	94,410	2,310	2.5%
SFP03	Procurement	121,580	112,660	(8,920)	-7.3%
SFP04	Purchase Ledger	47,320	46,500	(820)	-1.7%
SFP05	Sales Ledger	46,210	45,360	(850)	-1.8%
SHR01	Human Resources	377,680	378,570	890	0.2%
SHR02	Mddc Staff Training	33,750	29,870	(3,880)	-11.5%
SHR03	Payroll	48,870	50,880	2,010	4.1%
SHR04	Learning And Development	53,190	48,530	(4,660)	-8.8%
SIT01	It Gazetteer Management	74,880	71,800	(3,080)	-4.1%
SIT03	It Information Technology	919,770	977,590	57,820	6.3%
SLD01	Electoral Registration	203,830	224,019	20,189	9.9%
SLD02	Democratic Rep And Management	490,630	506,910	16,280	3.3%
SLD04	Legal Services	357,890	375,672	17,782	5.0%
SPR01	Building Regulations	(6,430)	47,580	54,010	-840.0%
SPR04	Local Land Charges	(19,200)	(16,050)	3,150	-16.4%
SRB01	Collection Of Council Tax	397,010	430,870	33,860	8.5%
SRB02	Collection Of Business Rates	(103,370)	(105,360)	(1,990)	1.9%
SRB03	Housing Benefit Admin & Fraud	132,520	131,300	(1,220)	-0.9%
SRB04	Housing Benefit Subsidy	5,000	65,000	60,000	1200.0%
SRB06	Debt Recovery	68,040	72,430	4,390	6.5%
		<b>5,433,721</b>	<b>5,726,341</b>	<b>292,620</b>	<b>363.4%</b>
<b>Community PDG</b>					
SCD01	Community Development	77,650	154,150	76,500	98.5%
SCS20	Customer Services Admin	23,350	23,350	-	0.0%
SCS22	Customer First	716,935	755,120	38,185	5.3%
SES03	Community Safety - C.C.T.V.	6,010	43,590	37,580	625.3%
SES04	Public Health	3,990	3,990	-	0.0%
SES11	Pool Cara	1,280	280	(1,000)	N/A
SES16	Es Staff Units/Recharges	788,210	805,600	17,390	2.2%
SES17	Community Safety	6,220	6,220	-	0.0%
SES18	Food Safety	(25,070)	(24,200)	870	-3.5%
SES21	Licensing	14,400	50,840	36,440	253.1%
SES22	Pest Control	5,000	5,000	0	0.0%
SES23	Pollution Reduction	(650)	(580)	70	-10.8%
SPR02	Enforcement	110,370	93,420	(16,950)	-15.4%
SPR03	Development Control	357,990	856,440	498,450	139.2%
SPR09	Forward Planning	270,620	270,570	(50)	0.0%
SPR11	Regional Planning	99,390	248,273	148,883	149.8%
SRS01	Recreation And Sport	434,750	1,145,341	710,591	163.4%
		<b>2,890,445</b>	<b>4,437,404</b>	<b>1,546,959</b>	<b>53.5%</b>
<b>Economy PDG</b>					
SCD02	Economic Development - Markets	60,640	81,020	20,380	33.6%
SCP01	Parking Services	(632,962)	(529,250)	103,712	-16.4%
SPR06	Economic Development	427,810	561,280	133,470	31.2%
SPS12	GF Properties Shops / Flats	(404,500)	(401,060)	3,440	-0.9%
		<b>(549,012)</b>	<b>(288,010)</b>	<b>261,002</b>	<b>-47.5%</b>

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2020/21	2021/22		
<b>Environment PDG</b>					
SES02	Cemeteries	(85,300)	(62,110)	23,190	-27.2%
SES05	Open Spaces	126,120	236,220	110,100	87.3%
SGM01	Grounds Maintenance	567,810	560,176	(7,634)	-1.3%
SPS01	Asset Management	40,000	40,000	0	0.0%
SPS03	Flood Defence And Land Drain	26,430	26,430	0	0.0%
SPS04	Street Naming & Numbering	7,830	7,940	110	1.4%
SPS05	Administration Buildings	241,380	324,420	83,040	34.4%
SPS06	Mddc Depots	38,190	74,990	36,800	96.4%
SPS07	Public Transport	(15,690)	(15,280)	410	-2.6%
SPS08	Office Building Cleaning	62,250	0	(62,250)	-100.0%
SPS09	Property Services Staff Unit	687,640	729,530	41,890	6.1%
SPS11	Public Conveniences	50,710	63,980	13,270	26.2%
SWS01	Street Cleansing	449,720	424,150	(25,570)	-5.7%
SWS02	Waste Collection	290,450	302,399	11,949	4.1%
SWS03	Recycling	879,630	967,470	87,840	10.0%
SWS04	Waste Management	369,680	374,750	5,070	1.4%
		<b>3,736,850</b>	<b>4,055,065</b>	<b>318,215</b>	<b>8.5%</b>
<b>Homes PDG</b>					
SES15	Private Sector Housing Grants	(11,640)	(3,890)	7,750	-66.6%
SHG03	Homelessness Accommodation	315,520	376,950	61,430	19.5%
		<b>303,880</b>	<b>373,060</b>	<b>69,180</b>	<b>22.8%</b>
	<b>GRAND TOTAL</b>	<b>11,815,884</b>	<b>14,303,860</b>	<b>2,487,976</b>	<b>21.06%</b>

**SCM01 Leadership Team**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	506,234	440,670	406,520	(34,150)
3000	Transport	1,611	3,010	2,010	(1,000)
4000	Cost Of Goods And Services	7,567	6,010	6,010	0
7000	Income	(7,182)	(7,000)	0	7,000
	<b>Sum:</b>	<b>508,229</b>	<b>442,690</b>	<b>414,540</b>	<b>(28,150)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
CM100	Leadership Team	414,540
	<b>Sum:</b>	<b>414,540</b>

**Major cost increases**

0.50 FTE salary saving in part offset by salary inflation.

**Major cost decreases and changes in income**

No significant variance to report

**SCM02 Corporate Functions**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	106,752	86,090	89,070	2,980
3000	Transport	297	200	200	0
4000	Cost Of Goods And Services	2,782	500	500	0
7000	Income	(43,071)	0	0	0
	<b>Sum:</b>	<b>66,759</b>	<b>86,790</b>	<b>89,770</b>	<b>2,980</b>

Cost Centre	Cost Centre Name	2021/22 Budget
CM210	Performance, Governance & Data	89,770
CM220	Brexit	0
CM800	Tiverton Hub	0
	<b>Sum:</b>	<b>89,770</b>

**Major cost increases**

No significant variance to report

**Major cost decreases and changes in income**

No significant variance to report

### **SCM03 Corporate Fees**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	53,427	56,960	58,090	1,130
4000	Cost Of Goods And Services	987,377	176,900	243,970	67,070
7000	Income	58,890	131,250	0	(131,250)
	<b>Sum:</b>	<b>1,099,695</b>	<b>365,110</b>	<b>302,060</b>	<b>(63,050)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
CM300	Corporate Fees	293,060
CM340	Unison	9,000
	<b>Sum:</b>	<b>302,060</b>

#### **Major cost increases**

£58k in respect of digital platform for CRM

#### **Major cost decreases and changes in income**

Removal of 3 Rivers impairment £131k in respect of the Working Capital loan.

### **SCM06 Pension Backfunding**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	1,691,667	752,171	778,290	26,119
4000	Cost Of Goods And Services	0	1,400	1,400	0
	<b>Sum:</b>	<b>1,691,667</b>	<b>753,571</b>	<b>779,690</b>	<b>26,119</b>

Cost Centre	Cost Centre Name	2021/22 Budget
CM600	Pension Backfunding	779,690
	<b>Sum:</b>	<b>779,690</b>

#### **Major cost increases**

Additional Pension back funding contributions (year 2 of 3 year agreed cost)

#### **Major cost decreases and changes in income**

No significant variance to report

### **SES01 Emergency Planning**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
4000	Cost Of Goods And Services	7,510	7,500	8,150	650
	<b>Sum:</b>	<b>7,510</b>	<b>7,500</b>	<b>8,150</b>	<b>650</b>

Cost Centre	Cost Centre Name	2021/22 Budget
ES500	Emergency Planning	8,150
	<b>Sum:</b>	<b>8,150</b>

#### **Major cost increases**

None.

#### **Major cost decreases and changes in income**

None.

### **SFP01 Accountancy Services**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	399,170	368,980	424,260	55,280
3000	Transport	1,293	700	700	0
4000	Cost Of Goods And Services	53,048	67,710	119,630	51,920
7000	Income	(7,754)	(600)	(1,000)	(400)
	<b>Sum:</b>	<b>445,757</b>	<b>436,790</b>	<b>543,590</b>	<b>106,800</b>

Cost Centre	Cost Centre Name	2021/22 Budget
FP100	Accountancy Services	543,590
	<b>Sum:</b>	<b>543,590</b>

#### **Major cost increases**

Salary increase due to Apprentice post moved from Procurement into this budget, CMT uplift, increased hours for vacant GM post & increased overtime budget.

Increased cost of goods and services budget is due to the upgrade of E-Financials.

#### **Major cost decreases and changes in income**

### **SFP02 Internal Audit**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
4000	Cost Of Goods And Services	88,991	92,100	94,410	2,310
	<b>Sum:</b>	<b>88,991</b>	<b>92,100</b>	<b>94,410</b>	<b>2,310</b>

Cost Centre	Cost Centre Name	2021/22 Budget
FP200	Internal Audit	94,410
	<b>Sum:</b>	<b>94,410</b>

#### **Major cost increases**

None.

#### **Major cost decreases and changes in income**

None.

### **SFP03 Procurement**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	105,355	116,690	107,700	(8,990)
3000	Transport	531	400	400	0
4000	Cost Of Goods And Services	3,954	4,490	4,560	70
	<b>Sum:</b>	<b>109,840</b>	<b>121,580</b>	<b>112,660</b>	<b>(8,920)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
FP300	Procurement	112,660
	<b>Sum:</b>	<b>112,660</b>

#### **Major cost increases**

#### **Major cost decreases and changes in income**

Apprentice post has been moved into Accountancy Services budget.

### **SFP04 Purchase Ledger**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	40,693	44,610	43,760	(850)
3000	Transport	51	40	40	0
4000	Cost Of Goods And Services	2,744	2,670	2,700	30
	<b>Sum:</b>	<b>43,488</b>	<b>47,320</b>	<b>46,500</b>	<b>(820)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
FP400	Purchase Ledger	46,500
	<b>Sum:</b>	<b>46,500</b>

#### **Major cost increases**

--

#### **Major cost decreases and changes in income**

--

### **SFP05 Sales Ledger**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	41,987	44,610	43,760	(850)
3000	Transport	51	30	30	0
4000	Cost Of Goods And Services	1,788	1,570	1,570	0
	<b>Sum:</b>	<b>43,827</b>	<b>46,210</b>	<b>45,360</b>	<b>(850)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
FP500	Sales Ledger	45,360
	<b>Sum:</b>	<b>45,360</b>

#### **Major cost increases**

--

#### **Major cost decreases and changes in income**

--

## **SHR01 Human Resources**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	340,275	320,220	349,060	28,840
3000	Transport	3,006	2,970	2,820	(150)
4000	Cost Of Goods And Services	30,241	54,490	26,690	(27,800)
7000	Income	(3,260)	0	0	0
	<b>Sum:</b>	<b>370,263</b>	<b>377,680</b>	<b>378,570</b>	<b>890</b>

Cost Centre	Cost Centre Name	2021/22 Budget
HR100	Human Resources	338,980
HR500	Health & Wellbeing	0
HR600	Health & Safety Officer	39,590
	<b>Sum:</b>	<b>378,570</b>

### **Major cost increases**

Increased Employee costs are a result of a restructure within HR and CMT uplift.

### **Major cost decreases and changes in income**

Reduction in the software budget due to no planned system upgrade during 21-22.

## **SHR02 Mddc Staff Training**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	32,580	33,750	29,870	(3,880)
7000	Income	(3,875)	0	0	0
	<b>Sum:</b>	<b>28,705</b>	<b>33,750</b>	<b>29,870</b>	<b>(3,880)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
HR200	Staff Development Training	29,870
	<b>Sum:</b>	<b>29,870</b>

### **Major cost increases**

### **Major cost decreases and changes in income**

### **SHR03 Payroll**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	48,920	48,670	50,680	2,010
4000	Cost Of Goods And Services	20	200	200	0
	<b>Sum:</b>	<b>48,940</b>	<b>48,870</b>	<b>50,880</b>	<b>2,010</b>

Cost Centre	Cost Centre Name	2021/22 Budget
HR300	Payroll	50,880
	<b>Sum:</b>	<b>50,880</b>

#### **Major cost increases**

#### **Major cost decreases and changes in income**

### **SHR04 Learning And Development**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	36,825	41,620	38,030	(3,590)
3000	Transport	391	380	380	0
4000	Cost Of Goods And Services	10,171	11,190	10,120	(1,070)
	<b>Sum:</b>	<b>47,387</b>	<b>53,190</b>	<b>48,530</b>	<b>(4,660)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
HR400	Learning & Development	48,530
	<b>Sum:</b>	<b>48,530</b>

#### **Major cost increases**

#### **Major cost decreases and changes in income**

### **SIT01 It Gazetteer Management**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	67,995	70,670	67,470	(3,200)
3000	Transport	64	50	50	0
4000	Cost Of Goods And Services	4,377	4,160	4,280	120
	<b>Sum:</b>	<b>72,436</b>	<b>74,880</b>	<b>71,800</b>	<b>(3,080)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
IT100	Gazetteer Management	71,800
	<b>Sum:</b>	<b>71,800</b>

#### **Major cost increases**

None.

#### **Major cost decreases and changes in income**

None.

### **SIT03 It Information Technology**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	535,368	520,200	531,760	11,560
3000	Transport	1,792	970	970	0
4000	Cost Of Goods And Services	418,468	399,200	445,460	46,260
7000	Income	(4,170)	(600)	(600)	0
	<b>Sum:</b>	<b>951,458</b>	<b>919,770</b>	<b>977,590</b>	<b>57,820</b>

Cost Centre	Cost Centre Name	2021/22 Budget
IT300	Central Telephones	41,500
IT400	I.T. Network & Hardware	98,140
IT500	I.T. Software Support & Maint.	237,860
IT600	I.T. Staff Unit	332,750
IT700	Cyber Security	43,690
IT800	Phoenix House Printing	11,300
IT900	Digital Services	212,350
	<b>Sum:</b>	<b>977,590</b>

#### **Major cost increases**

Increased cost due to a one off installation fee of 20k for computer hardware, increased broadband width provision and additional line rental due to delays in the transfer to the new system.

#### **Major cost decreases and changes in income**

None.

### SLD01 Electoral Registration

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	112,937	112,570	115,599	3,029
3000	Transport	384	300	300	0
4000	Cost Of Goods And Services	90,254	115,960	115,960	0
7000	Income	(38,119)	(25,000)	(7,840)	17,160
	<b>Sum:</b>	<b>165,457</b>	<b>203,830</b>	<b>224,019</b>	<b>20,189</b>

Cost Centre	Cost Centre Name	2021/22 Budget
LD100	Electoral Registration	224,019
	<b>Sum:</b>	<b>224,019</b>

#### Major cost increases

#### Major cost decreases and changes in income

### SLD02 Democratic Rep And Management

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	129,954	125,610	133,230	7,620
3000	Transport	16,981	17,100	17,100	0
4000	Cost Of Goods And Services	328,776	348,420	357,080	8,660
7000	Income	(2,661)	(500)	(500)	0
	<b>Sum:</b>	<b>473,050</b>	<b>490,630</b>	<b>506,910</b>	<b>16,280</b>

Cost Centre	Cost Centre Name	2021/22 Budget
LD300	Democratic Rep & Management	375,440
LD400	Committee Services	131,470
	<b>Sum:</b>	<b>506,910</b>

#### Major cost increases

Only increases are down to pay award for staff & members.

#### Major cost decreases and changes in income

None

### **SLD04 Legal Services**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	281,549	329,020	351,802	22,782
3000	Transport	334	300	300	0
4000	Cost Of Goods And Services	54,574	47,770	42,770	(5,000)
7000	Income	(28,815)	(19,200)	(19,200)	0
	<b>Sum:</b>	<b>307,642</b>	<b>357,890</b>	<b>375,672</b>	<b>17,782</b>

Cost Centre	Cost Centre Name	2021/22 Budget
LD600	Legal Services	375,672
	<b>Sum:</b>	<b>375,672</b>

#### **Major cost increases**

Post of Legal Services Team Leader created, uplift of salary for LT and pay award increases.

#### **Major cost decreases and changes in income**

Reduction in software costs

### **SPR01 Building Regulations**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	216,527	208,700	216,410	7,710
3000	Transport	14,075	14,390	14,390	0
4000	Cost Of Goods And Services	15,496	10,480	17,780	7,300
7000	Income	(274,204)	(240,000)	(201,000)	39,000
	<b>Sum:</b>	<b>(28,106)</b>	<b>(6,430)</b>	<b>47,580</b>	<b>54,010</b>

Cost Centre	Cost Centre Name	2021/22 Budget
PR100	Building Regulations	45,840
PR900	Dangerous Buildings And Trees	1,740
	<b>Sum:</b>	<b>47,580</b>

#### **Major cost increases**

None

#### **Major cost decreases and changes in income**

PR100 - Income £39k, reduction based on Covid19 recovery and increase of 2% on fees.

### **SPR04 Local Land Charges**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	59,782	56,200	57,730	1,530
3000	Transport	128	100	100	0
4000	Cost Of Goods And Services	27,491	44,500	44,620	120
7000	Income	(118,376)	(120,000)	(118,500)	1,500
	<b>Sum:</b>	<b>(30,975)</b>	<b>(19,200)</b>	<b>(16,050)</b>	<b>3,150</b>

Cost Centre	Cost Centre Name	2021/22 Budget
PR210	Local Land Charges	(16,050)
	<b>Sum:</b>	<b>(16,050)</b>

#### **Major cost increases**

Only increases are down to pay award for staff.

#### **Major cost decreases and changes in income**

### **SRB01 Collection Of Council Tax**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	338,753	367,610	359,420	(8,190)
2000	Premises	975	0	0	0
3000	Transport	4,258	4,070	4,200	130
4000	Cost Of Goods And Services	138,170	134,130	130,250	(3,880)
7000	Income	(113,648)	(108,800)	(63,000)	45,800
	<b>Sum:</b>	<b>368,509</b>	<b>397,010</b>	<b>430,870</b>	<b>33,860</b>

Cost Centre	Cost Centre Name	2021/22 Budget
RB100	Collection Of Council Tax	430,870
RB800	Ctax Hardship Fund	0
	<b>Sum:</b>	<b>430,870</b>

#### **Major cost increases**

0.78 FTE salary saving in part offset by salary inflation.

#### **Major cost decreases and changes in income**

Forecast reduction of £40k in Court Costs income and £10k in Single Occupancy Discount Penalty income - linked to COVID19 Pandemic and resulting sensitivity on recovery and effect on number of Courts and the volumes they can cope with.

### **SRB02 Collection Of Business Rates**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	88	90	90	0
4000	Cost Of Goods And Services	6,555	6,760	6,660	(100)
7000	Income	(120,957)	(110,220)	(112,110)	(1,890)
	<b>Sum:</b>	<b>(114,314)</b>	<b>(103,370)</b>	<b>(105,360)</b>	<b>(1,990)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
RB200	Collection Of Business Rates	(105,360)
RB700	Nndr - Business Support Grant	0
	<b>Sum:</b>	<b>(105,360)</b>

#### **Major cost increases**

No significant variance to report

#### **Major cost decreases and changes in income**

No significant variance to report

### **SRB03 Housing Benefit Admin & Frau**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	319,731	266,260	262,050	(4,210)
3000	Transport	160	600	230	(370)
4000	Cost Of Goods And Services	82,906	80,410	89,070	8,660
7000	Income	(308,094)	(214,750)	(220,050)	(5,300)
	<b>Sum:</b>	<b>94,702</b>	<b>132,520</b>	<b>131,300</b>	<b>(1,220)</b>

Cost Centre	Cost Centre Name	2021/22 Budget
RB300	Housing Benefit Admin	116,300
RB340	Local Welfare Assist Scheme	15,000
RB900	Economic Vuln&Financial H/Ship	0
	<b>Sum:</b>	<b>131,300</b>

#### **Major cost increases**

0.30 FTE salary saving in part offset by salary inflation.

#### **Major cost decreases and changes in income**

No significant variance to report

### **SRB04 Housing Benefit Subsidy**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
4000	Cost Of Goods And Services	13,547,856	11,651,970	12,975,160	1,323,190
7000	Income	(13,417,592)	(11,646,970)	(12,910,160)	(1,263,190)
	<b>Sum:</b>	<b>130,264</b>	<b>5,000</b>	<b>65,000</b>	<b>60,000</b>

Cost Centre	Cost Centre Name	2021/22 Budget
RB400	Housing Rent Allowances	65,000
	<b>Sum:</b>	<b>65,000</b>

#### **Major cost increases**

Forecast Housing Benefit payments have been realigned to reflect current and projected spend; although it remains difficult to predict how many claims will move to Universal Credit and what the increase in claims will be as a result of the COVID19 Pandemic.

#### **Major cost decreases and changes in income**

Forecast Housing Benefit Subsidy income has been realigned to reflect current and projected spend in this area & also to factor in uncertainty with further claims moving to Universal Credit and additional claims as a result of the COVID 19 Pandemic

### **SRB06 Debt Recovery**

Group	Description	2019/20 Actuals	2020/21 Budget	2021/22 Budget	Movement
1000	Employees	125,128	65,720	69,770	4,050
3000	Transport	226	0	240	240
4000	Cost Of Goods And Services	2,452	2,320	2,420	100
	<b>Sum:</b>	<b>127,806</b>	<b>68,040</b>	<b>72,430</b>	<b>4,390</b>

Cost Centre	Cost Centre Name	2021/22 Budget
RB600	Revenues Misc Income Team	72,430
	<b>Sum:</b>	<b>72,430</b>

#### **Major cost increases**

No significant variance to report

#### **Major cost decreases and changes in income**

No significant variance to report

This page is intentionally left blank

**Cabinet**  
**29 October 2020**

**Agenda Item**

## **Treasury Management Strategy Mid-Year Review Report 2020/21**

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

**Reason for Report:** To inform the Cabinet of the treasury performance during the first six months of 2020/21, to agree the ongoing deposit strategy for the remainder of 2020/21 and a review of compliance with Treasury and Prudential Limits for 2020/21.

### **Recommendation(s):**

- 1. That Cabinet recommends to Council that a continuation of the current policy outlined at paragraphs 6.0 - 6.5 be agreed.**
- 2. That Cabinet recommends that Council approves the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the current year at paragraphs 4.4 - 4.5.**

**Relationship to Corporate Plan:** Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan objectives.

**Financial Implications:** Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with minimum risk to the principal sums invested.

**Legal Implications:** The Council is under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations include requirements as to the reporting of treasury management information.

**Risk Assessment:** The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to an acceptable level.

**Equality Impact Assessment:** It is considered that the impact of this report on equality related issues will be nil.

**Climate Change Assessment:** No implications relating this report.

## 1.0 Introduction

1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update of treasury performance. This report will not only update Members on the treasury performance over the first six months of 2020/21, but will also seek approval for the ongoing deposit strategy.

## 2.0 Treasury Performance 01/04/2020 to 30/09/2020

2.1 The table below shows the Council's overall treasury management position for the first six months of 2020/21.

Treasury Position	Average Interest	Total Interest as at 30/09/2020	Forecast Year-End Position
Temporary Investments and Deposits	0.42%	£92k	£122k
CCLA Dividends	3.67%	£91k	£183k
Commercial Activities / Non-Financial Investments	5.00%	£261k	£518k
<b>Total</b>		<b>£444k</b>	<b>£823k</b>

2.2 The General Fund 2020/21 budget for all investment activity is £568k and for the Housing Revenue Account is £53k.

2.3 The coronavirus outbreak has done huge economic damage to the UK and around the world over the first half of 2020/21. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its last meeting on 6<sup>th</sup> August, although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary. No increase in Bank Rate is expected within the forecast horizon ending on 31<sup>st</sup> March 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.

2.4 The Bank of England's Monetary Policy Committee kept the level of quantitative easing unchanged at £745bn at its last meeting on 6<sup>th</sup> August. Its forecasts were optimistic in terms of three areas:

- The fall in **GDP** in the first half of 2020 was revised from 28% to 23%. This is still one of the largest falls in output of any developed nation. However, it is only to be expected as the UK economy is heavily skewed towards consumer-facing services – an area which was particularly vulnerable to being damaged by lockdown.
- The peak in the **unemployment rate** was revised down from 9% in Q2 to 7½% by Q4 2020.
- It forecast that there would be excess demand in the economy by Q3 2022 causing **CPI inflation** to rise above the 2% target in Q3 2022, (based on market interest rate expectations for a further loosening in policy). Nevertheless, even if the Bank were to leave policy unchanged, inflation was still projected to be above 2% in 2023.

- 2.5 One key addition to **forward guidance** was a new phrase in the policy statement, namely that “it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably”. That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years’ time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate.
- 2.6 The **Financial Policy Committee** (FPC) report on 6<sup>th</sup> August revised down their expected credit losses for the banking sector to “somewhat less than £80bn”. It stated that in its assessment “banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the MPC’s central projection”. The FPC stated that for real stress in the sector, the economic output would need to be twice as bad as the MPC’s projection, with unemployment rising to above 15%.
- 2.7 Overall, it is expected that there has been a strong pickup in economic growth during the back-end of quarter 2 of 2020. However, that pace is likely to fade as the furlough scheme ending in October will lead to many job losses during the second half of the year. Consumers will also probably remain cautious in spending and this will dampen growth. Uncertainty over the outcome of the UK/EU trade negotiations concluding at the end of the year will also be a headwind.
- 2.8 Interest rate forecasts:
- The Council's treasury advisor, Link Group, has provided the following forecasts (PWLB rates are certainty rates):

Link Group Interest Rate View 11.8.20											
	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 Month average earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
6 Month LIBID	0.10	0.10	0.10	0.10	0.10	0.10	0.10	-	-	-	-
12 Month LIBID	0.20	0.20	0.20	0.20	0.20	0.20	0.20	-	-	-	-
5yr PWLB Rate	1.90	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate	2.10	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate	2.50	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate	2.30	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

- 2.9 From the local authority borrowing perspective, HM Treasury imposed **two changes of margins over gilt yields for PWLB rates** in 2019-20 without any prior warning. The first took place on 9<sup>th</sup> October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then at least partially reversed for some forms of borrowing on 11<sup>th</sup> March 2020, but not for mainstream General Fund capital schemes, at the same time as the Government announced in the Budget a programme of increased infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this was to end on 4<sup>th</sup> June, but that date was subsequently put back to 31<sup>st</sup> July. It is clear that the Treasury will no longer allow local authorities to borrow money from the PWLB to purchase commercial property if the aim is solely to generate an income stream (assets for yield).

- 2.10 Following the changes on 11<sup>th</sup> March 2020 in margins over gilt yields, the current situation is as follows:
- **PWLB Standard Rate** is gilt plus 200 basis points (G+200bps)
  - **PWLB Certainty Rate** is gilt plus 180 basis points (G+180bps)
  - **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
  - **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
  - **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)
- 2.11 It is possible that the non-HRA Certainty Rate will be subject to revision downwards after the conclusion of the PWLB consultation; however, the timing of such a change is currently an unknown, although it would be likely to be within the current financial year
- 2.12 As the interest forecast table for PWLB certainty rates (gilts plus 180bps) above shows, there is likely to be little upward movement in PWLB rates over the next two years as it will take economies, including the UK, a prolonged period to recover all the momentum they have lost in the sharp recession caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020/21.

### 3.0 Investment Portfolio

- 3.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. Due to the current economic climate and reductions to the Base Rate, it is now impossible to earn the level of interest rates commonly seen in previous decades as investment rates up to 12 months are barely above zero, with DMO rates even turning negative for maturities up to 2 weeks. Given this risk environment and the fact that increases in the Base Rate are unlikely to occur before the end of the current forecast horizon of 31<sup>st</sup> March 2023, investment returns are expected to remain low.
- 3.2 Towards the end of March 2020, approval was given by the Deputy Chief Executive (S151) and the Cabinet lead for Finance to breach the £5m counterparty limit with the Council's banking provider, NatWest, for an initial period of three months. This was to allow the administration of the business grant schemes announced by Government as part of the Covid-19 response, and to ensure sufficient funds were held whilst cash flows remained volatile. The Council received £22.732m on 1 April 2020 to fund these schemes, which ended on 28 August 2020 leaving £2.548m unspent. This is to be held in the Council's NatWest account until repayment is required.
- 3.3 Further approval was given at the end of June for a temporary counterparty limit of £10m with NatWest for 3 months, which was then extended at the start of October for a further 3 months. This limit is to be kept under review and will return to the £5m limit once conditions allow.
- 3.4 The Council's investment portfolio as at 30 September 2020 was made up of short term investments/deposits to the value of £28.17m, comprising of £20.50m in fixed term investments and £7.67m in NatWest call accounts. In addition to this, the Council also holds £5.00m in the CCLA commercial property fund.

3.5 Short term investments/deposits held as at 30 September 2020 are as follows:

<b>Institution</b>	<b>Principal (£)</b>	<b>Rate</b>	<b>Start Date</b>	<b>Maturity Date</b>
Rugby Borough Council	1,000,000	0.90%	09/10/2019	07/10/2020
City of Liverpool	2,000,000	1.00%	15/04/2020	15/10/2020
Leeds Building Society	2,000,000	0.06%	17/09/2020	19/10/2020
Highlands Council	1,000,000	0.92%	27/11/2019	25/11/2020
Aberdeenshire Council	5,000,000	0.50%	26/05/2020	26/11/2020
Lloyds	2,000,000	1.10%	30/12/2019	30/12/2020
Blackpool Borough Council	2,000,000	0.23%	22/09/2020	06/04/2021
Salford City Council	2,000,000	0.20%	14/09/2020	14/06/2021
Spelthorne Borough Council	1,500,000	0.42%	27/07/2020	26/07/2021
Broxbourne Borough Council	2,000,000	0.40%	02/09/2020	01/09/2021

3.6 The Council received an average return of 0.42% on investments during the first six months of 2020/21, down from 0.75% at the same point in the previous year. This reduction is down to the drop in the base rate to 0.1% in March 2020, and fewer Local Authorities looking to borrow in the short term resulting in a more competitive market for those looking to lend. The return on investments is likely to reduce further in the second half of 2020/21 as maturing investments made prior to the drop in interest rates are replaced with lower yielding investments.

3.7 The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) commercial property fund, which pays dividends quarterly. For the first two quarters of 2020/21, dividends of 3.67% were received, down from 4.5% for the same period in 2019/20. The dividend payout remained consistent from Q1 to Q2, and there has been a small increase in fund value in September 2020 after reductions seen in previous months due to the Covid-19 pandemic.

#### **4.0 Borrowing Requirements and Prudential Indicators**

4.1 The Council has no short term borrowing but has existing PWLB loans of £38.027m as at 30 September 2020, in addition to £2.160m in finance leases.

4.2 The Council's revised capital financing requirement (CFR) for 2020/21 is £62.699m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 4.5 shows the Council has borrowings of £47.527m and has utilised £15.172m of cash flow funds in lieu of borrowing.

4.3 There has so far been no new borrowing in 2020/21, however there is expected to be a need to borrow up to £8m before the end of the financial year to finance planned capital spend and to replace some internal borrowing as cash balances naturally reduce towards the end of the year. This is a reduction in the level of borrowing forecast at the start of the year, which originally stood at £16.11m, and could reduce further as the impact of Covid-19 on the deliverable capital programme continues to

be assessed. Further funding from Government in response to Covid-19 could also reduce the need for new borrowing.

- 4.4 The Treasury Management Strategy Statement (TMSS) for 2020/21 was approved by Cabinet on 13 February 2020. The underlying TMSS approved previously requires revision in light of delayed 3 Rivers Developments Limited projects and a revised deliverable capital programme for 2020/21. The proposed changes are set out below:

Prudential Indicator 2020/21	Original £000	Revised Prudential Indicator £000
Authorised Limit	95,000	76,000
Operational Boundary	86,000	67,000
Capital Financing Requirement	81,686	62,699

- 4.5 The table below shows a breakdown of the revised CFR. It also shows the expected debt position over the period, which determines the Operational Boundary and Authorised Limit shown in the above table.

	2020/21 Original Estimate £000	2020/21 Revised Estimate £000
<b>Prudential Indicator – Capital Financing Requirement</b>		
CFR – Non Housing	19,034	12,756
CFR – Housing	41,957	39,611
CFR – Commercial Activities / Non-Financial Investments	20,695	10,332
<b>Total CFR</b>	<b>81,686</b>	<b>62,699</b>
<b>Prudential Indicator – External Debt</b>		
Borrowing	53,212	45,104
Other Long Term Liabilities*	2,872	2,423
<b>Total Debt (Year End Position)</b>	<b>56,084</b>	<b>47,527</b>

\* Includes finance leases

## 5.0 Annual Investment Strategy

- 5.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of two years (previously one year). The Council's substantial commitments (particularly the monthly precepts to Devon County Council, the Police and Fire Authority) constrain the term of investments. The Cabinet of 7 February 2019 resolved to diversify the investment portfolio to include non-UK banks with a minimum Sovereign Fitch rating of AAA (highest possible rating).
- 5.2 The Council will continue to have regard to the MHCLG's Guidance on Local Government Investments ("the Guidance") issued in April 2018 (3rd Edition) and

CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

## **6.0 Lending Criteria and Counterparty Limits**

- 6.1 The current policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than two years and where the counterparty is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the S151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, NatWest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.
- 6.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.
- 6.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with NatWest (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level (£10m whilst temporary approval remains in place).
- 6.4 The Council will also continue to lend to:
- Local Authorities, Police, Fire & Rescue, Parish Councils and other Public Bodies
  - UK Government (including gilts, Treasury Bills and the DMADF)
  - Other Bodies.
- 6.5 The investments that can be made to the organisations stated in paragraph 6.4, will not be constrained to a maximum deposit of £5m due to their lower level of risk. However, other bodies have a monetary limit of £3m.

## **7.0 Conclusion**

- 7.1 The first half year performance has been affected by falling interest rates, however the impact has been mitigated to some degree by short term investments placed before rates started to fall in March. Investment income has also been bolstered by the interest received from 3 Rivers Developments Limited being largely unaffected by the reduction in interest rates. Investment income is likely to fall further in the second half of 2020/21 as maturing investments are replaced with new investments yielding far lower returns.

### **For more information contact:**

Andrew Jarrett | 01884 234242 | [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)  
Kieran Knowles | [kknowles@middevon.gov.uk](mailto:kknowles@middevon.gov.uk)

This page is intentionally left blank

**CABINET**  
**29 OCTOBER 2020**

## **REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

### **MID DEVON DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

**Cabinet Member(s):** Cllr Richard Chesterton, Cabinet Member for Planning & Economic Regeneration

**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

**Reason for Report and Recommendations:** To inform members of the outcomes of the public consultation on the Design Guide, the amendments that have been made in response to comments received, and to adopt the Mid Devon Design Guide as a Supplementary Planning Document.

#### **RECOMMENDATION:**

**That Cabinet:**

**Approves the proposed Mid Devon Design Guide Supplementary Planning Document (comprising Appendices 1-5 to this report), the Strategic Environmental Assessment Screening Report (Appendix 6) and the Habitats Regulations Assessment Screening Report (Appendix 7) for adoption.**

**Financial Implications:** The SPD provides consistent guidance to assist in the consideration of planning applications. The status as a Supplementary Planning Document gives greater weight to the document and will provide a sound basis of evidence in case of appeal.

**Budget and Policy Framework:** The budget for the production of the Mid Devon Design Guide was agreed at Cabinet on 5<sup>th</sup> April 2018. The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process. Once adopted, the Design Guide would have Supplementary Planning Document status and will be a material consideration for planning decision making purposes.

**Legal Implications:** The process of preparing the SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and backed up by the Council's Statement of Community Involvement. The SPD has been subject to screening in accordance with

- the Strategic Environmental Assessment Directive;
- the Conservation of Habitats and Species Regulations 2017 (as amended); and
- the Conservation of Offshore Marine Habitats and Species Regulations (2017) (as amended).

Adoption of the Mid Devon Design Guide will help raise design standards in development proposals that are submitted to the Council for determination and help guide planning decisions made on these. The status as a Supplementary Planning

Document gives greater weight to the document as a material consideration in the determination of planning applications.

**Risk Assessment:** The risk is deemed to be low. The SPD provides guidance on design issues in Mid Devon. The document will reduce the risk of costs being awarded against the Council providing decisions are based on its content.

**Equality Impact Assessment:** A full Equality Impact Assessment has been prepared as part of the Local Plan Review Evidence Base. The assessment undertaken for Policy DM1 (High Quality Design) indicates a high possibility of a positive impact in regard to the protected characteristics. This policy provides the baseline for the more detailed guidance to be included in the Design SPD.

**Relationship to Corporate Plan:** The Mid Devon Design Guide Supplementary Planning Document (SPD) will contain guidance on the urban, village and rural design issues for development in Mid Devon. It will therefore help deliver all four of the Corporate Plan priorities

**Impact on Climate Change:** One of the core principles of the Design Guide is to support, through design, the Council's commitment to achieving net zero emissions by 2030.

## 1.0 Introduction

- 1.1 Supplementary Planning Documents (SPD) are a means to provide further guidance and information about how local plan policies (and the development plan as a whole) will be applied and interpreted. They are usually specific to a particular planning policy objective e.g. air quality, affordable housing, design etc. Although they are not part of the adopted development plan, they must not conflict with it. They are, however, material considerations in determining planning applications.
- 1.2 Mid Devon District Council is proposing a new SPD to provide detailed guidance on urban, village and rural design issues in Mid Devon. It is intended that the SPD will assist in raising design awareness and standards throughout the planning process.
- 1.3 Securing good design is central to good planning and place-making. The National Planning Policy Framework (NPPF) states "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectation, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Furthermore, the Design Guide has been informed by the 10 important characteristics of good places set out in the National Design Guide and is shaped by a clear understanding of the local area's qualities and opportunities.

The SPD has been prepared in accordance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the

Council's Statement of Community Involvement.

1.4 The Design Guide (Attached at **Appendices 1-5**) has been prepared for the Council by consultant DHUD Ltd in conjunction with Hilton Barnfield Architects and Hyas Associates Ltd.

## 2.0 **Process of Preparing the Design Guide**

2.1 From the outset, the overall aim of the design guide has been to equip all parties in the planning process to more easily identify contextual factors which influence design response and enable them to prepare a coherent and evidenced response to these. Regular and meaningful stakeholder engagement has therefore been essential in shaping the guide.

2.2 A series of stakeholder engagement sessions were held as follows:

- Informal Member Workshop (March 2018) – Members were asked to consider key design challenges in Mid Devon and identify top design priorities for the Design Guide. This information was provided to the consultant team during project inception.
- Technical Stakeholder Session (November 2018) - This was aimed towards a wide range of local architects, agents and developers as well as statutory consultees and other public sector organisations involved in the planning process. A total of 15 stakeholders attended. A good balance of delivery and debate was had throughout the day and attendees were exposed to each other's, as well as the consultant's and the Council's perspectives on a wide range of design issues. This allowed all stakeholders to develop an understanding of each other's varied incentives in preparing a robust Design Guide.
- Design Guide Training Session (March 2019) – This was aimed towards MDDC Elected Members, Planning Officers, town and parish councils and neighbourhood plan groups. A total of 34 stakeholders attended. The aim of the event was to equip interested parties with the skills and knowledge to apply the guide alongside their existing involvement in the planning process and 'road-test' the emerging design guide material with actual users and on equivalent real development proposals.

2.3 These sessions were invaluable in shaping both the methodological approach, and usability of the Design Guide. Since these workshops, officers have been working closely with the consultant team to finalise the content and structure of the design guide.

## 3.0 **Structure of the Design Guide**

3.1 The content of the Design Guide is structured into four volumes as follows:

- Volume 1: Procedural Guidance
- Volume 2: Designing for Landscape & Settlement Form
- Volume 3: Compendium of District Design
- Volume 4: Special Topic Guides

3.2 A brief description of each volume is provided below:

## **Volume 1: Procedural Guidance**

- 3.3 This volume sets out overarching core principles for the design guide and as well as background and context. It provides guidance and instructions on how to use the guide to enable all users to help shape the design of sites and ensure that they are influenced by and respond to the district's contrasting distinctiveness. The diagram on page 7 within Volume 1: Procedural Guidance provides an overview on how to navigate through the guide.

## **Volume 2: Designing for Landscape & Settlement Form**

- 3.4 This volume provides a step by step guide to preparing design responses to landscape, settlement form and site situation. Initially, this volume should be used to understand a site's context with reference to Landscape Character descriptions associated with its location, the form of the settlement the site lies within. Users can then identify the role of the site within the settlement. A framework of design guidance is also provided for each of the 3 main towns in the district, providing a spatial interpretation of the policy objectives for each of these towns. Finally, additional guidance is provided for development in the countryside in accordance with the Local Plan policies for these areas.

## **Volume 3: Compendium of District Design**

- 3.5 This Compendium of District Design represents a study of the features of the built environment throughout the Mid Devon District. Each feature is presented and analysed in a separate chapter. These chapters cover public realm, proportion and scale, frontages and elevations, boundaries and thresholds, doors and porches, windows, materials, roofs and dormers, chimneys, extensions and alterations, parking and transport and agriculture and commercial buildings. Each chapter includes a summary of the treatment of each feature and the contribution it can make to good design when carefully considered as part of a robust design process. The summary also provides a brief overview of how each feature has been used in examples across the district in both historical and more contemporary contexts.

## **Volume 4: Special Topic Sheets**

- 3.6 This final section provides guidance on a range of specific 'special topics' and outlines how design considerations in these areas can help to achieve the objectives of the Local Plan. The 'special topics' include:
- Designing for Community
  - Designing for Health and Wellbeing
  - Design, Housing Delivery and Viability
  - Design, Accessibility and Inclusiveness
  - Employment and Commercial Development
  - Designing for Custom and Self Build
  - Green Infrastructure & Biodiversity

- 3.7 In most cases, information and guidance provided under these special topics refers to already established national guidance and best practice. Where this is the case additional relevant documents are referenced. Whilst previous volumes in the Design Guide have encouraged a bespoke approach to landscape, settlement and site there are also a series of more generic principles applicable to good place making and which all development should have concern for. This series of special topics are areas within the Local Plan in which design has a key role in facilitating good outcomes.

### **‘Pocket Toolkit’**

Finally, the Draft Design Guide also includes a ‘Pocket Guide’ to enable Local Authority Officers and applicants easy ‘table-top’ use of the Design guide during design discussions at the pre-application stage and throughout the application process.

## **4.0 Public Consultation**

- 4.1 In addition to the stakeholder engagement exercises referenced in Section 2.0, the Design Guide was subject to an 8 week public consultation between 11 May and 6 July 2020. A total of 36 responses and 1 late representation was received. A summary of the main comments received during the consultation, along with a response explaining how these have been addressed in the Supplementary Planning Document is provided at **Appendix 8** (in accordance with Regulation 12(a) of The Town and Country Planning (Local Planning) (England) Regulations 2012). Key changes include:

- Inclusion of an additional topic guide to provide guidance in relation to green infrastructure and biodiversity net gain.
- Strengthening the role of the design guide as a tool that can help facilitate carbon emissions reductions arising from new development.
- Additional inclusions to aid clarity and understanding of the Design Guide and its relationship with other requirements and assessments (e.g. historic environment)
- Presentational and typographic amendments.

## **5.0 Planning Policy Advisory Group (PPAG)**

- 5.1 The Planning Policy Advisory Group (PPAG) considered the draft SPD at its meeting of 17<sup>th</sup> September 2020 and the group recommended that Cabinet approves the Mid Devon Design Guide for adoption. In addition, the following suggestions were made, which are brought to the attention of this Cabinet meeting:
- Some of the weaknesses for Crediton (identified in Design Guide Volume 2, page 22) are equally applicable to Cullompton (identified in Design Guide Volume 2, page 18). For example, congestion and poor quality public realm impact the air quality and environment in Cullompton as well. This change has been incorporated within an updated version of Volume 2 (attached at **Appendix 2**).

- Planning Committee members would welcome an interactive training session in order to assist them in the application of the Design Guide in determination of planning applications. Officers will arrange a training session in due course.

## 6.0 Conclusions

- 6.1 Once adopted, the Design Guide will help raise design standards in development proposals that are submitted to the Council for determination and help guide planning decisions made on these. The status as a Supplementary Planning Document will give greater weight to the document as a material consideration in the determination of planning applications.
- 6.2 In accordance with the regulations, as soon as reasonably practicable after the Council adopts the SPD, the Council will make available the Supplementary Planning Document, together with an adoption statement and will send a copy of the adoption statement to any person who has asked to be notified.

### Contact for more Information:

Arron Beecham, Forward Planning Officer – 01884 234221 / [abeecham@middevon.gov.uk](mailto:abeecham@middevon.gov.uk)

Tristan Peat, Forward Planning Team Leader – 01884 234344 / [tpeat@middevon.gov.uk](mailto:tpeat@middevon.gov.uk)

**Circulation of the Report:** Cabinet Member seen and approved [yes/no – name of Cabinet Member], Leadership Team seen and approved [yes/no]

### List of Background Papers:

#### Appendices

- Appendix 1: Volume 1: Procedural Guidance
- Appendix 2: Volume 2: Designing for Landscape and Settlement Form
- Appendix 3: Volume 3: Compendium of District Design
- Appendix 4: Volume 4: Special Topic Sheets
- Appendix 5: Design Guide 'Pocket Toolkit'
- Appendix 6: SEA Screening Report
- Appendix 7: HRA Screening Report
- Appendix 8: Statement of Consultation

# DESIGNGUIDE

---

Procedural Guidance

---

VOLUME 1

---

# Contents

---

## Page 02

### FOREWORD

An introduction to the Design Guide by Mid Devon District Council.

## Page 06

### BACKGROUND

Understanding the district, the Local Plan and the importance of good design.

## Page 07

### USING THIS GUIDE

Parts of the Design Guide and how to use them.

## Page 09

### THE DESIGN PROCESS

The overall design process and where the Design Guide plays a part.

Prepared by:



DHUD Ltd  
6 Bakers Cottages  
Longmeadow Road  
Lypstone  
EX8 5LP

info@dhud.co.uk  
01395 227052  
www.dhud.co.uk

in conjunction with:

Hilton Barnfield Architects

Hilton Barnfield Architects  
The Studio  
158 Heavitree Road  
Exeter  
EX1 2LZ

studio@hiltonbarnfield.co.uk  
01392 349222  
www.hiltonbarnfield.co.uk

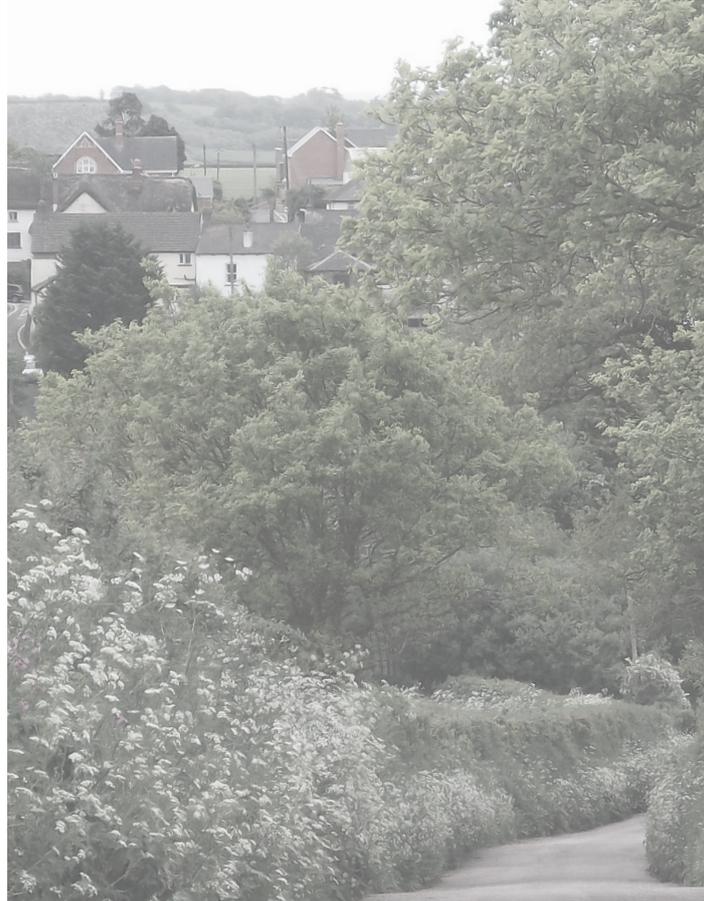
and:



Hyas Associates Ltd  
35 Silver Street  
Newport Pagnell  
MK16 0EJ  
(also Bristol)

0117 4057370  
info@hyas.co.uk  
www.hyas.co.uk

# Foreword



Mid Devon District Council is pleased to have worked collaboratively with stakeholders, district and parish Councillors as well as Neighbourhood Plan Groups to prepare this Design Guide. This guide is provided to supplement the principles and objectives established in the adopted Local Plan Review (2013-2033) with the intention of achieving the very highest levels of design quality in development of all scales across the district.

In July 2019 Mid Devon District Council adopted the statements of the Devon Climate Change Declaration, however, since the Council is significantly concerned that the environmental crises must be a priority, it's aim is 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 Design Guide, while formulated in the main before the Climate Change declaration was made, represents an approach to development and distinctive design which contributes to the long term sustainability of the district and its communities. It therefore provides a good basis for decision making in light of the climate crisis. Furthermore as an adopted SPD the Design Guide can provide immediate assistance (in development management as well as policy evolution), through many aspects of design, to address climate change and influence current as well as future planned developments.

*Signed:*



## The Principles of this Guide:

This Design Guide is intended to be a readily accessible and easily usable tool to facilitate better quality design across the district.

Design Guidance is not just a document however. Many of the principles assisting the implementation of high quality design relate to the process of preparing the guide and the buy-in achieved evolving the guide through engagement with a wide variety of interested parties and stakeholders.

The overall aim of this Guide is to equip all parties in the planning process to more easily identify contextual factors which influence design response and prepare a coherent and evidenced response to these.

The National Design Guide published in October 2019 provides a common overarching framework for design based on ten characteristics reflecting the Government's priorities for design:

- *Context*
- *Identity*
- *Built form*
- *Movement*
- *Nature*
- *Public spaces*
- *Uses*
- *Homes and buildings*
- *Resources*
- *Lifespan*

It also highlights the important role of local Design Guides in setting out an understanding of the local context and analysis of local character and identity. The Mid Devon Design Guide complements the National Design Guide by doing this.

The core principles of this Design Guide which run through the document and which design guidance is aimed at achieving are:

- CP1. Supporting, through design, Mid Devon District Council's and Devon County Council's commitment to ambitious targets of carbon reduction;
- CP2. Identifying and facilitating local distinctiveness, including conservation and enhancement of the historic environment, heritage assets, their settings and wider historic landscapes and/or townscapes as part of an integrated approach to design;
- CP3. Representing in design, the unique landscape and settlement form of Mid Devon and the interaction between the two;
- CP4. Providing a variety of non-prescriptive guidance usable in a range of ways;
- CP5. Facilitating and maintaining design conversation which remains focussed on, and is proportionate to relevant issues;

CP6. Enabling continuity of approach and decision making;

CP7. Labour saving (providing a rich source of contextual information and other analysis);

CP8. Bringing political awareness of distinctiveness and the tools available to uphold high quality design;

CP9. Enabling a comprehensive design consideration through context appreciation;

CP10. Enabling better, more evidenced, policy compliance;

CP11. Enabling the preparation of evidenced Design & Access statements which demonstrate how planning proposals address climate change and contribute positively to landscape and settlement distinctiveness by using the framework the Guide provides.

Mid Devon District Council intends to update this document as needed (subject to following the SPD process). This is in order to respond to emerging and changing policy in areas such as climate emergency. At the time of writing a climate emergency has been declared by the Council but additional local plan policy is required to implement further measures in attending to this emergency. Any necessary addendums may be added to the design guide once further policy is in place.



# BACKGROUND

**The importance of high quality, locally distinctive design is intrinsic to Mid Devon District Council's intention to deliver sustainable development across the district.**

Within this Design Guide, significant emphasis is placed upon discovering and contributing to the distinctive pattern and form displayed by Mid Devon settlements within the varied landscape across the district.

## **The importance of good design in Mid Devon**

This guide seeks to reveal how the identity of Mid Devon resides in its landscape, its settlement form and how these have shaped communities. In this way it places people at the heart of the identity of the place and puts them first in the development process. This guide underpins the Local Plan vision for a prosperous and sustainable rural district and supports the Council's commitment to zero carbon by 2030. It seeks to maintain distinctiveness and the inherent value this espouses in environmental, social and economic terms. This is coupled inextricably to the character of the landscape.

The distinctiveness of the Mid Devon landscape is at the core of its identity. This has influenced settlement form over time. To carry out development and ignore these unique characteristics is to miss opportunities important in creating identity and long lasting value.

This Design Guide provides a step by step process to identifying the unique characteristics of the district and how to respond to them in a way that maintains contrast and establishes successful places which are based on recognised design principles for good placemaking of connecting

places, creating a vibrant mix of uses and housing to support diverse communities and economy and to establish a structure of safe streets and spaces which become public places.

Good design seeks to meet current demand while also considering future needs, and addressing climate change in the process. It should allow for the adaptability of physical space without prohibiting the adoption of future technologies. At the same time design can contribute to the conservation, enhancement and enjoyment of historic environments, landscapes and heritage assets.

## **Understanding the District**

Identifying sustainable locations for growth across the district has been the responsibility of the adopted Local Plan Review 2013-2033 which has defined the distribution, accessibility and availability of land for development of a variety of types by a series of allocations and other policies.

Mid Devon has a diverse landscape ranging from high plateaux, wide spread farmland, to steep valley incisions. Spread among this variety of settings are an equally varied series of settlements whose form is heavily influenced by the topography, the geology and the constraints on the pattern of use of the land by communities over a long history.

## **Design and the Local Plan**

As a Supplementary Planning Document (SPD) to the Design Guide

sits alongside the adopted Local Plan Review (2013-2033) and elaborates on the approach to design outlined in Policy DM1: High Quality Design.

The Local Plan establishes a broad structure which defines the development pattern across this rural district:

- **Main Towns** (Tiverton, Cullompton & Crediton);
- **Rural Settlements** (a list of 22 villages meeting a set criteria defining their sustainability);
- **Countryside** land outside of main towns or villages.

It remains for this Design Guide to encourage and facilitate a design led approach to development across the district. This is in accordance with the Local Plan policies, allocations and commitment to addressing climate change. Design Guidance is structured according to the development hierarchy described above and should be read in conjunction with the policies relating to these areas.

## **Responding to Character**

The Design Guide follows a sequential process to identifying and then responding to character. This begins with an appreciation of the landscape character. It then identifies the influence this has had on settlement form and the role sites have within the settlement form. The detail comes later, considering how architecture, materials and other features help reinforce the characteristic structure of a place.

# USING THIS GUIDE

**The Design Guide provides easy steps to ensure the design of sites throughout the district are influenced and respond to the district's contrasting distinctiveness:**

## References:

### **Adopted Local Plan Review (2013-2033)**

Main Towns (Policies S10-S12)  
Rural Settlements (Policy S13)  
Countryside (Policy S14)  
Site allocations (various policies)  
High Quality Design (Policy DM1)

### **Evidence Base**

References including, but not restricted to:  
Landscape Character Assessment  
Towns & Villages Character Assessment  
Employment Land Review (2013)  
Retail Study (2012)  
Mid Devon Conservation Area Appraisals  
Green Infrastructure Assessment (2013)

### **Neighbourhood Plans**

At the time of writing: Tiverton, Cullompton, Crediton and Silverton are in draft form.

### **Other Publications**

The National Design Guide (2019)  
Urban Design Compendium (3rd ed 2013)  
Characterising Neighbourhoods (2018)  
Manual for Streets 1&2 (2007/2010)  
Streets for All, Historic England (2018)  
Building for Life 12, 5th Edition (2018)  
Devon County Historic Environment Record  
Variety of Historic England documents

1

## **How does the landscape influence the design?**

*Which Character Area are the site and settlement in?*

*Use the guide to identify in which character area the site is located and the characteristics of both the landscape and the settlements found in this area:*

*With reference to existing Mid Devon District Council, Devon County Council and National assessments, the Design Guide indicates the varying characteristics across the district which may affect the design of development.*

2

### Understand the settlement form.

Identify 1 or more *Settlement Typologies* which demonstrate characteristics which can be recognised in the location of the proposed site. The *Design Guide* outlines the influences the settlement has on design.

### Main Towns:

Use the *Design Guide Framework Plans* for Tiverton, Cullompton and Crediton to indicate the role a site may have in contributing to the *Local Plan* policy objectives for the town.

3

### What role does the site play in the settlement?

Identify the *Site Situation* within a settlement and the parameters associated with development in this location.

The *Design Guide* identifies 13 typical site situations which occur across the range of settlement typologies.

A series of design parameters are provided to help identify how the design of each particular situation can best contribute to the form and character of the settlement.

Volume 2



### The Compendium of District Design

Use Volume 3 of the guide to identify how design features can be used in support of *Site Situation* and *Settlement Form*.

Volume 3

### Special Topics:

Other ways in which design can help achieve *Local Plan* objectives.

Volume 4

# THE DESIGN PROCESS

*While represented here in linear form, the design process in reality is an iterative one. Regardless of this, each of the individual stages below should be included even if they are repeated or revisited later.*

## Site & Context Appraisal

Thorough analysis includes looking at the wider picture as well as site features.

The Design Guide offers already established general analysis of settlement form for rural settlements and main towns. Carried out across the district this can provide a body of ready made analysis to be adopted by any party as a labour saving device.

Form a view based on your impression of the whole place not just the site and include multi dimensional observations which include appreciation of social and economic factors as well as physical form.

Conservation area assessments and Heritage appraisals will be required in many historic environments.

## Review of Planning Policy

Consult the various tiers of planning policy (see all ref documents above) to determine the relevant requirements and restrictions on development and design as a whole:

### The National Planning Policy Framework.

available at [www.gov.uk](http://www.gov.uk)

### The Mid Devon adopted Local Plan Review (2013-2033).

available on MDDC's website

### Neighbourhood Plans for specific areas of the district.

Details can be found on the MDDC website.

Refer also to **Conservation Area Appraisals and Management Plans** where they are in place (these have also contributed to the formation of this guide and other Local Plan policy.

## Early Engagement

Establishing common ground at an early stage in the process is key to developing a design which at a later date does not suffer unnecessary objection. The guide can encourage and facilitate effective pre-application discussion

Use the Design Guide at this stage to identify and agree upon the factors influencing the design of the site: Landscape Character, Settlement Form and Site Situation; and form an initial design brief for site.

Check for other local advisory groups such as Design Review Panels, Wildlife Trusts, Heritage, Civic Societies, Community or local interest groups who usually welcome early engagement and can be a valuable source of assistance and information.

Where to use the Design Guide in the process:

**Landscape Character, Settlement Form & Site Situation** (Design Guide Volume 1)

**The features which shape a place** (Design Guide Volume 3: Compendium of Districts)

## Community, Stakeholder and Local Authority Engagement

*Include a process of engagement which establishes continuous participation in design. Avoid a single event which 'consults' the community. Involving the Community can bring value in providing a much greater depth of analysis, more rigorous design proposals, and early engagement at a Pre-Application stage with the Local Authority and with a Design Review Panel reduces risks and sur*

*The Mid Devon District Design Guide supports an iterative design process and can be on hand as a tool to assist in each of the stages below. It does not negate the need for design input, and it is not prescriptive. Effective use of the guide relies on willing engagement in the discovery of solutions which are distinctive to Mid Devon and in doing so achieve mutual value and benefits .*

## **Constraints & Opportunities**

Before coming up with ideas for the design of the site it can be useful to summarise the existing situation in a series of constraints and opportunities.

These can be represented in a variety of ways graphically, and accompanied by written description.

Agreement on this summary is a good way to create a foundation for forthcoming design ideas.

In their commitment to zero carbon by 2030, Mid Devon District Council welcome identification of opportunities to address climate change through the design of places and buildings and appreciate this commitment is likely to be realised through a variety of methods.

## **Initial Plans & Proposals**

Preliminary thoughts on how the layout of the site can address the constraints and opportunities.

Concentrate on how the design can enable good relationships with its surroundings, create connections, the scale and form of buildings and the spaces between them and ensure that the site fulfils its role relative to the settlement form (see Site Situations guidance in Volume 2).

At this stage avoid getting into too much detail about materials or other features. Use the Compendium of District Design to identify how features can help reinforce the broader principles the guide.

It is helpful to maintain a variety of options and use the engagement process to discuss the pros and cons of one approach compared to another.

## **Refining the design and submitting a planning application**

Evolve the design with reference to various comments and contributions.

Liaise with the Local Authority to ensure all requirements have been met to register a Planning Application. Use the Design Guide as a checklist of design considerations.

The preparation of a Design & Access statement is an opportunity to commentate on the design process and provide justification, supported by the Design Guide, for how the design contributes to settlement form and responds to its site situation.

CABE (now the Design Council) have published more general advice on preparing Design & Access statements.

This page is intentionally left blank

# DESIGNGUIDE

Designing for Landscape & Settlement Form

VOLUME 2

---

# Contents

---

## Page 04

### THE MID DEVON LANDSCAPE

A summary of existing Landscape Character Assessment work and its role as a tool in Guiding Design.

## Page 10

### MAIN TOWNS

Description of the design approach to Tiverton, Cullompton and Crediton as the focus of sustainable growth in the District .

## Page 26

### VILLAGES

Understanding settlement form, its relationship to the landscape and description of how design responds to these.

## Page 74

### COUNTRYSIDE

Understanding the contribution development in the countryside has to the landscape and the design of areas outside designated settlement.

Prepared by:



DHUD Ltd  
6 Bakers Cottages  
Longmeadow Road  
Lypstone  
EX8 5LP

info@dhud.co.uk  
01395 227052  
www.dhud.co.uk

in conjunction with:

Hilton Barnfield Architects

Hilton Barnfield Architects  
The Studio  
158 Heavitree Road  
Exeter  
EX1 2LZ

studio@hiltonbarnfield.co.uk  
01392 349222  
www.hiltonbarnfield.co.uk

and:



Hyas Associates Ltd  
35 Silver Street  
Newport Pagnell  
MK16 0EJ  
(also Bristol)

0117 4057370  
info@hyas.co.uk  
www.hyas.co.uk

# Introduction



## **This volume provides a step by step guide to preparing design responses to landscape, settlement form and site situation.**

*Initially this volume should be used to understand a site's context with reference to relevant Landscape Character descriptions associated with its location, the form of the settlement the site lies within -described as 7 distinct settlement typologies, and then identify the role of the site within the settlement in relation to where the site is positioned within the settlement. The guide indicates 13 different site situations to choose from and design parameters for each.*

*Users may find a variety of characteristics apply to a given settlement or site, in which case consideration should be given to the range of guidance and parameters provided.*

*A framework of design guidance is also provided for each of the 3 main towns in the district, providing a spatial interpretation of the policy objectives for each of these towns. Design in these locations should also take account of landscape and settlement characteristics as described in other sections.*

*Additional guidance is provided for development in the countryside but it should be acknowledged that this will only occur under certain circumstances in accordance with the adopted Local Plan Review (2013-2033) policy for these areas.*

*Distinctive places form the basis of more sustainable places. This Design Guide, in supporting a process of distinctive Mid Devon design, supports the County's commitment to a carbon zero district.*



# THE MID DEVON LANDSCAPE

**Mid Devon is a large district, comprising a rich variety of landscapes and natural features which have shaped the settlements which lie within it. As such the landscape remains the primary source of the district's distinct identity and should therefore be the foundation of the design process.**

Influencing and regulating the design process and its outcomes can take a variety of forms and have a variety of objectives. For example: to stimulate growth in a particular area, topical or geographic; to conserve particular assets; to mitigate the impact on areas of sensitivity. However, since the landscape is not simply an aesthetic resource interventions are in order to guide social and economic outcomes and to support the commitments made by Mid Devon District Council and Devon County in declaring a climate emergency and subsequently achieving a carbon zero district by 2030.

The responsibility for much of the strategy controlling intervention across the district falls to the Local Plan which includes a hierarchy of social, economic and environmental objectives. It remains for this Design Guide to expand on how the strategic policy objectives of the Local Plan can be implemented. The Design Guide also provides the basis for embedding a zero-carbon requirement on all future development taking place in Mid Devon in order to respond to the climate emergency.

The first step in guiding the design of development across Mid Devon is to recognise the way in which the landscape of the district has already

guided, and continues to guide human's activity and their response to the strategic constraints placed upon them by the landscape in which they have lived over the ages.

The landscape has not been a static canvas upon which human habitation and activity has occurred over the ages. The landscape as seen today displays a combination of geological and human pattern making which are interlinked. As one exerts pressure on the other, each has undergone adaptation. There continues an iterative process of cause and effect resulting in the inextricable relationship between landscape and buildings.

Just as the course of a river is guided by the geological features around it but at the same time it cuts its own path through the same geology, so the path of human history has been affected by, and shapes, the landscape through which it passes.

Landscape and buildings together combine to create a unique expression of life and location and it is in this context that this Design Guidance exerts the appropriate influence in order to help all those involved in planning and development to firstly be aware of the composition of character throughout the district and secondly,

be confident to respond in ways which pro-actively pursue the positive contribution new development can bring to this character.

At the same time new character may emerge by virtue of changing conditions and context and these influences should not be ignored. For example building design and landscape change in response to the climate change emergency.

Use of this guide should be in conjunction with the Mid Devon Landscape Character Assessment (2011) and the Mid Devon Towns and Villages Character Assessment (2012).

With a view to keeping the Design Guide concise and usable it relies on referencing the more comprehensive information available in the Mid Devon Landscape Character Assessment (2011) and the Mid Devon Towns and Villages Character Assessment (2012).

Both these studies have carried out extensive analysis in the field and on desktop to accumulate a vast resource of observations and other data from around the district. Carried out by the Local Authority, these documents form part of the evidence base for the Local Plan and should be considered a companion resource to the Design Guide.

## Mid Devon Landscape Character Types:

Landscape character assessment is:

- The process of identifying and describing variation in character within the landscape. It includes all landscapes, whether outstanding, everyday or degraded.
- A tool for guiding landscape change and allowing the distinctive character and special qualities of landscapes to be taken into account in the planning, management and design of sustainable development.

The identification of character has been carried out in a hierarchical way across Devon and in turn across Mid Devon:

National Character Assessment identifies broad character similarities occurring throughout the country;

The Devon Character Assessment identifies geographically unique areas within the county and;

The Mid Devon Landscape Character Assessment work carried out in 2012 by Mid Devon District Council maps the Landscape Character Types (LCTs) which share common characteristics but which can occur throughout the county. This study identifies 12 LCTs,

chosen from the Devon Menu and are colour coded opposite.

### Administrative Boundaries

Variations in Landscape Character rarely coincide with administrative boundaries. Because of this a hybrid methodology for the application of Landscape Character Assessment through design has been adopted within this Guide.

### Landscape Character and Design Guidance

This Design Guide has as its foundation the variation in Landscape Character across Mid Devon and the influence these variations have on settlement form.

While Landscape Character Assessment provides a basis for assessments of sensitivity and capacity for specific development types some interpretation is required to provide an adequate platform on which to base meaningful and useful Design Guidance.

### Preservation of Landscape Character

By understanding the relationship between buildings and the landscape, the contribution buildings and human activity has on the character of the landscape the Design Guide is more accurately able to shape how development

can continue to maintain the distinctiveness of settlement form and in turn the preservation of the landscape character across Mid Devon.

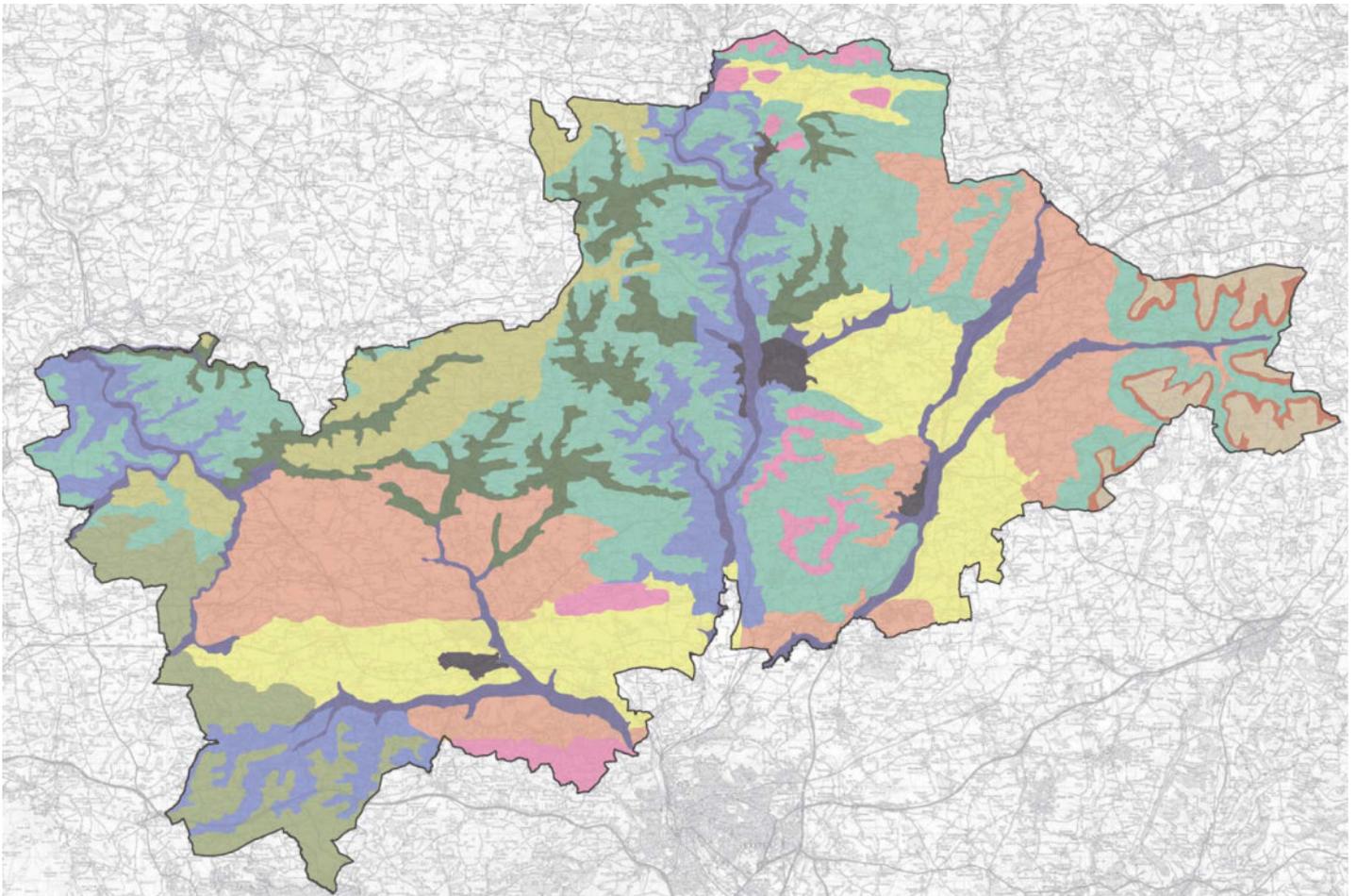
The second purpose of Landscape Character Assessment is to provide a tool for further guidance and it is this purpose that the Design Guide looks to the above documents to perform.

It is for this purpose that the Design Guide turns to the Mid Devon Town & Settlement Character Assessment as a representation of a combined assessment of Landscape and Settlement form.

### Mid Devon Town & Settlement Character Assessment

The Town & Settlement Character Assessment carried out by Mid Devon District Council established a thorough assessment of the majority of settlements, large and small, throughout the district. It acknowledges that buildings and settlement form are an intrinsic part of the landscape character of Mid Devon.

While it stopped short of identifying objectives for design or any intervention to address issues within each of the settlements it did establish a structure of character areas.



- LCT 1A: Open inland planned plateaux
- LCT 1E: Wooded ridges and hilltops
- LCT 1F: Farmed lowland moorland and Culm grassland
- LCT 2A: Steep wooded scarp slopes
- LCT 3A: Upper farmed and wooded valley slopes
- LCT 3B: Lower rolling farmed and settled valley slopes
- LCT 3C: Sparsely settled farmed valley floors
- LCT 3E: Lowland plains
- LCT 3G: River valley slopes and combes
- LCT 3H: Secluded valleys
- LCT 5A: Inland elevated undulating land
- LCT 7: Main cities and towns

## Mid Devon Settlement Character Areas:

### Settlement Character Areas

10 Settlement Character Areas are identified, each of which are a composite of river catchment, main town catchment, landscape character, topography and geology, all of which contribute significantly to the character and appearance of the district's built environment and landscape. For ease of mapping and analysis, catchment areas follow parish boundaries, though several parishes may be included within a character area.

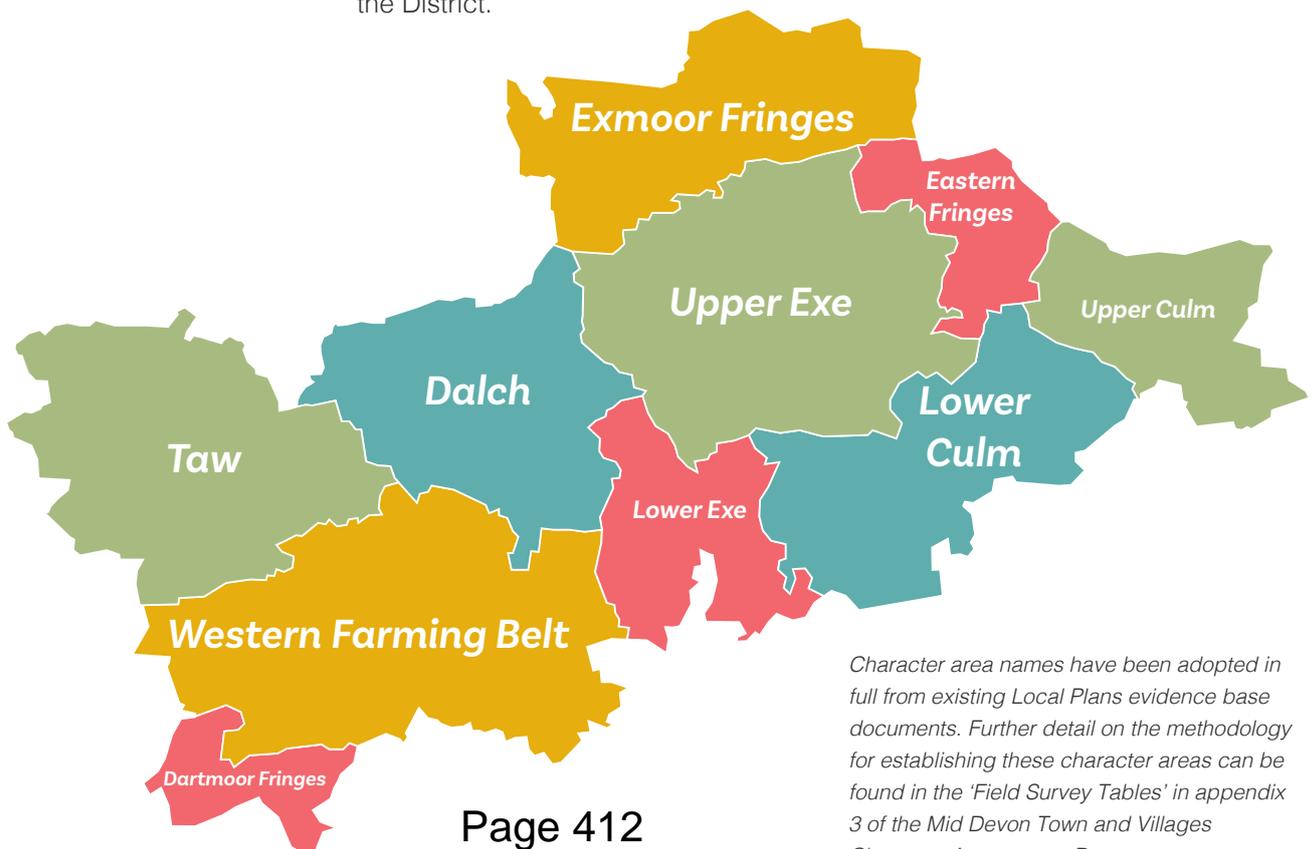
The Settlement Character Areas (SCAs) describe physical and human influences, such as patterns of settlement, influences from pre-historic times to the present day, as well as perceptual characteristics.

### A Foundation for Design Guidance

It is due to its synthesis of the variety of baseline studies which this Town & Settlement Character Assessment carried out that this Design Guide now adopts these Settlement Character Areas as the foundation of the initial approach to design across the District.

The table opposite identifies some of the main design considerations for each of the SCAs. Users should identify the location of their site within this framework.

Additional area characterisation work such as more localised landscape or area-based heritage assessments for registered parks, gardens or conservation areas are encouraged as part of design development where they compliment parish and district scale studies.



*Character area names have been adopted in full from existing Local Plans evidence base documents. Further detail on the methodology for establishing these character areas can be found in the 'Field Survey Tables' in appendix 3 of the Mid Devon Town and Villages Character Assessment Document.*

Settlement Character Area	Description and references	Main Design Considerations
<b>1. Upper Exe</b> Including: Tiverton, Sampford Peverell, Uplowman, Halberton.	Centred around Tiverton with this and other settlements occupying flat lowland areas. Other more sporadic buildings among wooded valleys sides of the Exe Valley and on higher ground to the north of the area.	Contrasting development approach to low and level areas to sloped and higher areas contribute to the diversity of the landscape character. Permian sandstone exposed in lower areas gives rise to the <b>distinctive red</b> soil and buildings.
<b>2. Dalch</b> Including: Cheriton Fitzpaine, Kennerleigh	Comprises two contrasting types of landscape: the exposed plateau moorland with sweeping views of irregular rolling flattish hills and the more intricate rolling landform which includes coniferous woods, stream filled valleys and meadows and pastures.	Buildings often <b>clustered</b> on flat plateaux allow distant views. Development remains sparse with access to services difficult but the remote <b>rural feel</b> is distinctive of this area.
<b>3. Exmoor Fringes</b> Including: Bampton.	A steeply rolling landform. Lush fertile land primarily within the Exe Valley gives rise to tracts of medium scale fields in permanent pasture.	<b>Limestone</b> quarried locally is prevalent in historic parts of settlements. Built form can contribute to the <b>sequence of views</b> along key routes and in long views.
<b>4. Lower Culm</b> Including: Cullompton, Bradninch, Kentisbeare, Uffculme, Willand,	Low lying flat Culm Valley, an open landform surrounding the Culm river floodplain, and the strongly undulating landform of the Blackdown Hills to the east. (See also the Blackdown Hills AONB Management Plan 2019-24 and Design Guide for Houses).	Settlement form along the Culm Valley is generally linear. <b>Long reaching views</b> enjoyed across lowlands but therefore prominent within the wider landscape. Buildings contribute to the unique Blackdown Hills AONB character.
<b>5. Upper Culm</b> Including: Culmstock, Hemyock	A gently rolling and undulating landscape with low lying land along rivers and featuring the steep ridges and high plateaux of the Blackdown Hills. Small hedged fields, beech hedges and isolated mature trees. Located within the AONB national designation.	Limited C20th development means <b>traditional building materials</b> : Cob, Chertstone, Thatch still proliferate the area. Since settlement location and form has developed along springlines development <b>does not break/dominate skylines</b> .
<b>6. Lower Exe</b> Including: Bickleigh, Silverton, Thorverton	Located east and west of the River Exe. Upper valleys have steep wooded sides with strong sense of enclosure and lush valley landscape. Landform becomes more gently rolling further from the River Exe, with medium scale arable and pasture fields.	Reflect typical settlement association with the River. Space for new development away from the river form contends with <b>rising slopes and varied orientation and outlook</b> . Landform offers mix of views and enclosure, obscuring views.
<b>7. Western Farming Belt</b> Including: Crediton, Bow, Coplestone, Newton St Cyres, Sandford, Shobrooke, Yeoford.	Open, low lying, gently rolling landscape, prosperous agricultural area. Medium to large scale arable fields, some areas of improved grassland. Moving north, the landscape becomes more steeply undulating, rolling landform.	Settlement growth is a result of good access via rail and road along the valley bottom. <b>Promoting connectivity</b> with these maintains relationships between landscape, movement and the settlement form which results from these.
<b>8. Eastern Fringes</b> Including: Holcombe Rogus, Burlescombe	Gently to strongly undulating landscape with small to medium scale farming. Dense, beech hedgerows are well managed and bound regularly shaped, medium to large scale enclosures of pasture.	Enclosed landscape form results in <b>short views</b> with mature trees and green close by forming a <b>landscape back drop</b> to many buildings.
<b>9. Taw</b> Including: Chawleigh, Lapford, Morchard Bishop, Zeal Monachorum	Dramatic 'Taw Valley', and contrasts with the surrounding open elevated farmland. Wooded slopes, bends and spurs. Away from the river landform is more gently rolling, small scale pasture.	Settlements mainly on valley sides or hilltops. Those on high land afford <b>expansive views</b> but are present in many views. Building <b>orientation relative to contours</b> influences overall appearance.
<b>10. Dartmoor Fringes</b> Including: Cheriton Bishop	A strong cultural association with that of Dartmoor, as it forms part of the setting of the moor. There is a strong sense of isolation with far reaching views from higher areas.	Views from higher ground may influence building orientation and positioning of landmarks within the landscape.



# MAIN TOWNS

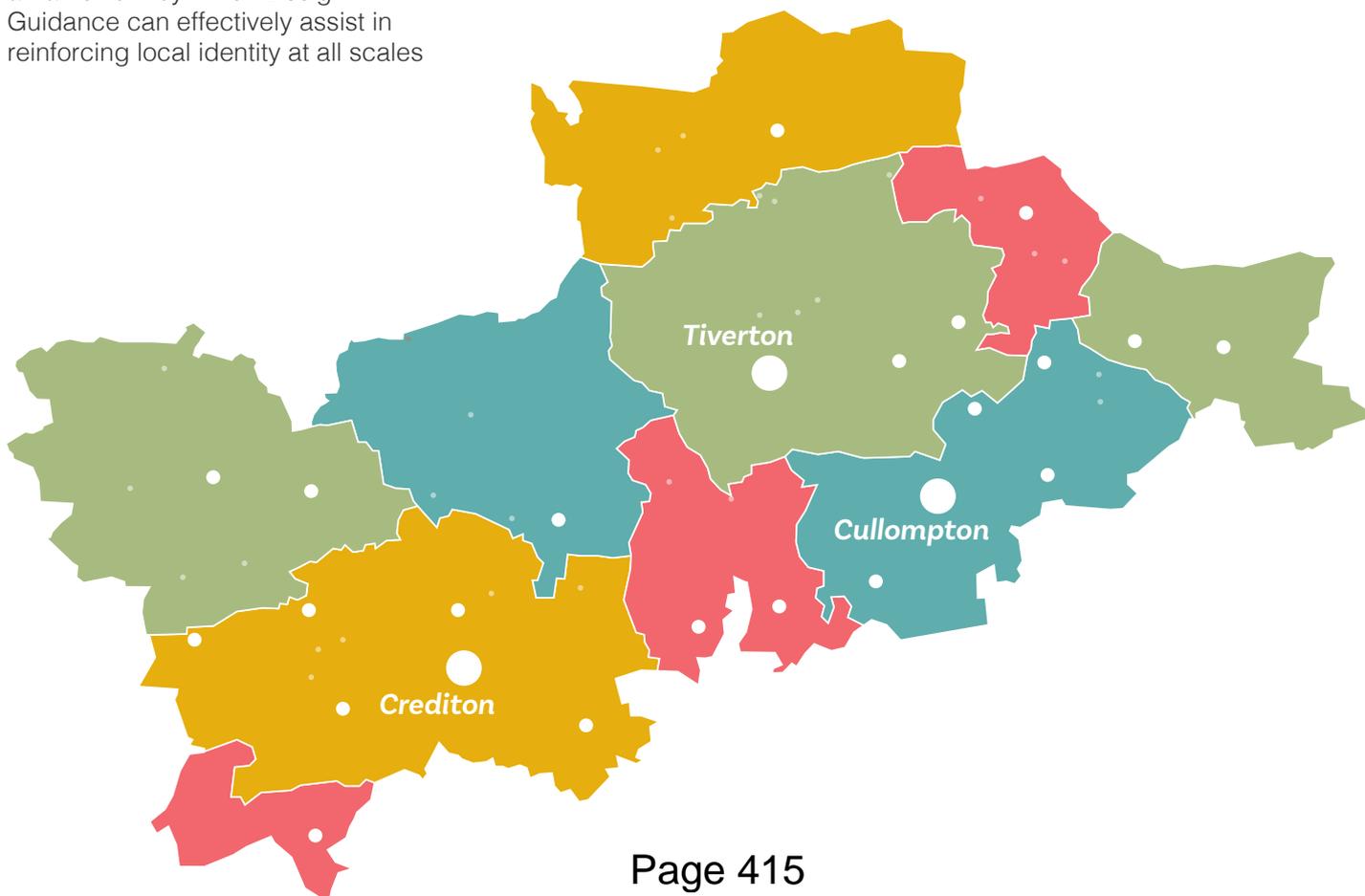
**Cullompton, Tiverton and Crediton are the focus of development in the district. In achieving the scale and mix of development set through the Local Plan, the Design Guide can assist in retaining each town's individual identity.**

The Local Plan's sustainable development priorities (Policy S1) and specification of amount and distribution of development (Policy S2) outline the strategy in the district for development to be concentrated in the most sustainable locations at Cullompton, Tiverton and Crediton.

Within the scale and mix of development set by the Local Plan, the Design Guide determines a framework by which Design Guidance can effectively assist in reinforcing local identity at all scales

of planned development. Work in preparing this Design Guide has included a broad assessment, and collated sources which have helped identify a summary of existing strengths and weaknesses of each of the 3 main towns. (Many more exist in each case and this chapter is intended to provide a basis for the further attention which may be given to each settlement.)

In each case the Local Plan policy for each town (Tiverton: S10; Cullompton: S11; Crediton S12) has been the foundation for a spatial interpretation of these strengths and weaknesses. However, these should not be construed as masterplans or development frameworks for the main towns, they exist purely to structure the design guidance.



## Coordinated Design and Development in the Main Towns

The Design Guide's purpose in relation to the Main Towns is to amplify the adopted Local Plan Review (2013-2033) policies relating to each location:

- *Policy S10: Tiverton*
- *Policy S11: Cullompton*
- *Policy S12: Crediton*

Each of these towns comprises a variety of development opportunities and allocated sites and it is not within the scope of this guide to consider each site on its own merits. Furthermore, as new sites are identified, the guide can remain relevant to all future development opportunities where it is not site specific.

The Design Guide therefore recommends development coming forward in the main towns is considered in the context of the framework plans which have been prepared as part of this design guide and which reflect an initial spatial interpretation of the Local Plan policy objectives for each town (policies S10-S12).

In each individual site scenario, it will be necessary to carry out further site and context analysis to understand more thoroughly the contribution each site can make in addressing the policy objectives for each town and any opportunities they provide to respond to the climate emergency declaration and subsequent commitment to zero-carbon development in Mid Devon by 2030.

A site needs first to be appreciated within the context of the whole town, the challenges the town faces and the role the site has to play in contributing to a joined up solution. The Design Guide can assist this process by providing broad spatial interpretations of the challenges articulated as framework plans for each of the 3 main towns.

In some cases, for neighbourhoods, or distinct districts within towns, area or themed masterplans may be advantageous in coordinating a number of sites and development pressures. Identifying objectives for these areas in the context of the whole town can bring clarity of vision, avoid piecemeal development and ensure the added value of every project is harnessed but at minimum additional effort or cost. It can also help adopt an holistic view of development across the town which contributes to the sustainable whole and can be brought about in an integrated way.

It is also important to coordinate work with those areas embarking on, or having completed, a Neighbourhood Plan to understand the community objectives for various distinct parts of each town.

## Settlement Form

It is difficult to generalise about the settlement form of the three Main Towns. As larger settlements they display various patterns of development across different parts of the settlement. It is also difficult to identify concise rules or guidance as to how the design of various sites across these settlements as a whole contributes to the overall form and structure of the settlement and the landscapes within which they lie.

Design Guidance for the main towns therefore is more usefully steered towards encouraging the enhancement of recognisable assets and strengths of the towns and overcoming weaknesses and threats.

An initial broad observation of how each settlement is positioned in the Landscape in order to identify the main drivers of identity and distinctiveness in each of the 3 places:

**Tiverton:** is positioned at the junction of the valley landforms of the River Exe and Lowman. The majority of the town is on level ground within the valley bottom and straddling the two river course. The rising slopes on all sides enclose the town and define its setting.

**Cullompton:** stretches in a linear form along the sloped side to the River Culm corridor. More undulating landscape form to the west has shaped the layout of development to that side of the town and the river corridor constraints the settlement form to the east.

**Crediton:** is a linear settlement hidden in a valley. North and south facing slopes address each other proximately across the valley and the town centre is nestled along the bottom of the valley. There is a strong sequence of built form, spaces and events along the length of the valley. As the town has grown, development has spilled out of the ends of the valley posing new challenges to its identity as a contained and discrete valley settlement.

The Conservation Area Appraisals for each of the 3 settlements have also contributed to understanding the full character of each of the settlements. Cullompton also has a Conservation Area Management Plan which identifies where changes and improvements would be welcome and could take place. This provides further context for design and the application of the Design Guide.



## Methodology for establishing a framework for Design Guidance in the Main Towns:

*Broad observations from research carried out as part of the preparation of this Design Guide and considered along side the policies for each of the 3 Main Towns combine to form a framework for Design Guidance which can establish a strategic approach to design for a variety of development which may occur in each of the 3 Main Towns. Design for individual development will need to build on this broad framework and follow design guidance in order to identify more specifically the approach appropriate in each site's case.*

*The following process has been followed to ensure an evidenced and Local Plan led Design Guide framework:*

- 1. Cross reference policies with main town strategy maps;*
- 2. Assessment of town wide strengths and weaknesses;*
- 3. Align Local Plan policies with Strengths & Weaknesses;*
- 4. Identify Local Plan policy challenges spatially;*
- 5. Identify assets of the town which Local Plan policies aim to retain/protect;*
- 6. Create a photographic catalogue of strengths & weaknesses;*
- 7. Undertake townscape assessment;*
- 9. Identify opportunities with reference to townscape assessment for addressing Local Plan policy challenges;*
- 10. Establish a Design Guide framework plan;*
- 11. Articulate Design Guidance for a variety of site situations.*



# TIVERTON

## *Strengths & Weaknesses*

Tiverton is currently the largest town within the district but its assets are also its constraints to further growth.

The town is enclosed by moderately steep slopes to the south east and south west. To the north the town is constrained by the route of the North Devon link road and sensitive landscape and the setting of the Knightshayes Estate beyond this. The town was originally formed around the river but topography has dictated it expanded eastwards. This natural growth continues with the delivery of the Eastern Urban Extension.

Maintaining a sustainable network of pedestrian and cycle links to the town centre becomes more difficult for neighbourhoods extending to the east of the town and opportunities exist to explore how connectivity and integration can be achieved.

There are opportunities to improve pedestrian and cycle

connectivity within neighbourhood areas, overcoming the difficulty in accessing local facilities. The presence of a variety of barriers to movement and interaction limit communities' capacity to develop in a sustainable way despite good physical and economic conditions in which to do so.

Improvements in the quality of the environment in and around the town could encourage more sustainable patterns of living to emerge and for the town to grow and attract the inward investment and confidence of its residents as a place to be proud of. Tiverton's parks and green spaces could be linked to become more prominent and accessible resources, particularly for residential areas to the north east of the town. The public realm within and around the town centre can be used to enhance its appeal and improve the perception of its proximity as a good quality and unique local resource for residents.

The town has a variety of good quality heritage assets which could contribute more effectively for the benefit of

# Strengths



The surrounding landscape is visible throughout the town.



Developments near the town centre create interesting sequences of connections.



Heritage assets within the town centre area create distinctive environment.



Narrow streets and building enclosure link the town centre to its surrounding neighbourhoods.

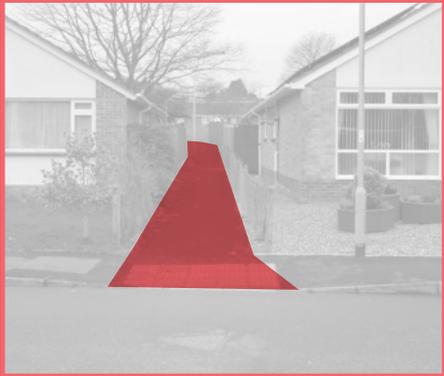


Mature parkland with buildings overlooking the space.



Historic streets and buildings have been adapted for traffic and a mix of uses.

# Weaknesses



Pedestrian connections among new estates are an after thought.



Oversize highways through neighbourhoods result in poor public realm and car dominance.



Large junctions to small infill, cul-de-sac developments in outlying areas.



Pedestrian and cycle links around the town are not integrated well with neighbouring areas.



Highways dominated by cars in the newest neighbourhoods around the town.



Town setting and surrounding landscape are not referenced in a sensitive way in new developments.

## A Framework for Design Guidance in Tiverton

The preparation of the Design Guide provides an opportunity to improve the quality of future development in Tiverton and ensure it can contribute to the continuing vibrancy and sustainability of the town as a whole and any opportunities it may offer to respond to the climate change emergency.

This broad framework identifies a series of components to the town which together can provide some guidance regarding the role new development can play in structuring

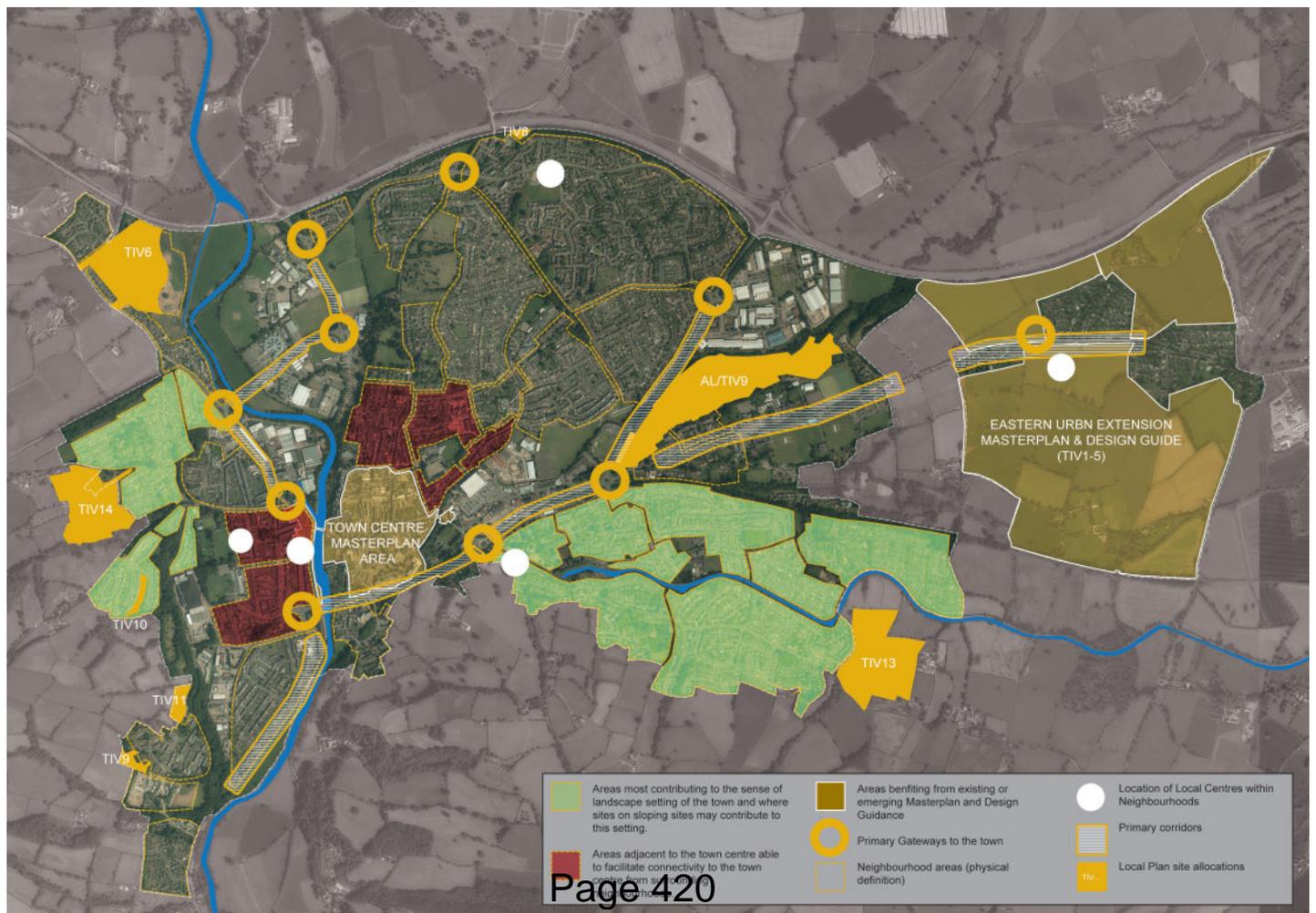
the town and enhancing its distinctiveness.

Design proposals for even the smallest of sites should consider the contribution they can make to the overall structure of the town and initial analysis of the site and its context should look to the wider setting within the town to reveal the opportunities within a broader framework which any development may have.

This framework for design guidance

is only intended to guide further investigations into the role of a site in its context. All design proposals should be justified against their own appreciation of the context and the wider townscape form and function and not rely on this framework alone.

Tiverton displays the remnants of a settlement which was formed initially around an enclosed core. It also grew up either side of the River Exe and therefore demonstrates characteristics of a divided settlement.



Town component	Main Design Considerations and references
<b>1. Town Centre</b>	<p>Reference Town Centre Masterplan for town centre issues.</p> <p>Sites around the margin of the town centre area can <b>enhance legibility</b> and wayfinding towards the town centre by <b>creating landmarks</b> and a <b>clear street hierarchy</b>.</p> <p>Sites at the periphery of the town can contribute to improvements to accessibility and sustainability of the town centre by establishing <b>better pedestrian and cycle movement</b>.</p>
<b>2. Corridors</b>	<p>The approaches into the town can better reflect the towns setting in the wider landscape.</p> <p>Sites along these corridors, regardless of use, can assist in creating a town more connected to its surrounding landscape by considering key views, <b>placing key landmark buildings</b> and providing a higher quality environment which introduces the town to those approaching by all means. Buildings should avoid turning their backs on currently highways dominated corridors. Public realm and pedestrian and cycle movement should be an integral part of proposals for any sites located along the main corridors into the town. Most corridors approach along shallow gradients and while topography is not a major constraint in most cases, <b>building heights and orientation</b> can contribute to an awareness of the surrounding landscape and legibility of the town.</p>
<b>3. Gateways</b>	<p>Tiverton will benefit from a much <b>clearer series of gateways</b> when approaching from all directions around the town and between areas within the town. Building form and use of public realm can be effectively utilised to <b>create more recognisable features</b> along key routes and to aid pedestrian legibility generally around the town. Prominent features and their locations within views and the <b>sequence of movement</b> around the town should be consideration on every site.</p>
<b>4. Neighbourhoods</b>	<p>New development around the town, even where modest in size, should consider the contribution it can make to achieving a more <b>integrated series of neighbourhoods</b>. Significant barriers exist between neighbourhoods currently from busy or wide roads to boundaries or large impermeable cul-de-sac estates. The strategic opportunity of every site to make connections should be considered and for layouts not to prohibit further the movement around the town.</p>
<b>5. Local Centres</b>	<p>Local centres are limited throughout Tiverton. For day to day needs the lack of local shops and facilities can encourage short car journeys to the town centre (or to out of town destinations) which contributes to the dominance of the car throughout the town. Development should contribute to the <b>legibility and accessibility by foot or cycle</b> of nearby Local Centres. The design of Local Centres should be founded on them being <b>safe, walkable and sociable places</b> with the public realm quality a priority above car parking and highways arrangements.</p>
<b>6. Eastern Urban Extension</b>	<p>Reference the Eastern Urban Extension Masterplan and Design Guide which establishes a framework for the distinctiveness of the Urban Extension as a series of neighbourhoods and public open spaces with facilities at the centre. Care should be taken in other development opportunities which arise to the east of the town to consider the Urban Extension and its design principles as part of the context.</p>
<b>7. Surrounding Slopes</b>	<p>Development on sites around the town on rising ground often adopts unconventional layouts allowing for the topography of these areas. Awareness of these development patterns in <b>views from the town out</b> must be a factor in design for these sites since the surrounding slopes are a defining characteristic of views out of the town, giving the town its sense of having a distinct setting. <b>Tree canopy and detached built form</b> within the landscape contribute to this. Buildings which break the skyline should be avoided. Gaps through which vistas of the town can be glimpsed assist the overall sense of place from within these sloped margins.</p>
<b>8. Employment Areas</b>	<p>Improvements to <b>public realm and pedestrian connectivity</b> in these areas, typically vehicular dominated business parks, are essential to <b>integrate more sustainably with the town</b>. Where employment areas are positioned on the edge of the town they have the potential to perform a strategic gateway role, but they fail to do so. New developments should <b>turn buildings to face the street</b> and consider <b>landscape as a more usable resource</b> for the public and employees. Distribution of functions within an employment site can <b>create active frontage</b> and <b>provide overlooking</b> to the street (e.g. office space and taller built form at a corner).</p>



# CULLOMPTON

## *Strengths & Weaknesses*

Cullompton is located on gentle slopes which rise to the west of the Culm river corridor. This corridor, as well as the M5 and the mainline railway, have created significant constraints to the town's growth to the east. As a result the town has grown further to the west occupying increasingly more undulating land. The landform creates challenges for the design of legible and well connected development.

Cullompton is distinct in its positioning within the river corridor landscape type with no other settlements in the district occupying the same position in relation to the landform. This location affords distinctive views out over an expansive low lying landscape with the backdrop of the Blackdown Hills. In the foreground however, the motorway and railway dominate the environment.

An Article 4(2) Direction is currently in force and the town has a High Street Heritage Action Zone and there are a series of several historical foci – the Roman fort (potential for public open space), the early medieval church and later medieval market areas. Coordination between High

Street initiatives, other town centre design and heritage assets will be important in affecting sustainable change.

Proposals to create a Garden Village to the east of the river corridor will mean Cullompton becoming the largest town in the district and while infrastructure and access support this strategic aim, there are challenges for the design of existing areas of the town retaining their identity and for new areas becoming effectively integrated and becoming a larger sustainable settlement.

The main route through the town which includes Fore Street, leading to the High Street and in turn leading to Station Road and access to the motorway runs parallel to the contours. This accentuates the town's historic linear form although at either end of the route through the town the approaches to the town are of poor quality. Development either side does not reflect the opportunity to create gateways to the town centre, or provide any sequence to the arrival to the town. This is particularly true on the approach from the motorway and the former location of the railway station (potentially reopening).

# Strengths



A well defined town centre: Fore Street and High Street offer space and diversity.



The legibility and connectivity to the town centre is good in the immediate surroundings.



Good examples of buildings complimenting landform outside of the town centre area.



The town has a variety of historic routes connecting to Fore Street and the High Street.



Alleys and pedestrian links directly from Fore Street surrounded by dense building form.

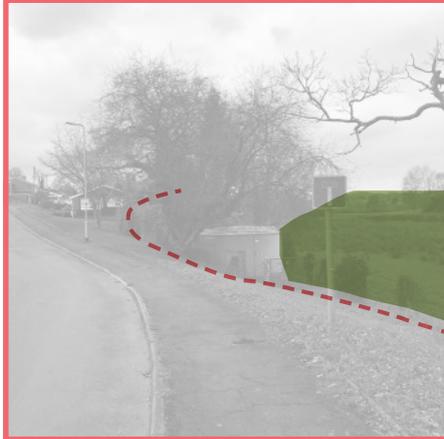


Access to a mix of uses and spaces in the immediate surroundings to the town centre.

# Weaknesses



Congestion and poor quality public realm impact the air quality and environment.



Development has not always responded well to the river corridor -a distinct landscape setting.



Recent development adjacent to the town centre has not retained the linear form.



Boundaries and fronts of properties have not contributed to attractive streets and spaces.



There has not been a integrated approach to development and public space.



Piece meal development has failed to create easy links for pedestrians (a historic characteristic).

## A Framework for Design Guidance in Cullompton

Cullompton's primary linear form, stretches along the uniformly gentle slope to the west of the Culm, concentrated around Fore Street and the High Street and this should become the focus of design of sites throughout the town.

Development proposals in areas directly adjacent to Fore Street and High Street offer opportunities to improve the legibility of the town centre throughout the town. These areas could be suitable for a mix of uses which are complimentary to

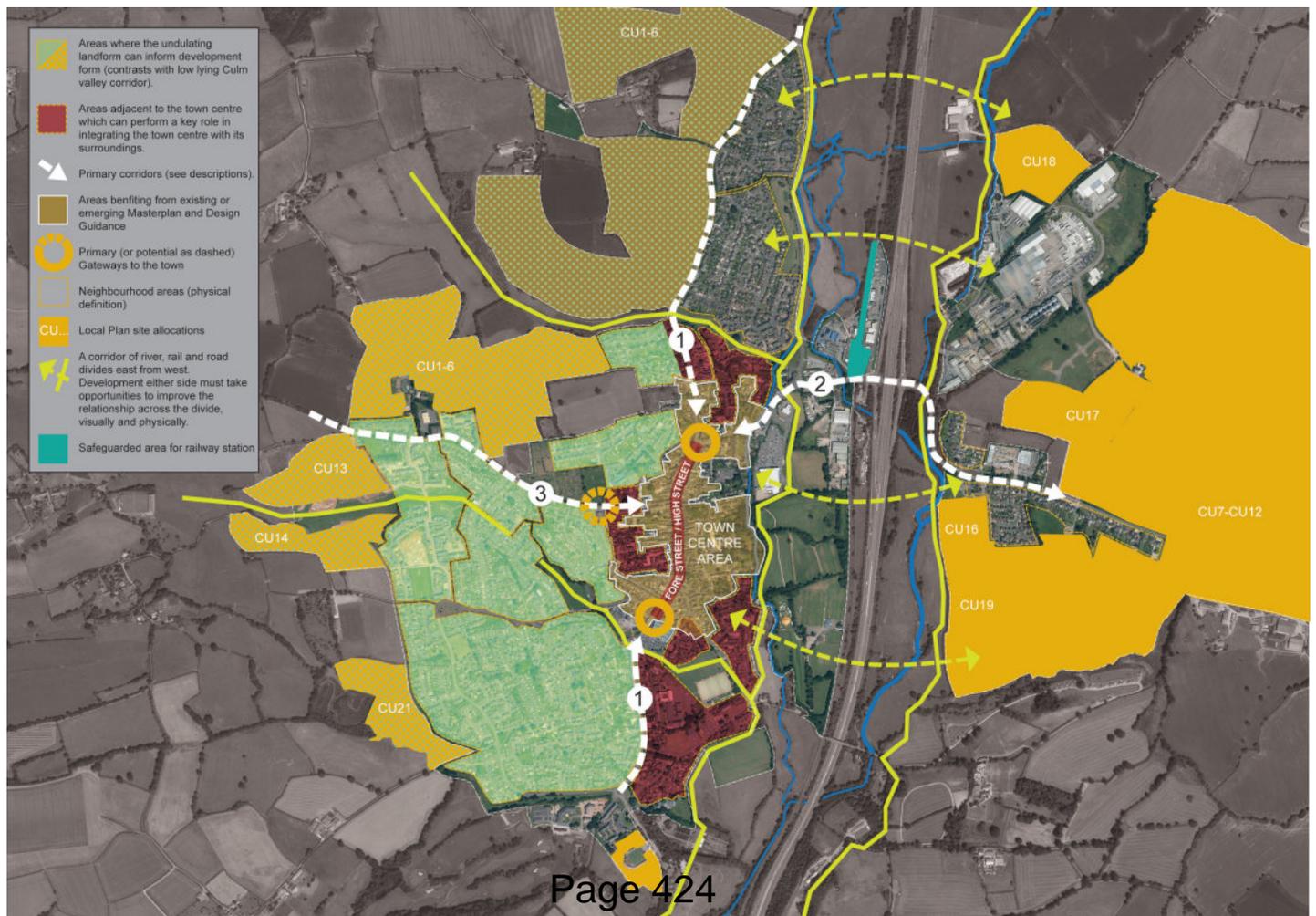
the town centre subject to the site's suitability in planning terms and relevant planning policies.

Development peripheral to the town centre can contribute to improving the ease of access by foot and attractiveness of the town centre whereby the sustainability of the town centre is supported.

Sites large and small, throughout the town should initially consider their role in addressing the focus and connectivity to the town centre

by bringing about incremental improvements to the integrity of the street hierarchy throughout the town.

Routes towards the town centre from all directions would benefit from structuring of building frontage and public realm to create sequence of views and safe space for pedestrians and cyclists. No single site by itself can affect these changes and therefore the coordination of site by site design is also required.



Town component	Main Design Considerations and references
1. Fore Street & High Street	<p>Maintain distinction between the narrow enclosure of Fore Street and the wider framed space of the High Street. Sites fronting the street should ensure the <b>continuity of building line</b> with no setbacks. Along Fore Street there should be as few gaps as possible between all storeys of buildings. Along the High Street while most buildings are still attached at ground floor the roof form is more detached providing a more open feel to the skyline. Variety in the height, materials and roof form and orientation can <b>perpetuate the existing diversity</b> as long as the building line is constant. Any vehicular access ways which are required should be kept as narrow and discrete as possible but <b>pedestrian alleyways and cut throughs can be frequent</b>.</p>
2. Fore Street & High Street Margins	<p>Sites at the margins of the town centre area located behind Fore Street and the High Street should have a <b>highly permeable layout</b> with routes orientated towards and connecting to Fore Street and High Street. Intensification of these areas can provide the opportunity for a <b>mix of residential and other uses</b> subject to other policy. These areas are suitable locations for <b>prominent landmarks</b>, visible from around the town.</p>
3. Primary Corridors	<p><b>1. North/South approaches.</b> Greater enclosure and sense of <b>sequence and gateway</b> in the built form achieved through the use of the undulating landform and development of sites which front onto this route.</p> <p><b>2. Approach from motorway/reopened railway station and East-West connecting route.</b> Recognition of the contrast between the open river corridor and the enclosure of the town centre and reflection of this in the development of sites either side of this route. The opportunity of the reopening of the railway could attend to the need to create a more significant <b>sense of arrival</b> on the approach to the town from the former station location. The station road corridor would benefit from a coordinated <b>public realm strategy</b>.</p> <p><b>3. Tiverton Road.</b> Occasional, individual /detached <b>prominent buildings</b> positioned along this route would help mark <b>routes to surrounding neighbourhoods</b> and punctuate the <b>approach to the town centre</b>.</p>
3. Neighbourhoods	<p>Any opportunity to establish a <b>greater sense of street hierarchy</b> should be taken including the strategic use of corner plots, differentiation between street character through common boundary and threshold treatment, street trees and public realm treatment and variation in the highways specification for residential areas. <b>Mitigate divisions caused by the landform</b> by including topographically difficult areas as public open space with streets and buildings surrounding and overlooking the spaces.</p>
4. Low lying, river corridor margin	<p>The open aspect of the area between east and west should be retained. Sites to either side can be organised to make the most of <b>expansive views</b> to the north and the south and where possible <b>encourage public access</b> to footpaths and routes through the space.</p>
5. Western variable topography	<p>The undulating topography to the west requires a contrasting building form to that of the town centre and its margins however this should not be at the expense of the <b>integrity and legibility of streets and public realm</b>. All sites should ensure <b>distinction between public and private</b> areas. This is generally achieved by buildings which face the street and enclose private space at the rear. Safe, and obvious connectivity through these areas is key to ensuring connected communities and sustainable patterns of movement. Undevelopable parts of the landform and strategic <b>green infrastructure should be used to effectively link communities</b> and the town centre placing <b>landscape at the heart of the area's identity</b>.</p>
6. River/Road/Rail	<p>While infrastructure capacity and accessibility is key to the town's growth and sustainability, design response to negative aspects such as noise or visual intrusion should <b>take care to avoid equally detrimental consequences</b> such as impact on views, east-west movement, green space, conservation of heritage assets or the emergence of a highways dominated environment, particularly in the case of the provision of a town centre relief road (Policy CU19, Local Plan Review).</p>
7. East of Cullompton Garden Village	<p>The proposed Garden Village to the east of the town is the subject its own masterplanning exercise to structure development and coordinate design. This should however be carried out in the context of the whole town's setting and take the opportunity to address any of the issues above in a <b>coordinated</b> way.</p>
8. North West Urban Extension	<p>As a strategic scale development, the NW Urban Extension benefits from its own masterplan, however, its integration with the town is very important to ensure it also <b>contributes to the issues and opportunities for the town</b> as outlined in the Local Plan and in all the areas above.</p>



# CREDITON

## *Strengths & Weaknesses*

Crediton's strengths and weaknesses stem directly from the constraints imposed upon its form by the landscape. Located within a steep sided east-west orientated valley, it is one of the most distinctly linear settlements in the district, the town centre displaying a series of linear segments linked together as one.

The historic linear form of the settlement occupies the space along the bottom of the valley form but the rising slopes to the north and the south of the town increase the perception of the enclosed linear form and the ridges of the hills facing one another echo the building line along either side of the high street.

Constraints on the expansion of the town to the north and south have meant that more recent development has been to the east and west ends of the valley where there is exposure to views from the surrounding landscape. To the west this has comprised residential development which has been relatively sensitive to these views from

the west and occupied an undulating landscape without a large impact to the surrounding landscape.

In the east, the predominant land use is employment. This has created an impermeable and vehicle dominated environment. As development continues to the east the town risks causing damage to its own setting as it creeps closer to the historic park landscapes of Shobrooke to the east, Creedy to the north and Downes to the south east.

The topography which constrains (and defines) Crediton's development form presents a significant challenge to the town being able to remain accessible using sustainable means. Design innovation and problem solving which enable development to respond to the challenge of climate change in this particular regard will be welcomed.

# Strengths



The town centre supports a range of facilities, retail and vibrant spaces.



The East Town area displays distinct urban form and assembly of historic buildings.



St Lawrence Green is a unique feature of the historic form of the settlement.



The linear form of the town is made up of distinct segments and transitions.



New interventions like the public plaza enhance the surroundings to the town centre.

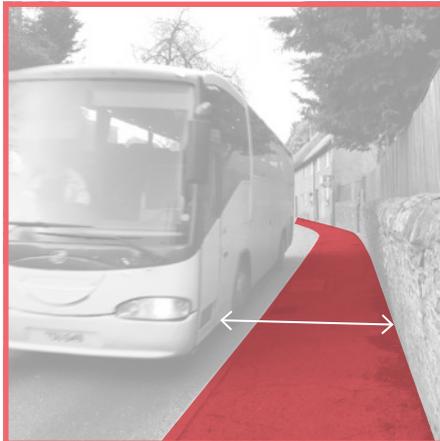


The sense of the town in the valley is appreciated from locations across the town.

# Weaknesses



The approaches to the town are let down by the lack of landmark buildings and their uses.



The quality and safety of the public realm between the station and town centre is poor.



Development affects the setting of surrounding historic parklands.



The sense of enclosure in the valley is threatened by buildings on the ridge.



Development tunnels through the end of the valley into surrounding landscapes.



Congestion and poor quality public realm impact the air quality and environment.

## A Framework for Design Guidance in Crediton

The smallest of the main three settlements in the district and yet most complex in terms of the constraints which have influenced the growth of the town and which continue to influence the need for a variety of design responses.

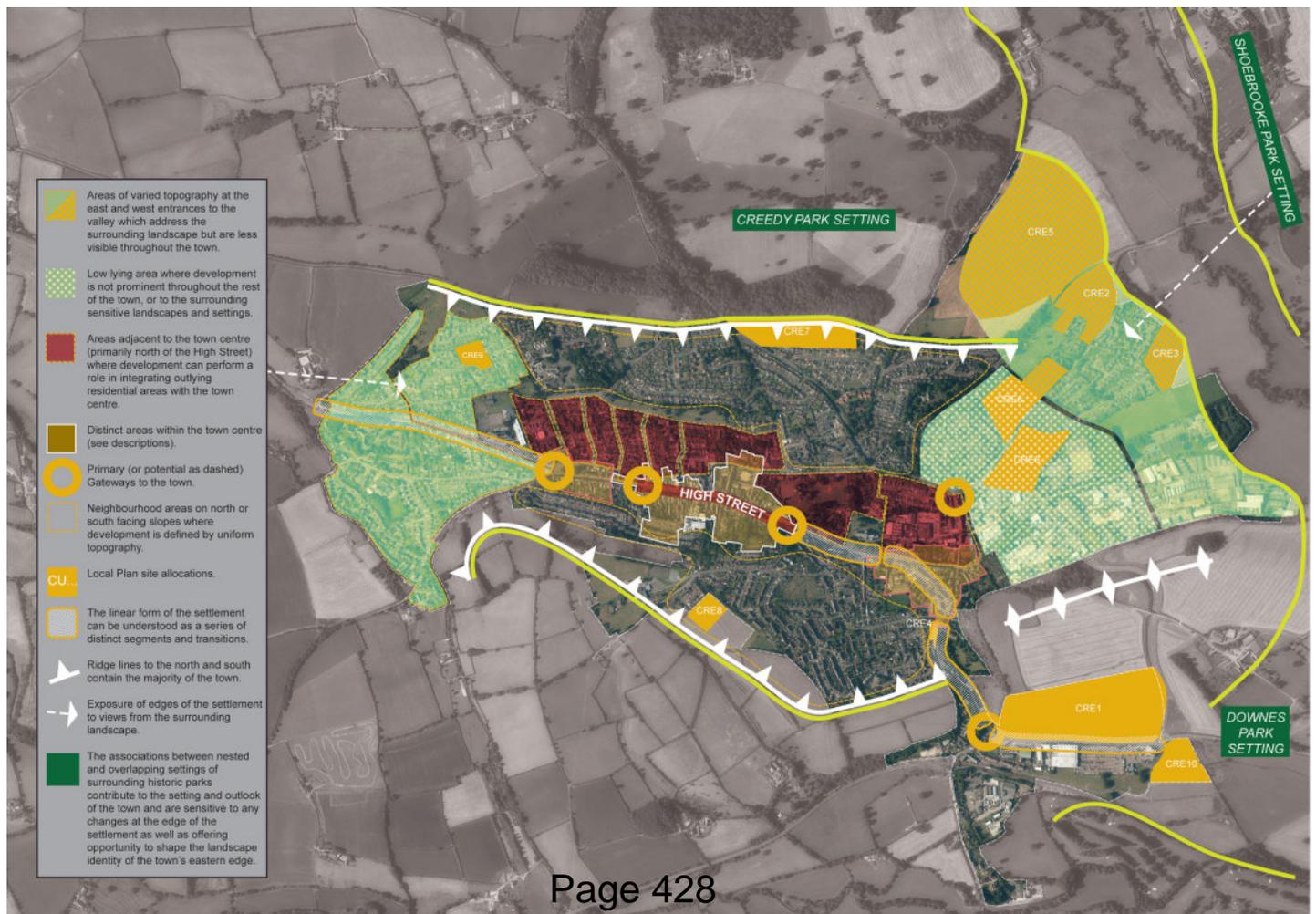
A compact town centre form, positioned at the centre of the 'arena' created by the valley landform means that surrounding neighbourhoods look down and over the town. As a result the town centre area and its immediate surroundings

can continue to support a dense form and opportunity for a variety of landmarks which feature in views and aid navigation throughout the town. Development on sites within this area can assist the overall legibility of the town centre and its integration with and accessibility to the outlying neighbourhoods.

There is also justification for a mix of uses in and around the town centre area, subject to other policy requirements and needs assessment, but which contributes to

reducing carbon emissions by promoting a self-sustaining local neighbourhood which does not rely on the car for access.

Overall the design should seek to retain the town's identity as a hidden place to be discovered within the valley, but with highly prominent areas at the west and east entrances to the valley the visibility of the current edges and potential new development this concealed identity becomes prominent within the wider landscape.



Town component	Main Design Considerations and references
1. The High Street, north side	<p>The High Street stretches East West resulting in the north side of the street enjoying more sun. This should be reflected in the design of a <b>generous public realm</b>. The dominant material on the north elevation is <b>red brick</b>. Buildings should <b>retain the existing building line and maintain the continuity</b> along the street which in turn maintains the strong linear form. Most buildings are 3 storeys, with <b>ridges parallel to the road</b>, although <b>eaves height and parapet details vary</b>. There are very few side streets, spaced at more than 100m apart and few pedestrian alleyways between these.</p>
2. The High Street, south side	<p>The south elevation has more <b>painted and rendered buildings</b>. Buildings are typically long side on to the street with <b>no setback</b>. At ground floor shop fronts are single (up to 6m) fronted and double (approx 9m) fronted, where as above ground floor <b>colour and materials usually span the building width</b>. Windows are generally symmetrical. Traditional joinery shop fronts provide <b>variety of colour and ornamentation</b> and are of a higher quality to modern upvc printed signs.</p>
3. High Street margins	<p>In and around the town centre area <b>development can afford to be dense</b> where access is easy to the centre. <b>Layout is adhoc</b> which helps ensure the linear form of the High Street remains distinct. However, in this adhoc, patchwork layout, some <b>wayfinding and additional permeability</b> is needed to <b>improve connectivity</b> between surrounding neighbourhoods and the High Street. The area around the western end of the High Street and St Lawrence Green are some of the oldest parts of the town and incorporating or referencing their heritage and public realm value into development proposals will help to improve their contribution to the identity of the town.</p>
4. South facing slopes	<p>Development on the north of the valley (south facing slopes) enjoys a lot of sunlight throughout the day. Consequently <b>larger gardens and public green areas</b> are found throughout this area. Despite this, development should seek to maintain the <b>integrity of streets</b> with buildings facing the street and enclosing private space to the rear. The <b>legibility of streets</b> which descend the slope directly to the High Street should be enhanced where possible.</p>
5. North facing slopes	<p>The south side of the valley is steeper and with the shading here this results in less development which is north facing. As a result, views south from the other side of the valley generally have a green backdrop and any further development on north facing slopes should <b>avoid breaking the ridge line</b> so that the landscape setting in the valley can be appreciated. More frequent <b>links down the hill</b> to the High Street should be explored to <b>improve access</b> to the neighbourhoods on this side of the valley.</p>
6. East valley entrance	<p>The town has seen its most recent expansion to the east, the majority of this being employment space in the form of industrial estates. New development provides the opportunity to <b>rationalise the building form</b>, reestablishing the distinctiveness and <b>identity of East Town</b> and vastly <b>improving legibility</b> and the approach into the town from the east. <b>New gateway features</b> are needed to the north east and to the east where the supermarket development and bypass road contribute little to the townscape. New edge of settlement condition and views into the valley here need to consider the <b>setting of the 3 historic parklands</b> as part of their context and justify their layout and design with respect to these views.</p>
7. West valley entrance	<p>To the far western end of the valley the landform is more undulating resulting in a variety of <b>open, glimpsed and obscured views</b> of the wider landscape beyond. The design response will vary according to localised topography however, preserving the <b>sense of discovery</b> of the town in valley will depend on considerate development at the valley entrances.</p>
8. Beyond the valley	<p>Where possible constraining development form to <b>within and below the ridge lines</b> to the north and south of the town assist in preserving the distinct linear and contained form of the town. Beyond this, various development proposals must seek to <b>create distinction</b> between themselves and the town in the valley. They must consider the <b>wider landscape setting</b> as part of their context.</p>



# VILLAGES

**The settlements have a unique character, with a variety of building styles, materials and ages. These settlements have diverse relationships with their surrounding landscape, either hidden in wooded valleys, nestled within the folds of rolling hills or sited on fairly flat elevated plateaux.**

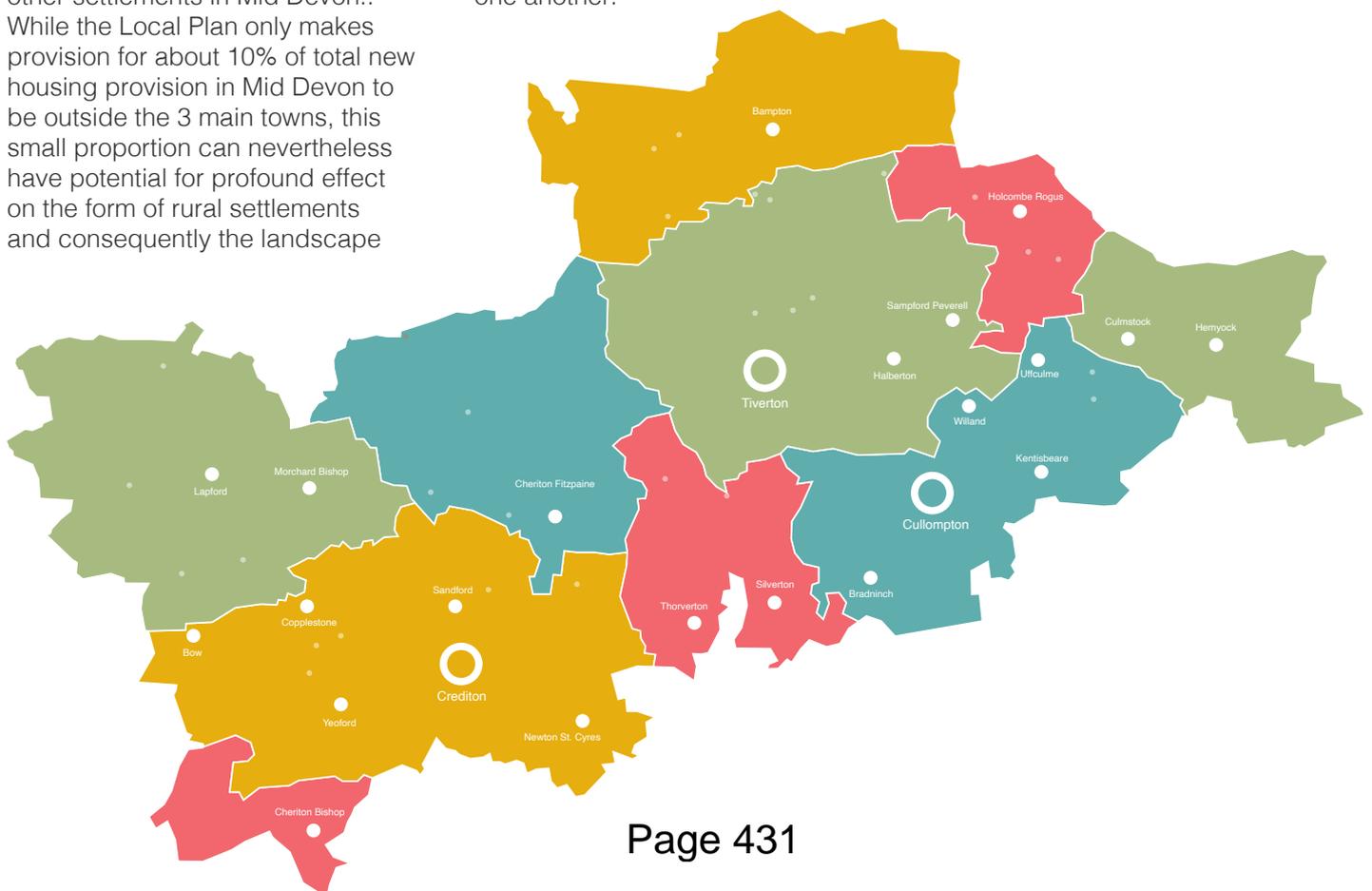
There are 22 designated villages set out in Local Plan policy S13 which are considered to be appropriate for a limited level of development based on their physical characteristics and availability of services.

While the Local Plan makes policy provision for development at the 22 designated villages and 3 main towns, design guidance in this chapter can also be applicable to development (where permitted) at other settlements in Mid Devon.. While the Local Plan only makes provision for about 10% of total new housing provision in Mid Devon to be outside the 3 main towns, this small proportion can nevertheless have potential for profound effect on the form of rural settlements and consequently the landscape

character as well as facilitating smaller communities meaningfully responding to the climate change emergency.

The methodology for preparing this Design Guide has included characterising (by a process of field surveying and desktop study) the 22 designated villages and other settlements across the district into a series of typologies which display common characteristics and forms to one another.

Mid Devon District Council have completed Conservation Area Appraisals for many villages and Management Plans for some. These identify where changes and improvements would be welcome and could take place. These provide further context for design and the application of the Design Guide. Details of these studies can be found on the MDDC website.



## Settlement Typologies

The process of field survey work and desktop analysis has arrived at the summary of 7 settlement typologies which can be recognised across Mid Devon.

### Generalisations of settlement form.

The Design Guide for rural settlements is based primarily based on the characterisation of 22 Villages as defined within the Local Plan (Policy S13) but is also relevant to the form of the main towns: Tiverton, Cullompton and Crediton, as well as settlements without a boundary which fall with the Local Plan 'Countryside' policy (S14).

Settlements may demonstrate a variety of characters and it is unlikely that any one settlement is as simple in form as these generalised typologies.

The typologies are intended as a guide to assist observations of settlement characteristics but to provide a catalyst to the more comprehensive description of the characteristics of the context of sites and development.

In some cases the form of settlement may have changed over time as development is added and the settlement has grown and changed. In these cases it is worth identifying the characteristics of the historic form and identifying whether the changes over time have retained the settlement's distinctiveness in the landscape.

In some cases change will have been positive, in others negative. The analysis of settlement form in each site and settlement case will be

a bespoke process.

As an initial guide this document has identified the form of a range of settlements (listed over) but other characteristics may be observed too.

### Main Towns

In the cases of Tiverton, Cullompton and Crediton and to some extent in the larger villages within the District (e.g. Willand and Bampton), different areas of the settlement display different settlement forms. One neighbourhood or district may be structured around a linear feature, another around an open space and another still may display dispersed parcels of development with no particular focus or centre due to topography or infrastructure.

The guide is applicable here and users should translate the characteristics which have been observed and described to each individual situation.

### Landscape Character

This guide, as identified in the previous chapter, outlines how the form of settlements across Mid Devon are first and foremost a product of the diverse landscape character across the district. For this reason, these typologies should not be adopted without further assessment within each individual design process.

This process should ask the question whether the characteristics observed within a settlement and its context are contributing to the distinctiveness of the landscape character. For instance, a settlement

maybe observed as having a dispersed form, but this has come about as a function of infrastructure, planned industrial estates which are designed for operational requirements, not as public areas, isolated housing estates etc. In this case it is not the landscape character which has determined the form of the settlement and it may be decided that the settlement form actually detracts from the distinctive character of the landscape.

Care should be taken to observe those characteristics which originate from the landscape character and which are distinctive to Mid Devon.

### Selecting a Settlement Typology

After defining which settlement character area a development site is located within and identifying the relevant Design Guidance, the next step is to identify which of the Settlement Typologies most suits the place where the development will be located.

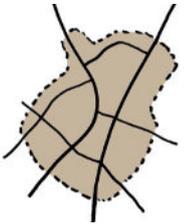
The 7 settlement typologies are generalisations of the settlement forms of all the settlements across Mid Devon and it is unlikely that a settlement conforms exactly to any one generalisation.

It may be that some of the features of two or a number of the settlement typologies seem to match the development location. The guide should be used flexibly to form a judgement as to which elements of the Design Guide are applicable to creating a development which contributes in the best way possible to the settlement form of the given location.



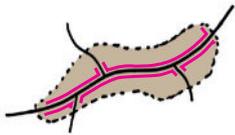
### Central Square or Green

Uffculme  
Morchard Bishop  
Cullompton



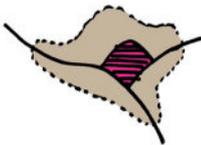
### Patchwork

Willand  
Tiverton



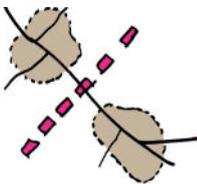
### Linear

Chawleigh	Bradninch
Halberton	Uffculme
Sampford Peverell	Colebrooke
Cheriton Fitzpaine	Lapford
Kennerleigh	Cheriton Bishop
Oakford	Culmstock
Bow	Crediton
	Cullompton



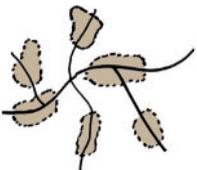
### Enclosed Core

Thorverton  
Sandford  
Holcombe Rogus  
Halberton  
Tiverton



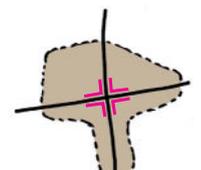
### Divided

Culmstock  
Newton St Cyres  
Yeoford  
Burlescombe  
Tiverton



### Dispersed

Hemyock  
Bickleigh  
Westleigh  
Zeal Monochorum  
Cheriton Bishop  
Cullompton



### Cross Roads

Bampton	Bradninch
Kentisbeare	Hemyock
Silverton	Newton St Cyres
Copplestone	Sandford
Morchard Bishop	Colebrooke
	Zeal Monochorum

## Landscape Variations

Some settlements of a similar form perform a very different function in contributing to landscape character by virtue of their topographical position.

For example, a linear settlement maybe located along a valley bottom and the hidden nature of its form within the landscape changes how it and the surrounding landscape is perceived as well as affecting the sense of the surroundings experienced from within the town.

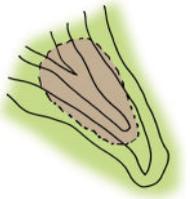
Alternatively, the same linear form found on the top off a hill, or situated along the contours of a valley side create landmarks within the landscape. These linear settlements, in being visible and prominent when approaching from far off, create a very different sense of arrival and a wider awareness of the settlement size and form. Again from within the settlement positioned on higher ground, views, glimpses and the sense of the wider setting looking out from the settlement is very different to that of the valley setting.

Once an understanding of the form of the settlement and the relevant settlement typologies have been selected, consideration of the topographical setting should be made.

A summary of five typical topographical settings are listed below. Again it is unlikely that a location's topography is similar only to one of these 5. In which case consideration should be given to the effect of a variety of topographical factors on the design of a development within a given settlement form.

Understanding variations in landscape form includes identifying any differences in micro-climatic conditions. Different landscape forms may present different opportunities to respond to the climate change emergency by orientating for maximum solar gain as well as structuring development to create the most walkable development form.





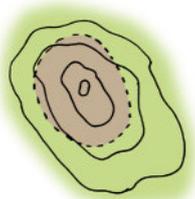
## Valley

Within a valley setting, the characteristics of any settlement typology are exaggerated as the settlement is squeezed into a more constrained location. The prominence of the settlement in the wider landscape will be limited and development can make the most of the sense of discovery that can be enjoyed on arrival within a settlement in a valley.



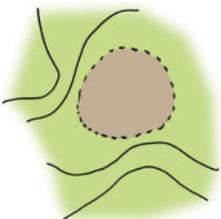
## Hillside

A sloped situation can be the most challenging topography for most of the settlement typologies. To achieve access and connectivity through and around a development unconventional building orientations and arrangements are often used. The design of streets and integrity of public/private definition of space can be threatened as a result. Consider varying the approach to access and connectivity (non-vehicular routes) and how overlooking is achieved (side windows and visually permeable garden boundaries). These constraints and design solutions can lead to the most distinctive places.



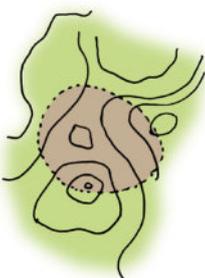
## Hilltop

Positioned on a hilltop, any settlement typology becomes a prominent feature in the landscape. Development in these locations is a distinctive feature of parts of the district however and the automatic approach should not be to screen or hide development. Rather careful consideration of the opportunities to make the most of views out and vice versa, looking from afar and on approach to a settlement to consider how a development stands out or is integrated with a settlement which is prominent in the landscape.



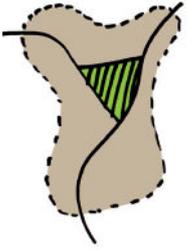
## Low Lying

Settlements in low lying locations are defined as much by the surrounding rising ground as they are by the opportunity for development on the lower level areas. Care should be taken to acknowledge the setting as part of the character of the settlement. Views can often be short distance, but with very mature, green backdrops. Where development is to be located on the rising ground surrounding a settlement there should be a realisation that this itself becomes the backdrop to the town. Openings in the landscape too can be opportunities for contrasting approaches to orientation and views but that these locations be sensitive to the wider exposure they have to a wider landscape still.



## Undulating

Often this type of topography has forced a settlement to become dispersed or divided as it has negotiated development in the easiest locations first. Many of the macro conditions above exist at a micro level within an undulating topography as additional development is left with no choice but to tackle the more difficult topography. The rising slopes around a settlement can define parts of a settlement. Even small sites may find they are on a locally prominent high point. Some development maybe squeezed into small valley features where density and enclosure are a result.

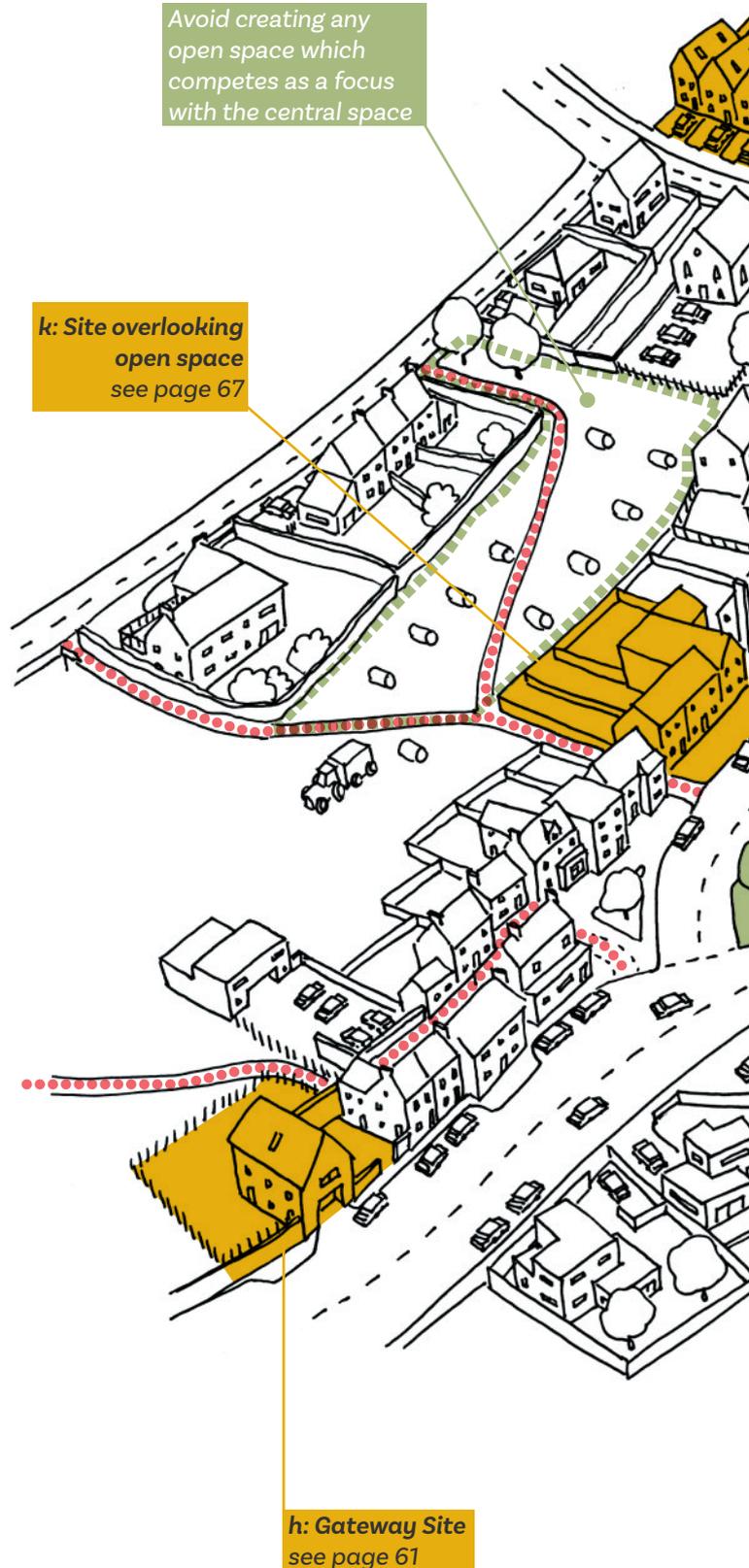


## Central Square or Green

A settlement which is focussed around a square or a green has a recognised centre where activity and uses are concentrated. Development increases in density and scale around the central space providing a clear sense of arrival. Navigating and sense of direction around these settlements is always with reference to the centre and development form assists in indicating in which direction the centre is located.

Design of development within these settlements should:

- Maintain the density and scale of development at the centre and overlook the square or green;
- Locate any mix of uses at the centre and celebrate the opportunity for diversity of materials and form which this presents;
- Ensure development away from the centre is well connected and helps orientation around the centre;
- Avoid inadvertently creating a substitute for the central space by the provision of similar open space, or location of non-residential uses elsewhere.



**d: Edge Site**  
see page 53

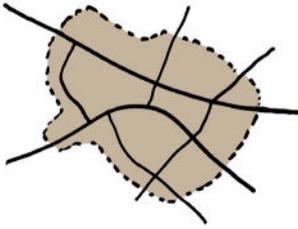
**m: Site along a Thoroughfare**  
see page 71



**Central Square or Green**  
Any development within the settlement should seek to preserve a focus on and access to this central space.

**Lanes & Alleys**  
Preserve, and where possible create, paths which lead to and provide short cuts to the central space

**Distributed Landmarks**  
 Prominent buildings in a variety of locations throughout the settlement marking corners and views assisting wayfinding.



## Patchwork

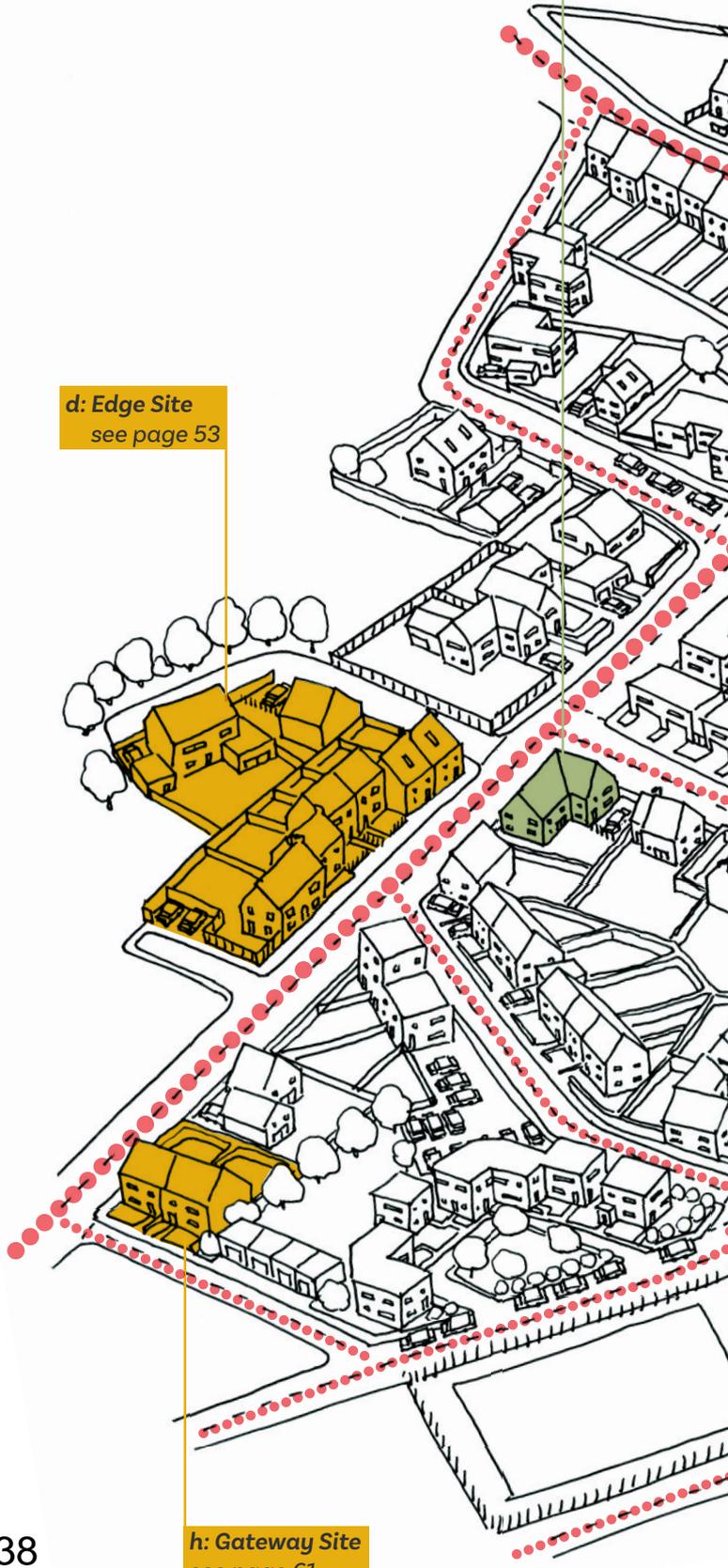
A series of blocks of development are organised around an often grided or permeable and interconnected street network but with no clear sense of a single centre to the settlement. Community facilities and non-residential uses are widely distributed throughout the settlement and require a well connected street network to make accessibility easy. Sometimes there is a small historic part of the settlement which displays the characteristics of a different settlement typology, e.g. linear or crossroads.

Design of development within these settlements should:

- Avoid creating a distinct centre;
- Maintain an interconnected street network and avoid any cul-de-sacs;
- Add to the distribution of occasional landmarks which mark corners and views along streets;
- Maintain the integrity of development blocks with buildings which face the street and enclose private space to the rear;
- Acknowledge any historic development pattern and cross reference with relevant design guidance.



CREDITON



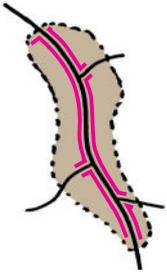
**h: Gateway Site**  
 see page 61

**Additional Gateways**  
The distributed nature of the settlement means there are a number of approaches which can benefit from gateway buildings.



**i: Infill Site**  
see page 63

**Connected Street Network**  
A grid of connected streets.  
One or two routes have subtly greater priority. No dead ends.



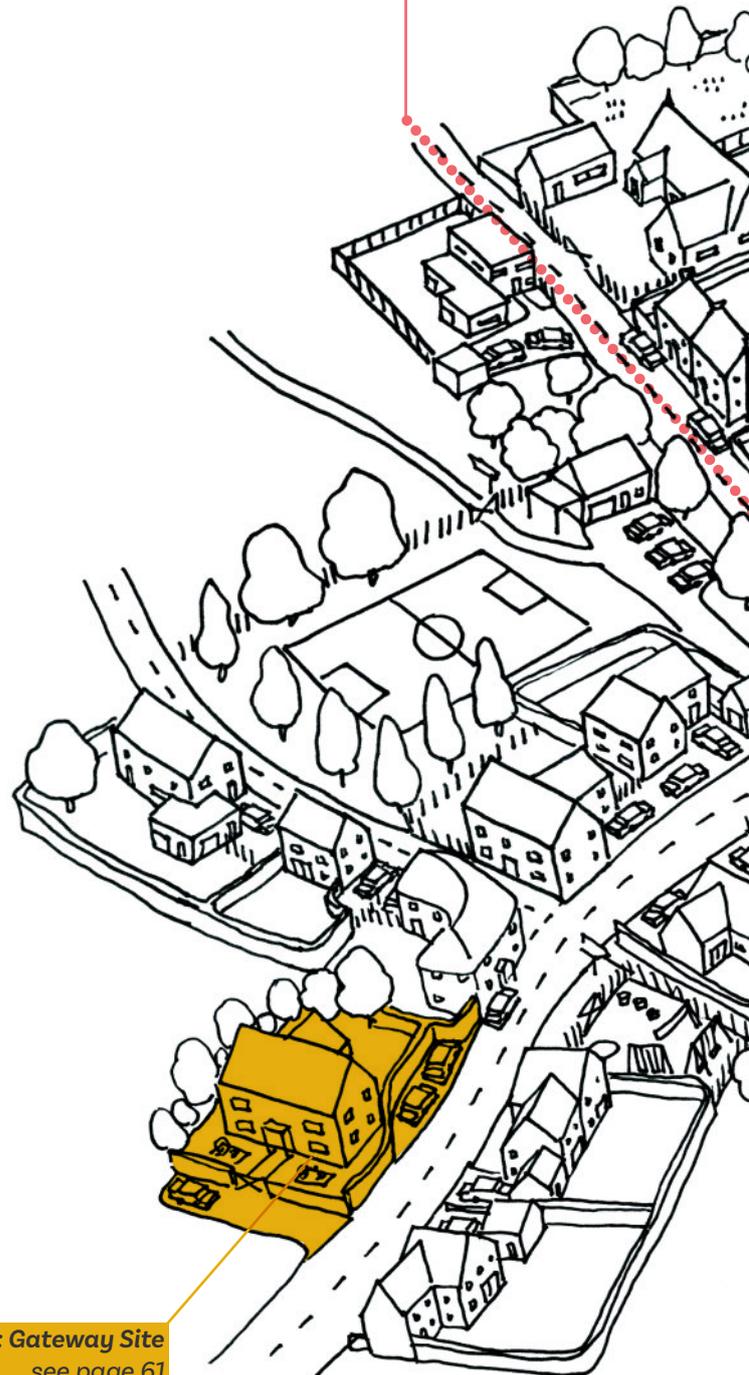
## Linear

This is one of the most common settlement forms across Mid Devon although it exists in a variety of topographical situations which require a variety of design approaches in order that the settlement form maintains its integrity:

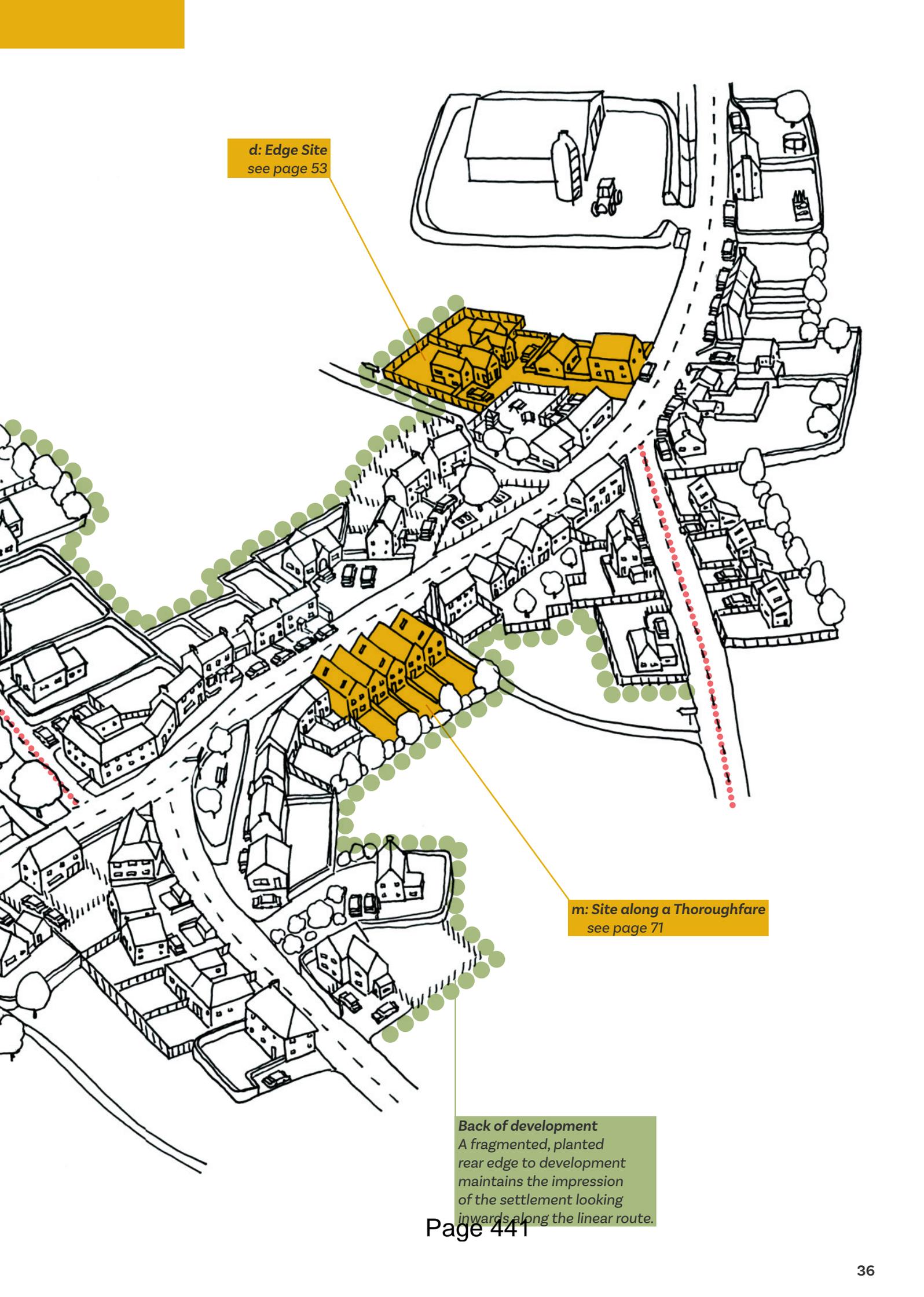
- A primary objective of design is to maintain the continuity of built form along the main route;
- A sequence of views and events along the linear route is created starting with the use of gateways at either end of the settlement and then varying building scale and the continuity of elevations along the route;
- Towards the centre, buildings are positioned immediately against the back of the pavement, or at the edge of the carriageway if no pavements to increase the sense of enclosure and linear form;
- Routes leading off of the linear form should be overtly secondary with discrete junctions;
- From the surrounding area looking in, the settlement appears to turn its back towards the landscape. This is reinforced by development always orientating inwards towards the main route and the rear of development being planted and having a fragmented edge to the landscape.

### Secondary streets

Routes off of the linear route are minor and have discrete junctions, not disrupting the continuity along the main route.



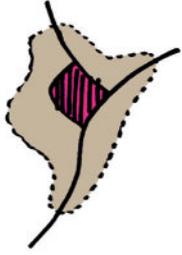
CHAWLEIGH



d: Edge Site  
see page 53

m: Site along a Thoroughfare  
see page 71

**Back of development**  
A fragmented, planted  
rear edge to development  
maintains the impression  
of the settlement looking  
inwards along the linear route.



## Enclosed Core

The settlement has a compact form arranged around a distinct development block at its centre. This central development block has a virtually continuous perimeter (sometimes some discrete driveways or accesses exist) which faces outwards. The continuity of the perimeter can be accentuated by a uniformity of building line, ridge line and eaves line although there can also be variety around the block. There is no specific centre to the settlement. Facilities and non-residential uses tend to be distributed around the outside of the settlement, not within the historic core. There are usually a number of routes which approach the settlement with no particular priority between streets.

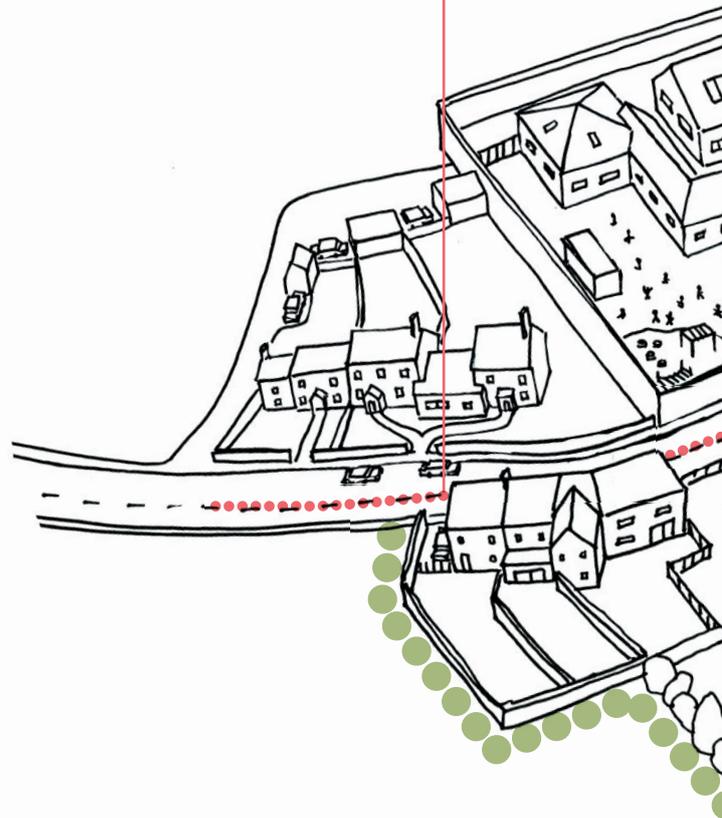
Development in these settlements should:

- Maintain the integrity of the core with outwards facing, dense, continuous development;
- Distribution of facilities around the settlement to decentralise its layout;
- Avoid creating additional routes and access to development around the town which does not first use the streets surrounding the core;
- Maintain a fragmented, planted outer edge.

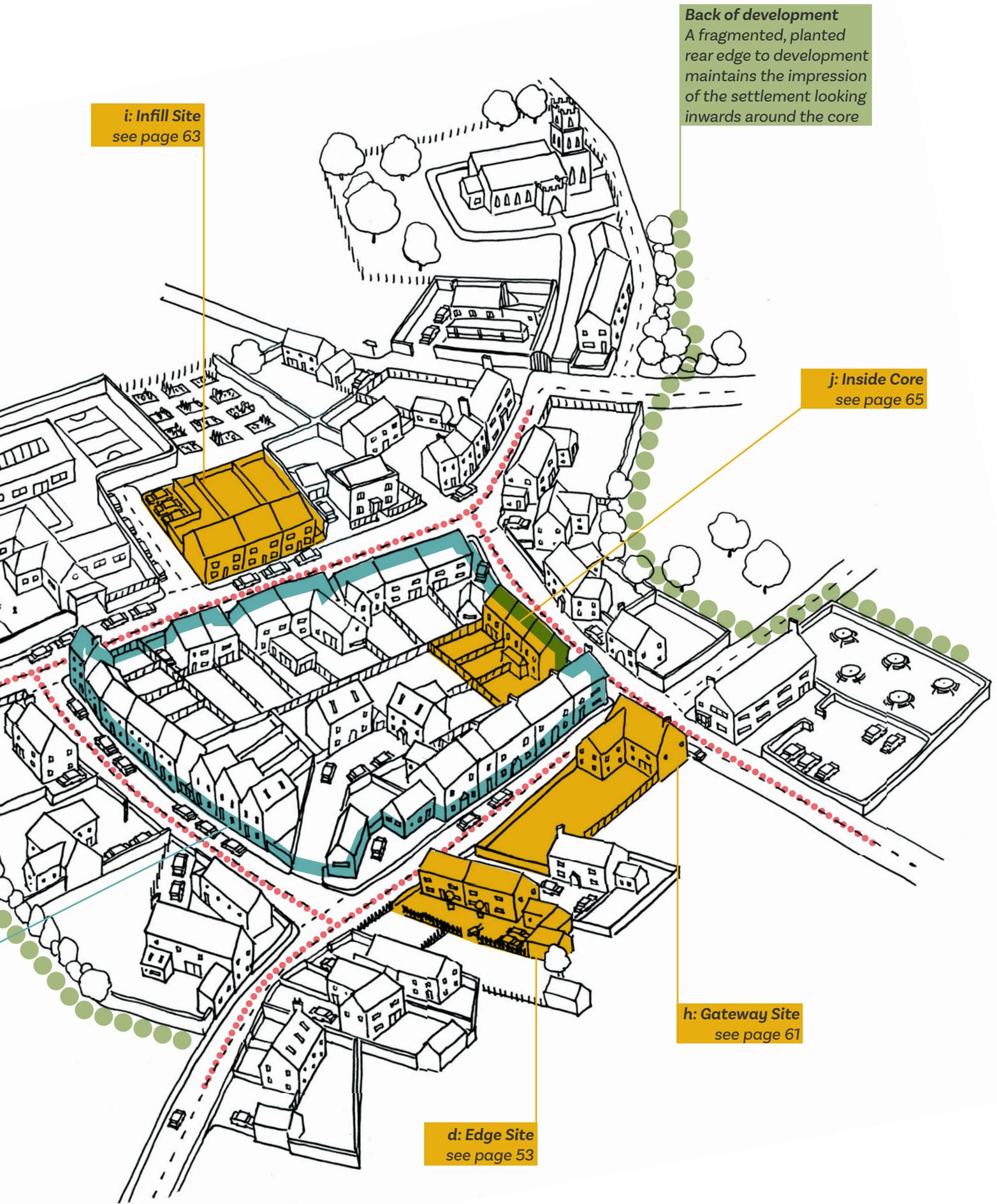


HOLCOMBE ROGUS

**Surrounding Streets**  
Various approaches to the settlement have equal priority and encircle the core area.



**The Core**  
Maintain the integrity of the core with continuity of built form.



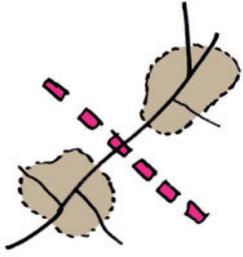
**i: Infill Site**  
see page 63

**Back of development**  
A fragmented, planted rear edge to development maintains the impression of the settlement looking inwards around the core

**j: Inside Core**  
see page 65

**h: Gateway Site**  
see page 61

**d: Edge Site**  
see page 53



## Divided

A divided settlement retains two distinct parts located either side of a natural or man-made feature (e.g. a river or railway line). The settlement in two parts draws attention to the features of the landform with development form and orientation influenced by the divide. The settlement avoids becoming two separate places however by the sharing of facilities one side to another, and by virtue of the two parts being proximate enough to remain well connected.

Design of development can contribute to these characteristics by:

- Maintaining the integrity of the two distinct parts of the settlement;
- Improving connections between the two parts but not duplicating facilities;
- Avoiding development encroaching into the gap.

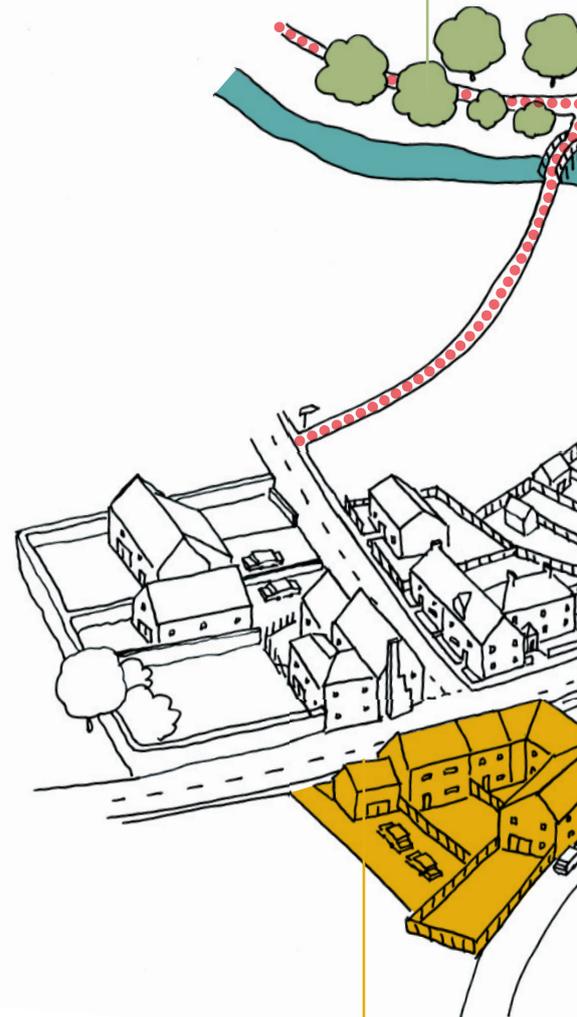


SAMPFORD PEVERELL

### Dividing Feature

The divide between settlement parts can be manmade or natural but should be acknowledged as a feature and where possible utilised for public access.

**b: Site located between settlement parts but joined**  
see page 49



**f: Site at the edge, on a limb**  
see page 57

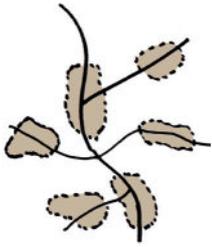
**i: Infill Site**  
see page 63

**l: Site out on a limb**  
see page 69



**e: Site located at the edge between settlement parts**  
see page 55

**Connections**  
Links across the divide help maintain a unified community and draw attention to the landscape.



## Dispersed

Development can be dispersed in the landscape and result in a settlement of multiple parts. This can be due to various elements dividing the settlement, or development having negotiated various landscape features over time. The approach in these settlements is to attempt to maintain the various individual parts as distinct elements as this reflects the landscape form. At the same time efforts should be taken to link the community together and facilitate the ability to share facilities. There is no defined centre to these settlements. There is often a variety of building form to attend to a variety of topography.

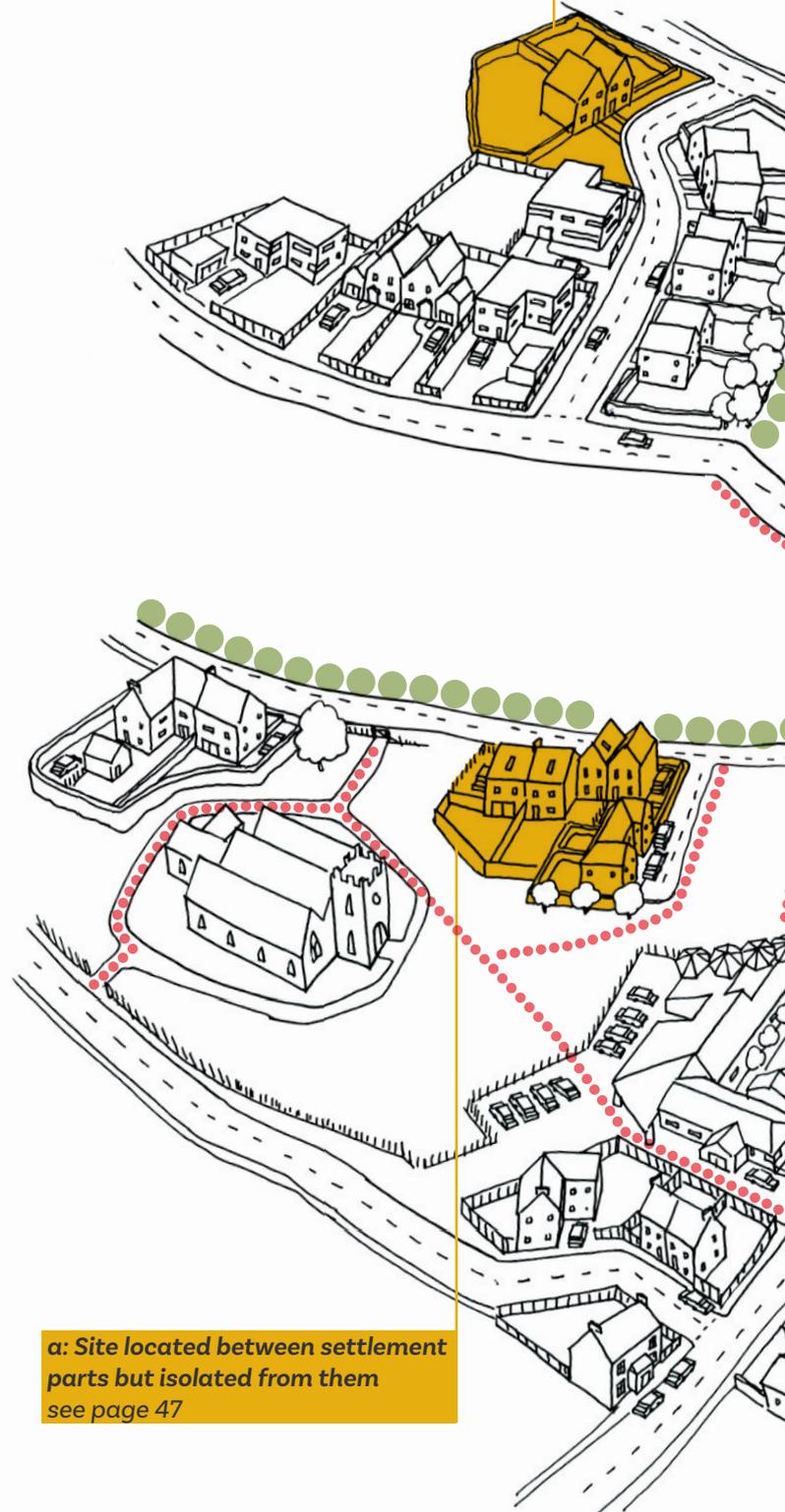
Design of development can contribute to these characteristics by:

- Where possible, maintain the integrity of the individual distinct parts of the settlement;
- Avoid creating a defined centre;
- Facilitate various connections to help the community integrate and share facilities;
- Consider a variety of approaches to building form to respect a variety of topographical situations.



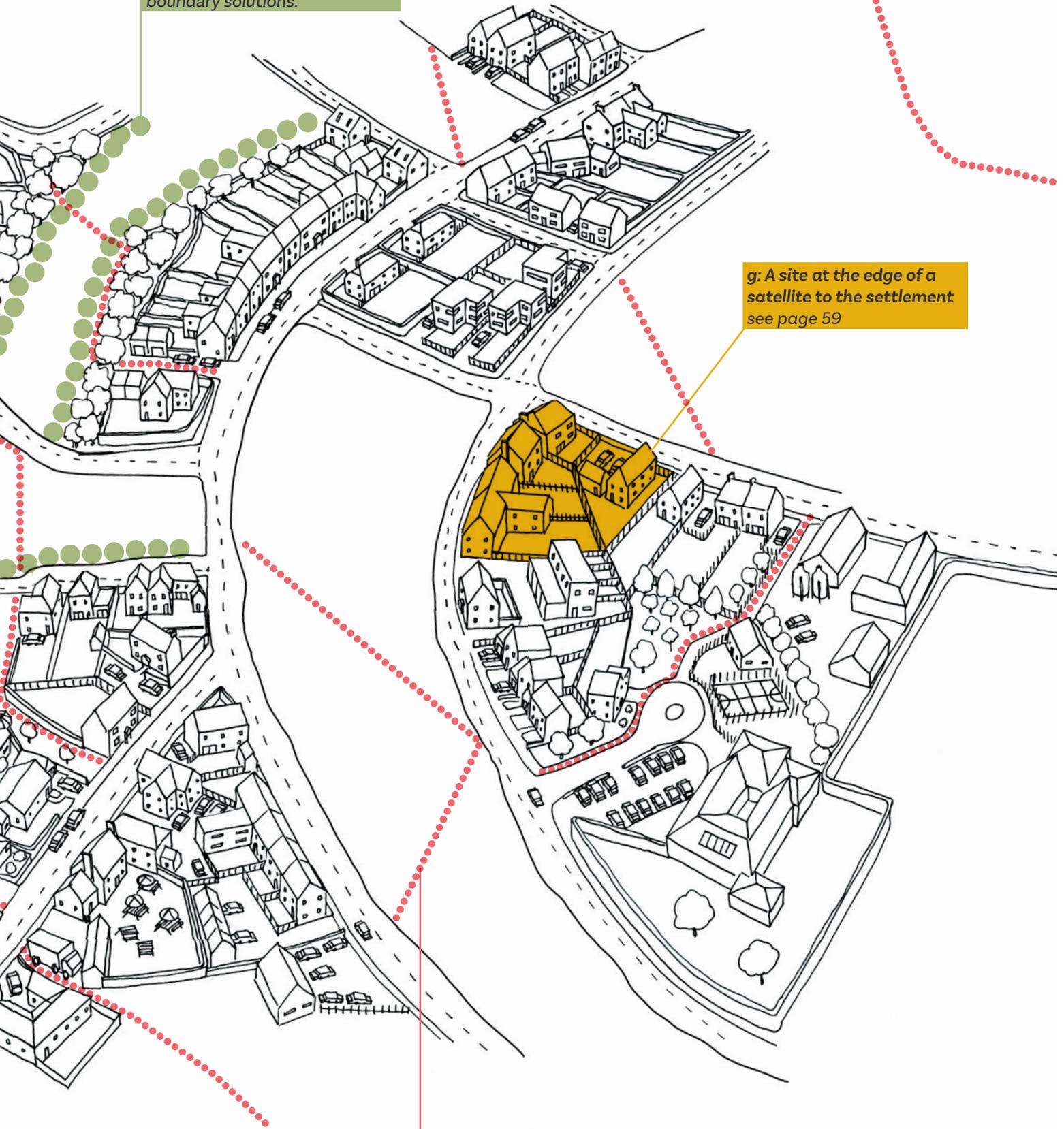
MORCHARD BISHOP

**g: A site at the edge of a satellite to the settlement see page 59**



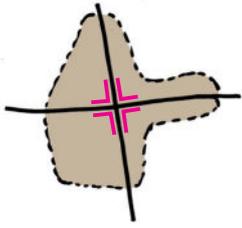
**a: Site located between settlement parts but isolated from them see page 47**

**Edges to Landscape**  
A variety of different relationships with the landscape require different building and boundary solutions.



**g:** A site at the edge of a satellite to the settlement see page 59

**Connections**  
Paths and links help maintain a unified community and draw attention to the landscape.



## Cross Roads

Where historically a settlement has formed around two significant routes the development pattern is focussed around this crossroads. The density and enclosure increase towards the junction and there is usually equal priority between the two routes with a distribution of commercial and community uses along both axis.

Development in these settlements should:

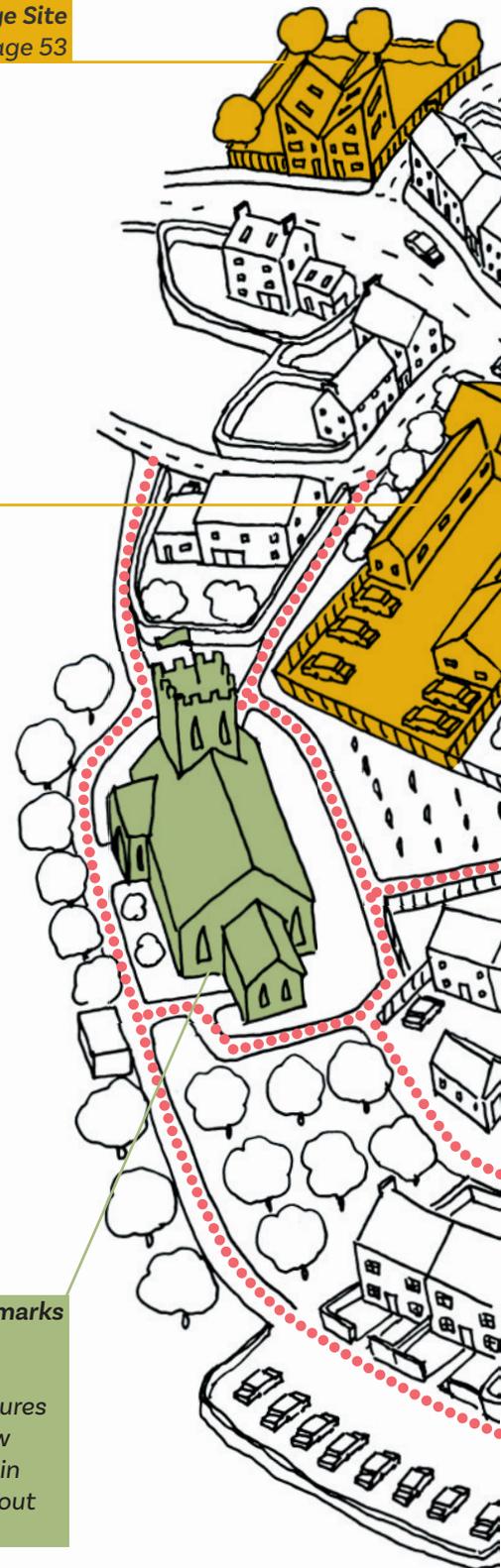
- Maintain the continuity of buildings around the crossroads using a uniform building line, common ridge alignment and minimum gaps between buildings;
- Create landmarks at corners of the crossroads;
- Create permeability throughout the various quarters of the settlement;
- Allow landmarks (new and historic) away from the crossroads to be visible throughout the settlement.



BAMPTON

**d: Edge Site**  
see page 53

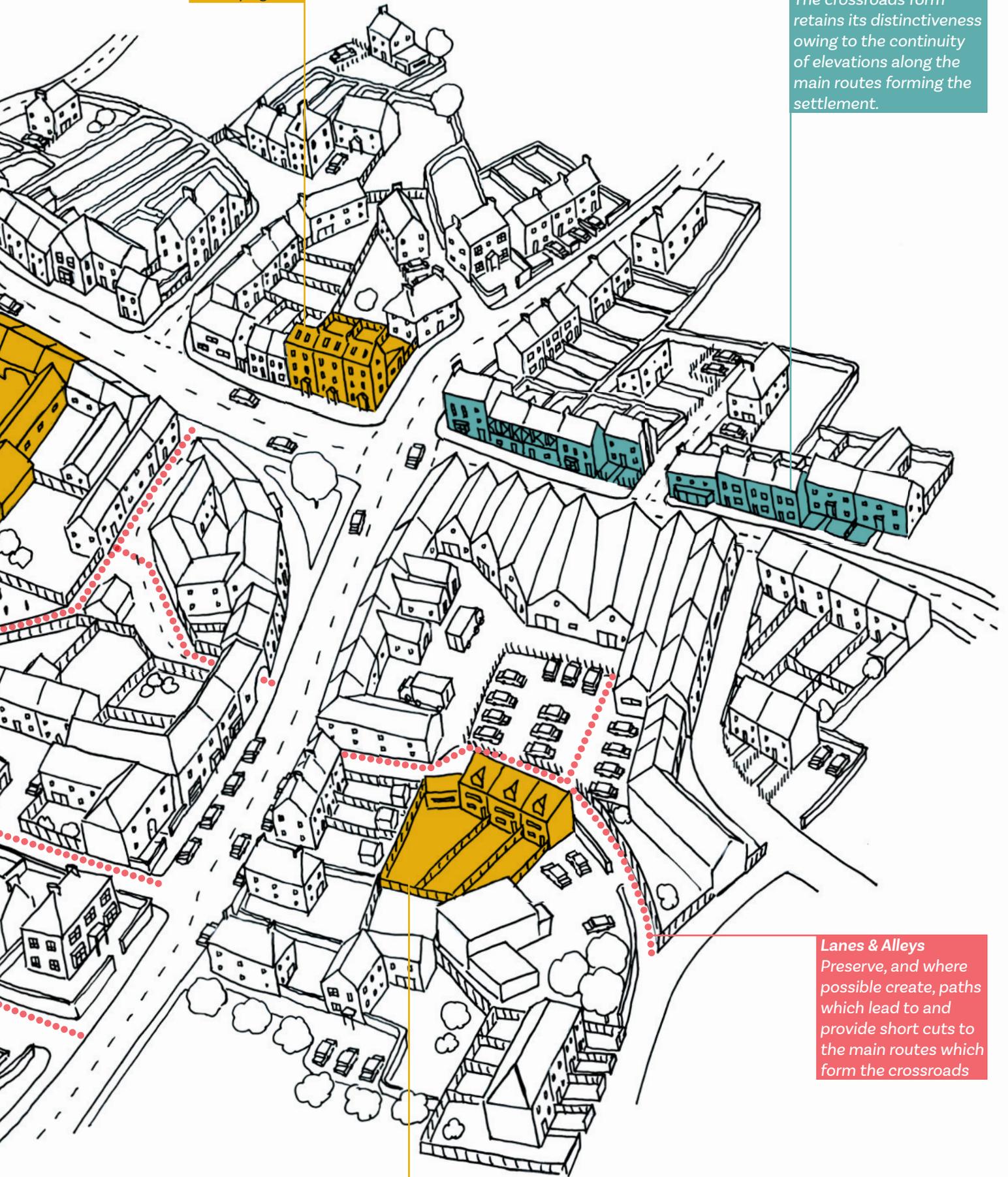
**m: Site along a Thoroughfare**  
see page 71



**Features and Landmarks**  
The legibility of the settlement is established by features and landmarks (new or historic) located in prominent throughout the settlement.

c: Corner Site  
see page 51

**Continuity of main routes**  
The crossroads form  
retains its distinctiveness  
owing to the continuity  
of elevations along the  
main routes forming the  
settlement.



**Lanes & Alleys**  
Preserve, and where  
possible create, paths  
which lead to and  
provide short cuts to  
the main routes which  
form the crossroads

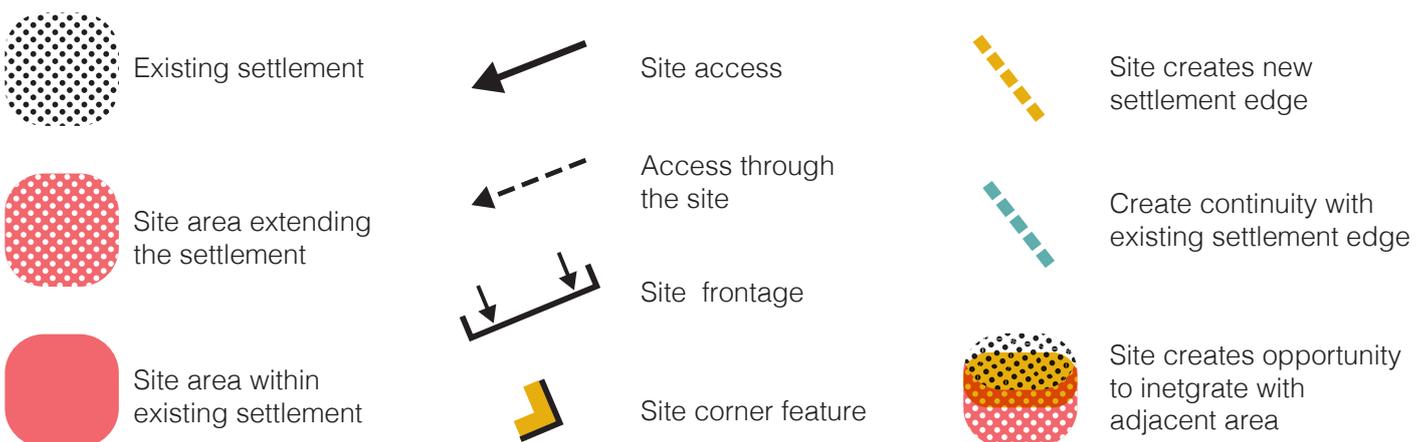
i: Infill Site  
see page 63

## Site Situations

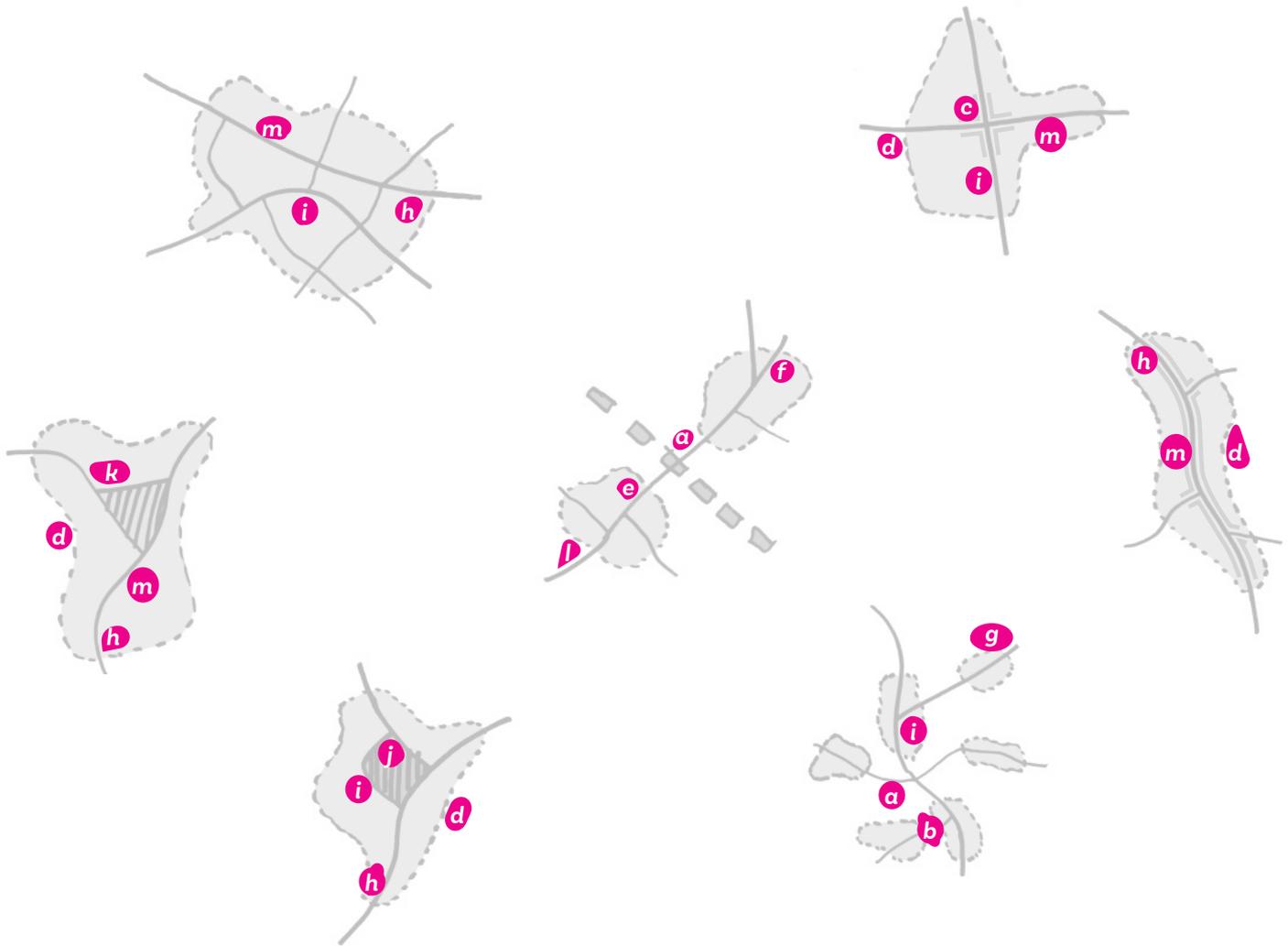
Across the variety of Settlement Types a series of common site situations can be found. Not all site situations occur in all settlements. Each site situation demands a different approach to design and the following pages outline a series of parameters for the design of sites in each of these situations.

The following section of the guide provides simplified diagrams for the purposes of outlining the key principles of designing for each site situation. These diagrams are not intended to provide an accurate site representation of particular locations.

A simplified key is used in these diagrams for the purposes of showing the key parts of settlements and sites as follows:



The section should be read and applied with close reference to Volume 3: The Compendium of District Design in order to identify architectural features and other detailed design considerations which can be used as tools to achieve the site situation design principles. **Page 450**



- a. **Between Isolated**
- b. **Between Joining**
- c. **Corner**
- d. **Edge**
- e. **Edge Between**
- f. **Edge on a Limb**
- g. **Edge to Satellite**

- h. **Gateway**
- i. **Infill**
- j. **Inside Core**
- k. **Open Space**
- l. **Out on Limb**
- m. **Thoroughfare**

Please refer to the settlement typology sheets (pages 31-44) which place the site situations in context. Sites may display characteristics of multiple situations and appropriate responses be interpreted accordingly.

## ***a. Between isolated***

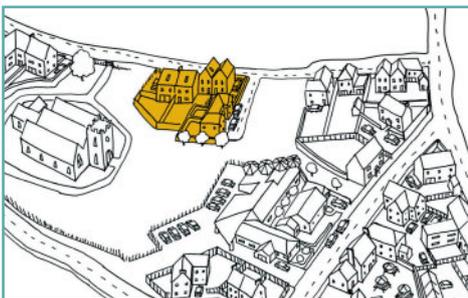
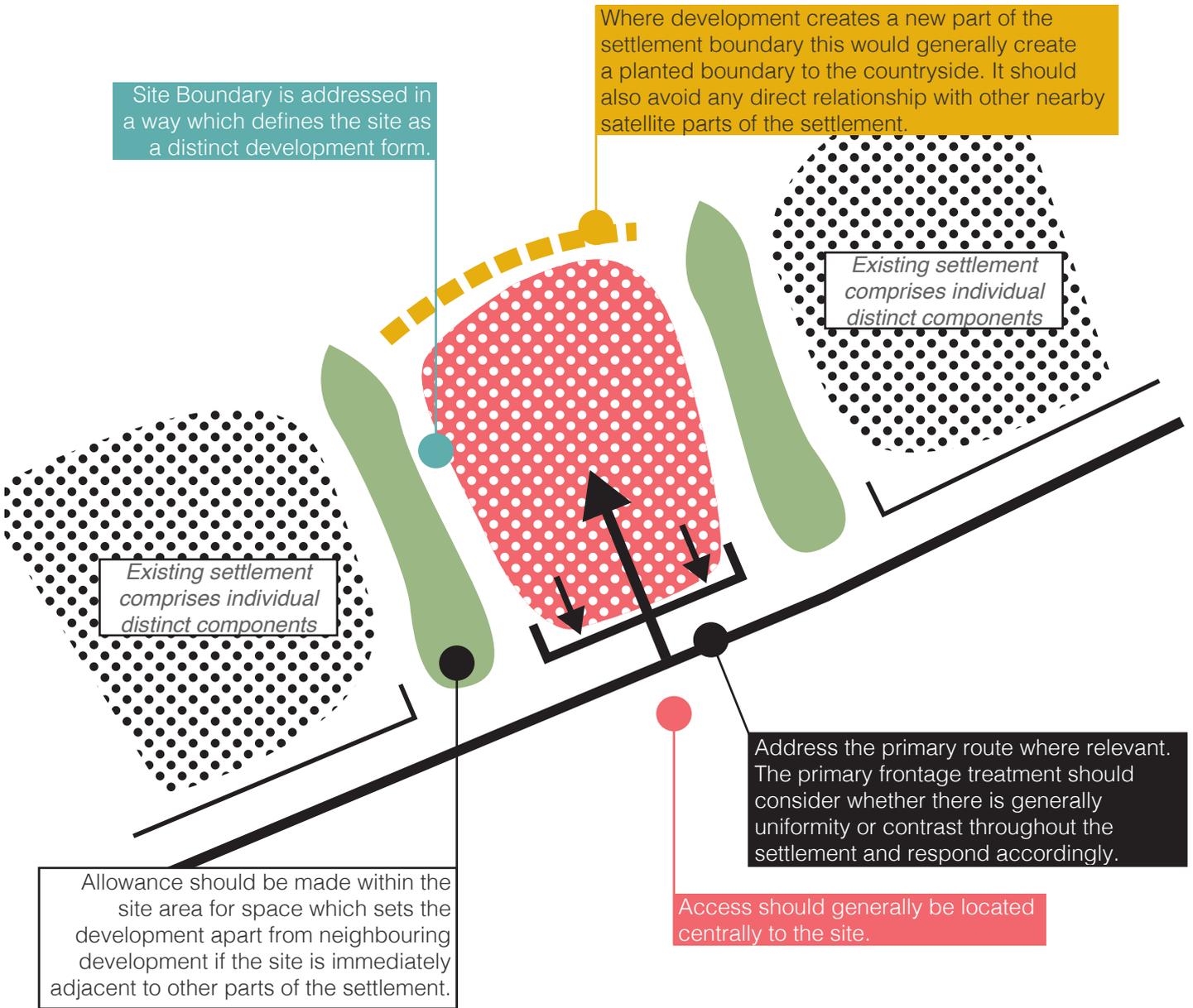
This site situation may occur where a settlement displays a dispersed series of components which together make up the whole settlement.

Each component is to some extent isolated from each other and the form of development establishes this isolation as well as being a result of the landscape and topography.

A site for development may be between some of these isolated elements. The role of a site in this location is as follows:

- The site should create an additional distinct element within a dispersed or divided settlement form;
- It should avoid threatening other sites/existing settlement components from performing their own distinct function within the landscape and within the whole settlement.





A site shown 'between', but 'isolated' from a part of a Dispersed Settlement.  
(See page 41)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9).

While these references are of particular relevance, many other aspects of the Guide may provide useful tools.

## **b. Between joining**

A site located between two parts of an existing settlement but which is joined to one or other of the existing parts of the settlement.

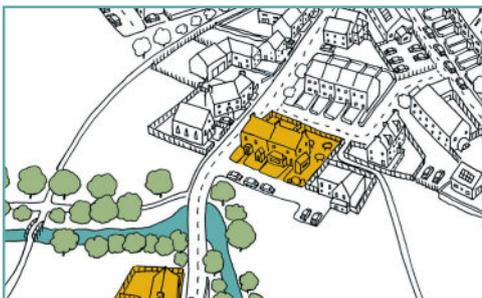
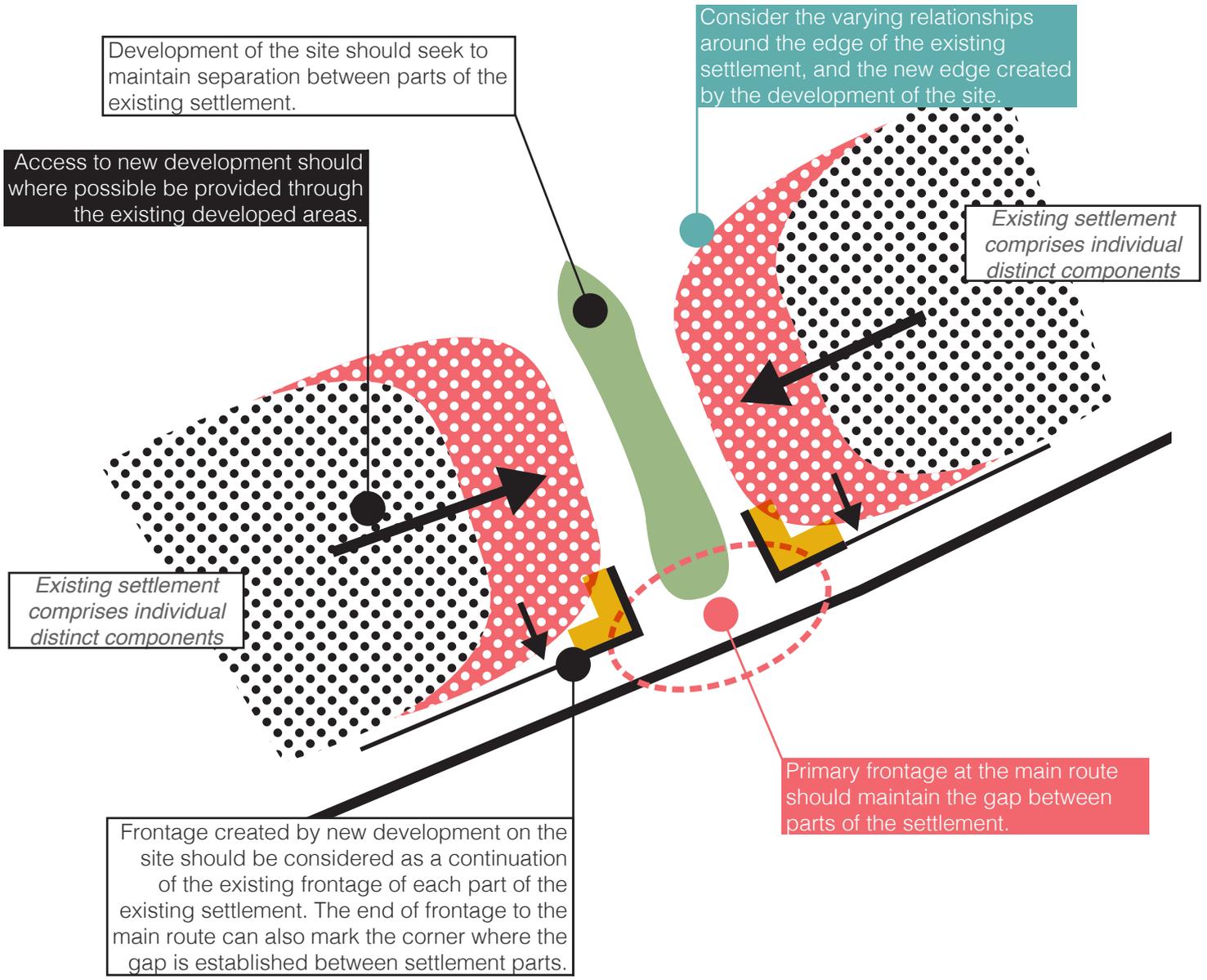
The approach to designing site should seek to maintain the separation between existing distinct elements of the settlement. The role of the site in this situation is as follows:

- The site should contribute to the distinctiveness of whichever part of the settlement it is joined to, this may be by reflecting the character of the existing character, or by helping to define where the edge

of one part is and not to encroach on the edge of the adjacent part of the settlement.

- The development of sites in these situations should be considered as an extension/addition to existing development rather than a development in its own right.
- Where the site is a single piece of land adjoining both existing settlement parts two contrasting layouts may be necessary to address the two contrasting settlement parts. Part of the site will be required to maintain the separation between settlement parts.





A site shown 'between', but 'joined' to a part of a Divided Settlement.  
(See page 39)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); as well as variety of considerations of the appropriate features to define frontage, and in particular any corner buildings (eg. Doors & Porches (page 11); Windows (page 13); Materials (page 15).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## c. Corner

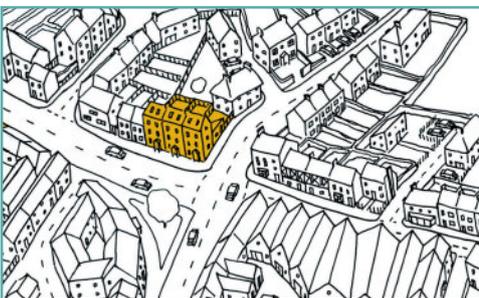
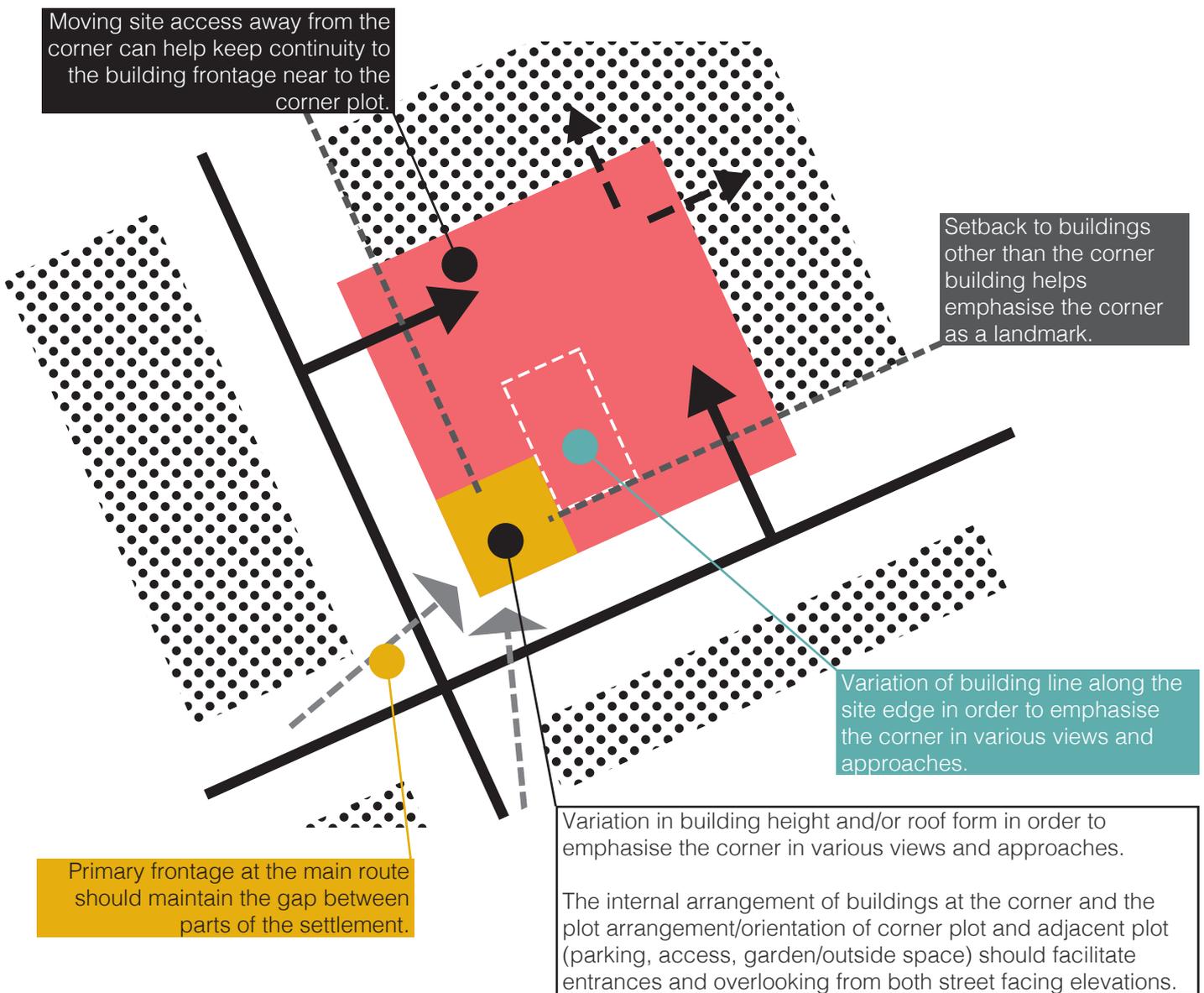
A site located at the corner of two routes which cross within a settlement needs to consider addressing routes. These routes may have equal importance in the settlement or one may be more important than the other. The way the site addresses these routes should reflect the relative importance of the routes.

A site located at a corner performs the following role:

- Anchoring a corner between two similar priority streets, or;
- Helping distinguish between the priority of two contrasting streets;

- Establishing a landmark/feature at a central point or junction within a settlement;
- Addressing two streets at the same time and in doing so consider the appropriate location of key frontages, entrances, fenestration and other features accordingly.





A site shown at a 'corner' within a Settlement formed around a Crossroads.  
(See page 43)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Proportion & Scale (page 5); Frontages & Elevations (page 7). Consideration of the appropriate features to define corner buildings (eg. Doors & Porches (page 11); Windows (page 13); Materials (page 15). Due to the prominence of the site and space constraints, a variety of parking arrangements may be considered: Parking & Transport (page 23).  
Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may provide useful tools.

## d. Edge

Edge sites are one of the most likely ways in which the majority of growth across the district will be achieved where space at the edges of settlements is available and sites are of a suitable size.

As a result, these sites often have a role in defining a new edge to the settlement as a whole and define how a settlement relates to the countryside surrounding it.

A settlement may already experience constraints on growth due to its landscape setting and the surrounding topography and it is important therefore to identify how development responds to sometimes heavily constrained

areas.

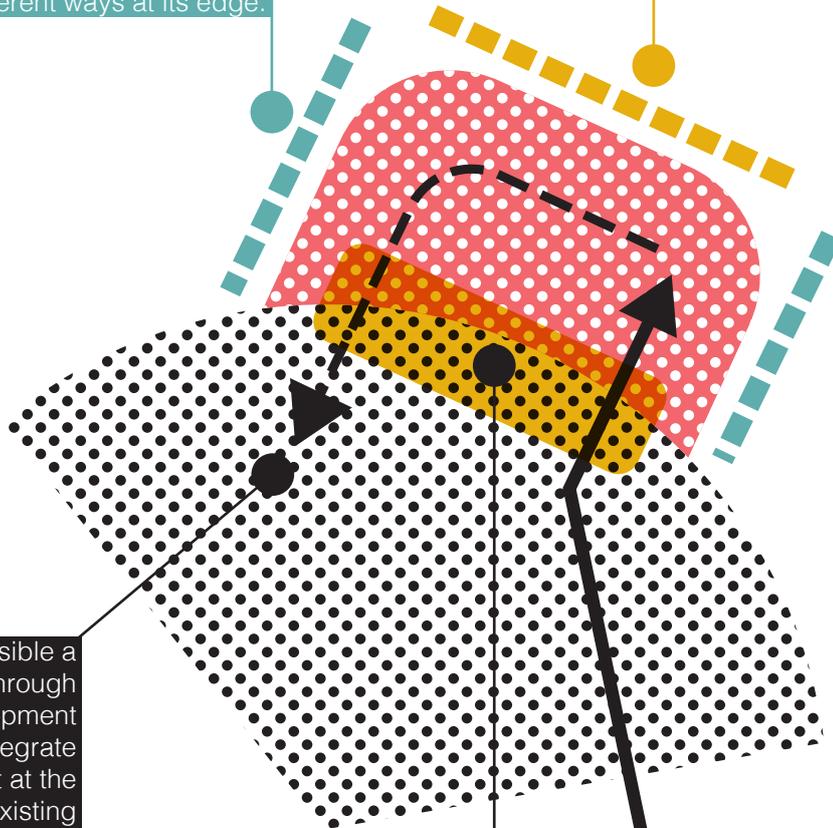
With the exception of the very largest allocations for development at the edges of the larger towns, all development at the edges of settlements should not detract from the focus of a settlement around its centre.

Efforts should be made to provide direct and safe pedestrian and cycle links to facilities and the centre of a settlement such that developments at the edges of settlement do not become isolated or promote excessive use of the car as a result.



Where different conditions occur around the edges of a settlement (e.g. frontage to road or relationship with adjacent development or countryside) the site should respond in different ways at its edge.

New settlement edge to utilise planted or visually permeable boundaries (e.g. low walls) with the rear of properties to the countryside in order that a gradual transition from open countryside to built form is made.



Where possible a connected route through new development can help integrate development at the edge with the existing settlement.

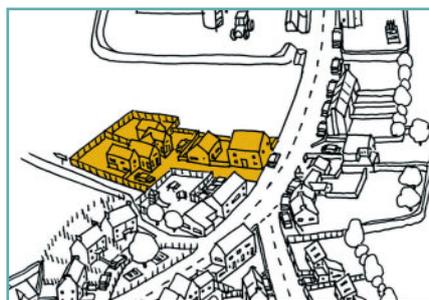
Back to back or front to front relationships should be created across the existing settlement edge (avoid front to back relationships).

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

Access where possible should be provided through existing, adjacent developed areas and cul-de-sac arrangements avoided.



A site shown at the 'edge' of a Settlement formed around a square or a green. (See page 31)



A site shown at the 'edge' of a Linear Settlement. (See page 35)



A site shown at the 'edge' of a Settlement formed around an enclosed core. (See page 37)

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## e. Edge between

Where settlements comprise several parts which remain separated, sites can be located at the edge and yet be between the divided parts of the settlement.

These sites perform a role in helping to define the individual parts of the settlement.

The approach to development of these sites can avoid the settlement becoming joined. Often the divided nature of the settlement is reflective of the landscape, or structuring features such as river corridors or steep valleys.

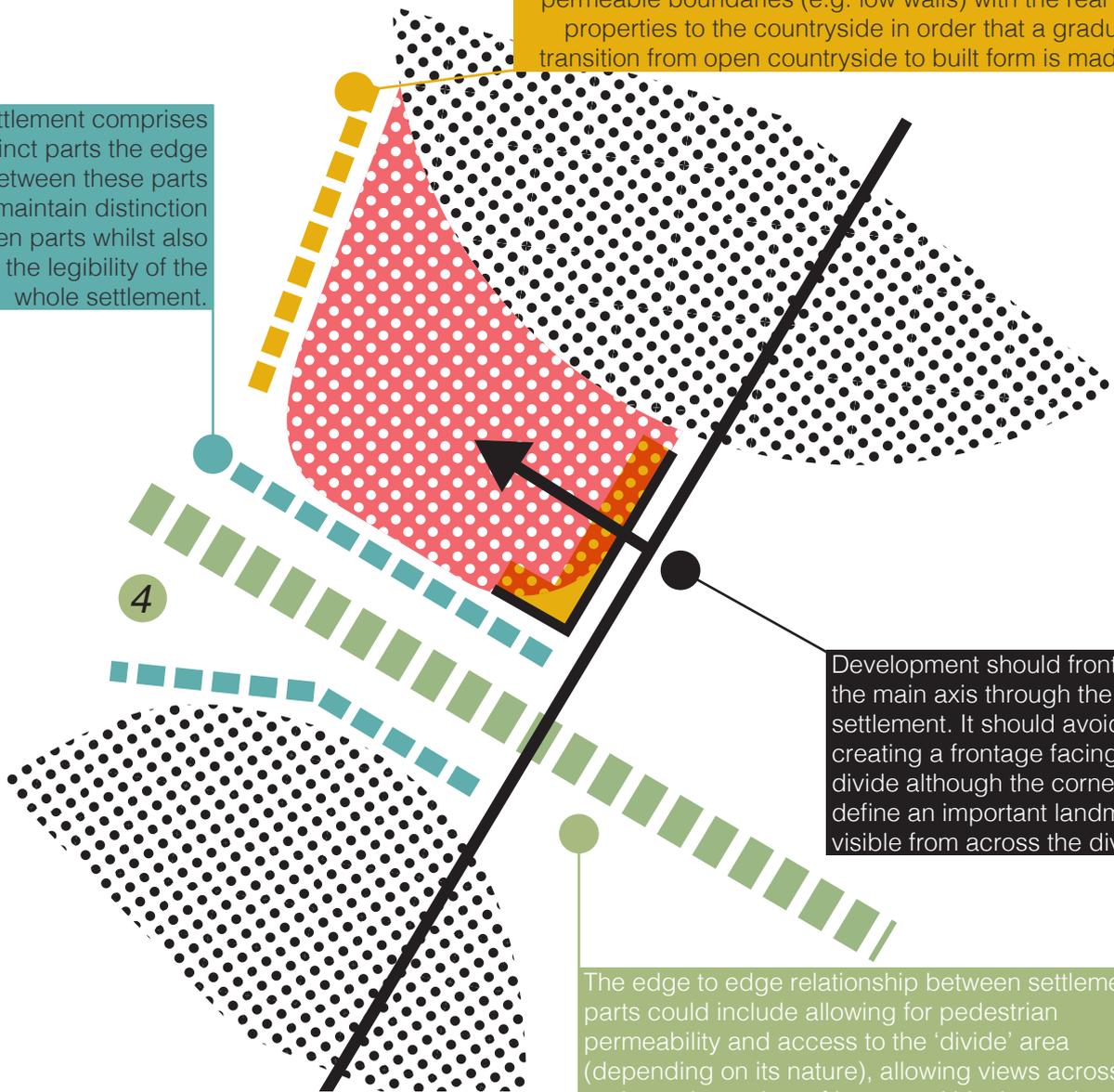
These sites can help however help a settlement's divided parts share facilities effectively. Despite the divided character of a settlement sites in this location should promote and maintain access to community facilities which need to be reached from all the divided parts of a settlement.

Where appropriate as well, these sites can provide prominent locations for additional or relocated facilities if required.



New settlement edge to utilise planted or visually permeable boundaries (e.g. low walls) with the rear of properties to the countryside in order that a gradual transition from open countryside to built form is made.

Where a settlement comprises several distinct parts the edge conditions between these parts needs to maintain distinction between parts whilst also helping the legibility of the whole settlement.



Development should front the main axis through the settlement. It should avoid creating a frontage facing the divide although the corner can define an important landmark visible from across the divide.

The edge to edge relationship between settlement parts could include allowing for pedestrian permeability and access to the 'divide' area (depending on its nature), allowing views across and creating points of interest within these views. Orientation of buildings can contribute to the variation of this edge type and others.



A site shown at the 'edge,' and 'between,' parts of a Divided Settlement.  
(See page 39)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); as well as variety of considerations of the appropriate features to define frontage, and in particular any corner buildings (eg. Doors & Porches (page 11); Windows (page 13); Materials (page 15). Relationship with public realm and green space: Public Realm (page 3).  
Special Topic Sheets (Volume 4): Designing for Health & Well Being (page 5).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***f. Edge on a limb***

Where settlements comprise several parts which remain separated, sites can be located at the outside edge of any of these individual parts .

These sites help define the settlement edge at the far limit of the divided elements of the settlement.

They can help define the primary route through the settlement by creating frontage and appropriate hierarchy to the relationships with adjacent development.

Within divided and dispersed settlements it is important that the separation of component parts of the settlement

is retained since these are often a result of distinct landscape features or other structuring elements which have determined the settlement pattern over time.

Sites at the outer edge of these settlements influence how the settlement is perceived in the wider landscape.

The approach to the site will vary therefore on the topography of any individual site which is found in this location. It may slope towards, or away from the settlement and therefore have varying prominence in the wider landscape.



WOODLAND HEAD



CHERITON BISHOP

Where a site is surrounded by existing development it should take care to respond positively to its surroundings whether this is creating natural surveillance to open space or back to back/front to front relationships with other buildings.

An edge which continues the existing settlement edge should utilise planted or visually permeable boundaries with rear of properties facing the countryside.

Site access should be positioned so as not to compromise the design in other ways.

Access provided to the site should where possible also provide further connections into adjacent development areas avoiding cul-de-sacs.

Development should front the main axis through the settlement. Depending on the nature of the edge site, development may be able to contribute to the approach into the settlement by creating a gateway or a prominent feature at the entrance to the settlement limits.



A site shown at the 'edge,' and 'on a limb', which extends from a Divided Settlement.  
(See page 39)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); as well as variety of considerations of the appropriate features to define frontage, and in particular any corner buildings (eg. Doors & Porches (page 11); Windows (page 13).

Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may provide useful tools.

## **g. Edge to satellite**

Sites at the edge may be located beyond the existing natural extent (or settlement boundary) of the settlement.

In this situation sites will establish a new settlement edge.

The site will have a role in ensuring a suitable transition to the surrounding countryside.

Sites in these locations should create development which is proportional and integrated within the context of a settlement whose character is formed by it having multiple small parts.

Sites related to settlements which do not have a defined centre or create great contrast between their centre and their edge should not over emphasise the need to perform a significant gateway role.

Some sites in these locations may find their role being mixed. The condition of the site may need to be both frontage and settlement edge and hybrid solutions employed e.g. alternative parking locations, mixed building orientation, planted or visually permeable front boundaries.

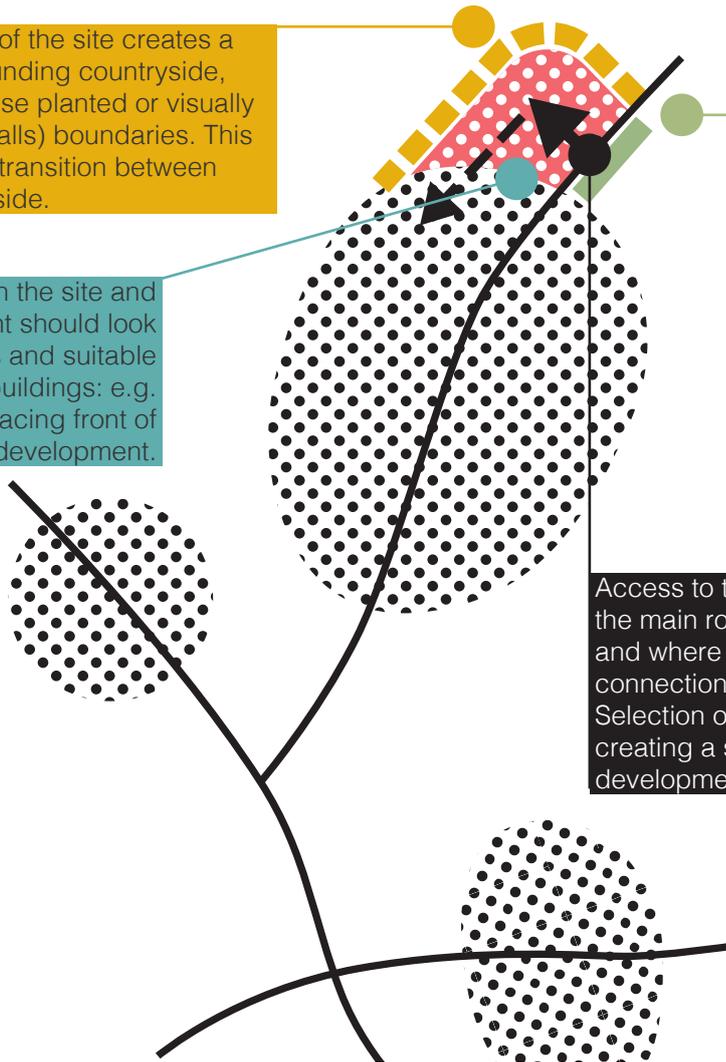


Where the outer edge of the site creates a boundary to the surrounding countryside, boundaries should utilise planted or visually permeable (e.g. low walls) boundaries. This is to ensure a gradual transition between built form and countryside.

Relationships between the site and adjacent development should look to enable connections and suitable relationship between buildings: e.g. back to back or front facing front of existing and new development.

Frontage of the site should be created to the main route which enters the settlement. This frontage may also be facing surrounding countryside where the site occupies only one side of the road. In this case care should be taken to consider an appropriate front boundary treatment.

Access to the site should be directly from the main route entering the settlement and where possible create additional connections to adjacent development. Selection of site access location may help in creating a suitable relationship with existing development.



A site shown at the 'edge,' of a satellite part of a Dispersed Settlement.  
(See page 41)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***h. Gateway***

Gateway sites are positioned at or near to the edge of a settlement and adjacent to a main route into a settlement and related to a settlement which has a defined and perceivable centre.

Development of sites in these locations can assist in the sense of arrival into the settlement and form part of a sequence of stages of transitioning from the countryside into the heart of the settlement.

A gateway site establishes the first point of entry into a settlement from the countryside surroundings.

While a site is likely to only occupy one side of a main route entering a settlement, it needs to consider how the gateway is created together with existing development on the opposite side of the main route into the settlement.

Many Mid Devon settlement gateways are established by the narrowing of the road by building location, orientation and creating contrasting enclosure along the street.

Sites may be considered in portions with the corner of a plot performing a key landmark role, and remaining parts of the site creating setback and frontage to the main route which contrasts with the corner plot.



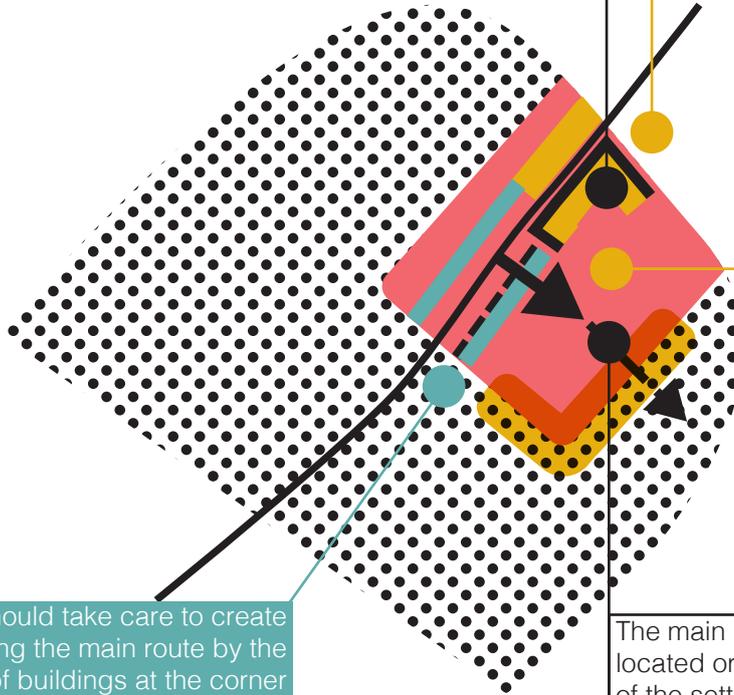
BICKLEIGH



HALBERTON

Contrast at the corner may be created by varying building height as well as plot positioning. Materials and architectural features can also help in distinguishing the corner from the rest of the site.

Frontage to the main route is not a distinctive feature of corner gateway developments. Many Mid Devon settlements demonstrate that sideways building orientation to the street, blank side or unanimated elevations, with small or upper storey windows and often no pavement or setback/privacy strip to buildings in this location.

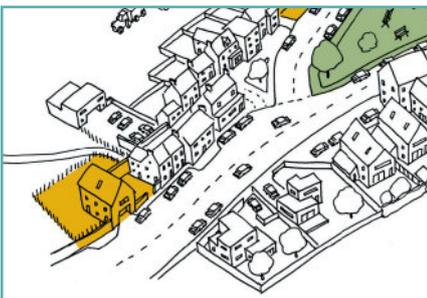


Arrangement of parking and entrances will need to be considered to facilitate a viable plot at the corner.

The site should take care to create contrast along the main route by the positioning of buildings at the corner with the settlement edge, and by varying the setback (widening the street) further along the site (depending on the site dimensions and alignment).

The main access to the site should be centrally located or located further towards the centre of the settlement than towards the edge to enable the corner plot to fulfil a high quality gateway role. Additional connections and positive relationships should be created with surrounding areas.

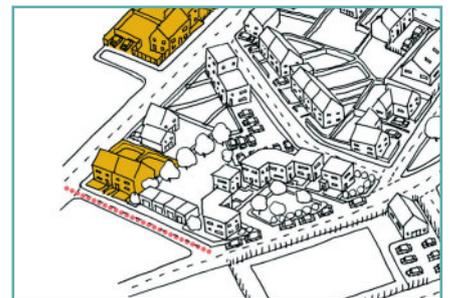
Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.



A 'gateway' site to a Settlement formed around a square or a green.  
(See page 31)



A 'gateway' site to a Linear Settlement.  
(See page 35)



A 'gateway' site to a Patchwork Settlement.  
(See page 33)

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); as well as variety of considerations of the appropriate features to define frontage, and in particular any corner buildings (eg. Doors & Porches (page 11); Windows (page 13); Materials (page 15). Due to the prominence of the site and space constraints, a variety of parking arrangements may be considered: Parking & Transport (page 23).

Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***i. Infill***

Infill sites will vary in scale and location within a settlement. It is likely that many sites of this type will share characteristics with other site descriptions in this section and so there should be an awareness of the variety of guidance on site situations as parts of this may also be relevant.

Sites which infill locations within settlements should attempt to integrate with the existing form of the surrounding settlement.

The role these sites play will depend on the type of settlement they are located within. Attention should

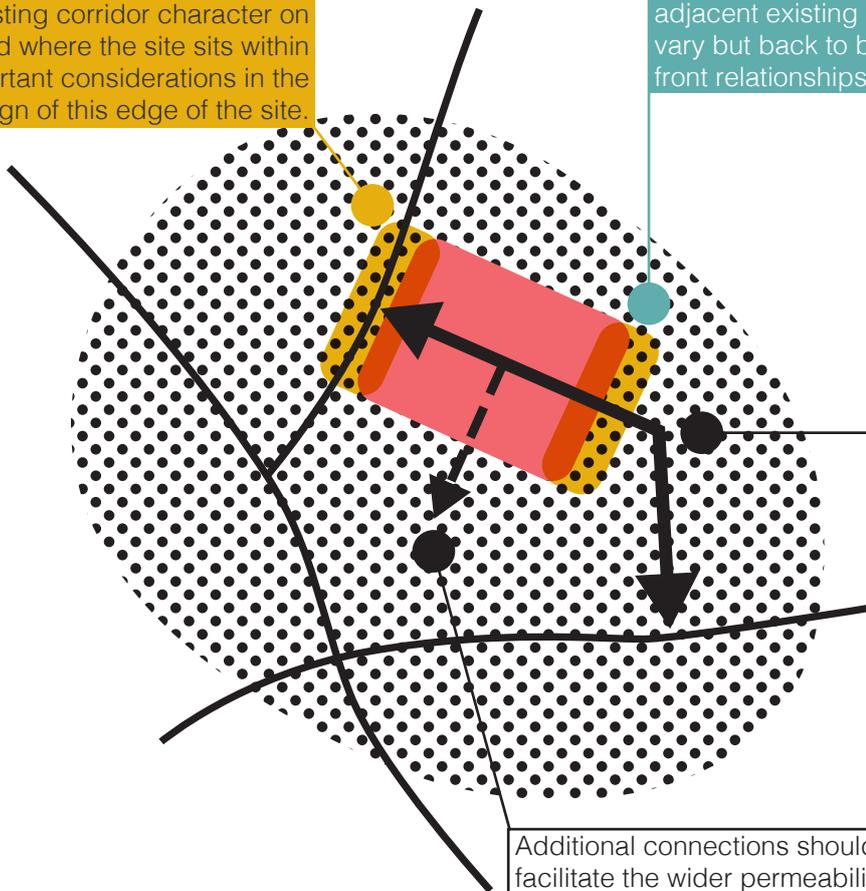
be paid to opportunities there may be to reinforce or enhance the characteristics of each particular settlement type as described within the Settlement Typologies section of this guide.

Sites will often be positioned to be able to facilitate connections between different parts of the existing settlement and every effort should be made to avoid creating cul-de-sacs on sites which sit within the fabric of existing settlements.



Where a site fronts a main route through the existing settlement the relationship within this route will be different than at other edges of the site. The existing corridor character on the main route and where the site sits within this are important considerations in the design of this edge of the site.

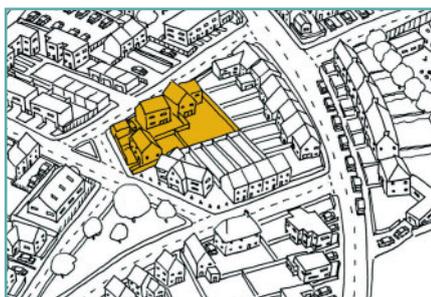
The relationship the site has with adjacent existing development will vary but back to back, or front to front relationships are preferable.



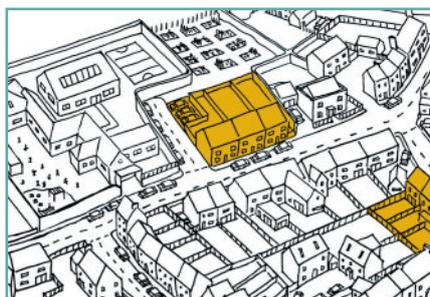
The site may be able to facilitate links across the settlement connecting existing routes within the settlement.

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

Additional connections should be explored which facilitate the wider permeability of the settlement and particularly where these create better links to the centre of a settlement or with facilities located throughout the settlement. These may be pedestrian links only, if so they should be safe and obvious and the building orientation around the access can help the legibility of connections.



An 'infill' site within a patchwork Settlement.  
(See page 33)



An 'infill' site within a Settlement formed around an enclosed core.  
(See page 37)



An 'infill' site within a Settlement formed around a Crossroads.  
(See page 43)

#### References:

Design Compendium (Volume 3): Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); as well as variety of considerations of the appropriate features to define frontage, and in particular any corner buildings (eg. Doors & Porches (page 11); Windows (page 13).

Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***j. Inside Core***

Sites located within the enclosed part of a settlement have a role in maintaining the definition of the core.

This core area is characterised by buildings facing outward to create a nearly continuous perimeter to the core of the settlement. Any gaps in this continuity to allow for access to the rear of properties, or which provide access to individual buildings which are not fronting the street, should be narrow, generally less than 6m wide, so as not to detract from the continuous frontage around the perimeter of the enclosed core.

The enclosed core of a settlement is a dense area of often historic and small terraced properties. Contemporary development maintains this density and scale although it may be contrasting in form or the use of materials.

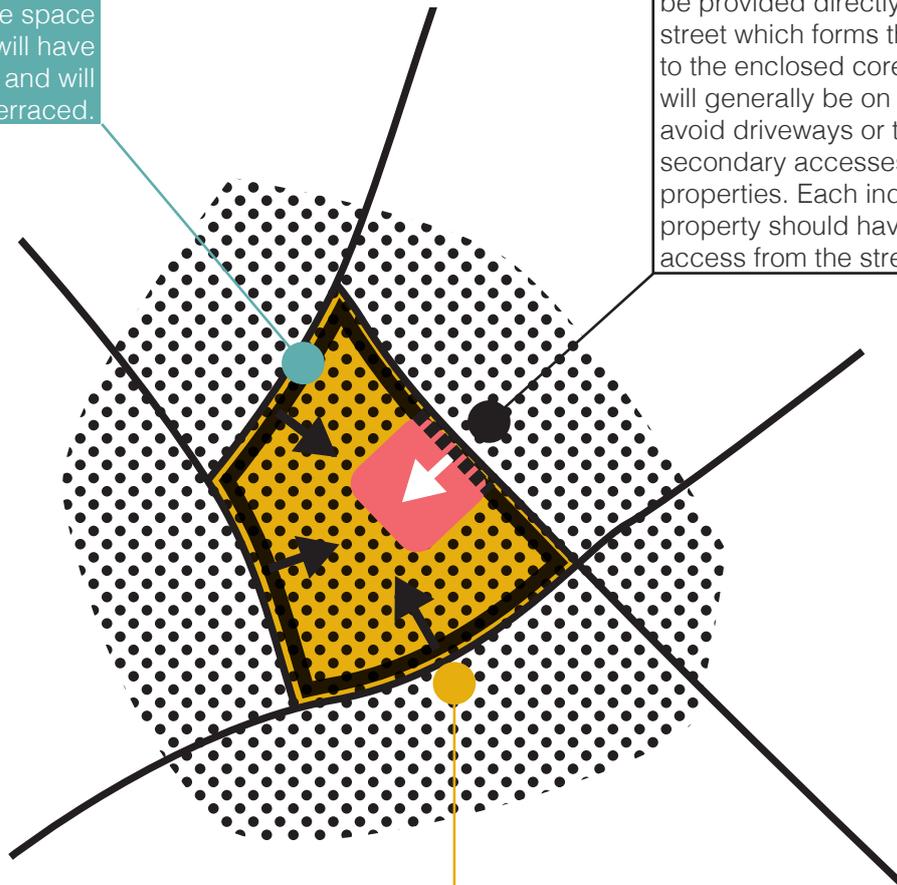
There are very few gable ends, or other building orientations than the front of buildings facing outwards to the street.

Generally the ridges of buildings run parallel to the streets.



The site should maintain the continuity of the perimeter of the core, enclosing private space behind the building. Plots will have very limited setback, if any, and will generally be terraced.

Access to buildings should be provided directly from the street which forms the perimeter to the enclosed core. Parking will generally be on street to avoid driveways or the need for secondary accesses to individual properties. Each individual property should have individual access from the street.



Other access already provided should remain dedicated to each individual plot. New development should not seek to connect through routes within the core. This maintains activity and the outward facing nature of buildings around the perimeter of the core.



A site positioned 'inside the core' within a Settlement formed around an enclosed core. (See page 37)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); as well as variety of considerations of the appropriate features to define continuity eg. Chimneys (page 19); Doors & Porches (page 11); Windows (page 13). Single access to a the site may require a variety of parking arrangements: Parking & Transport (page 23).  
 Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## k. Open Space

A settlement which is centred around an open space or square incorporates sites around its centre which focus on and overlook the open space.

And open space created at the centre of a settlement is defined by the approach taken to each of the individual plots surrounding the open space. Together, the surrounding plots can contribute to the natural surveillance of the space, the definition of edges and the sense of scale within the space.

The open space is often accompanied by larger and more densely arranged built form providing a sense

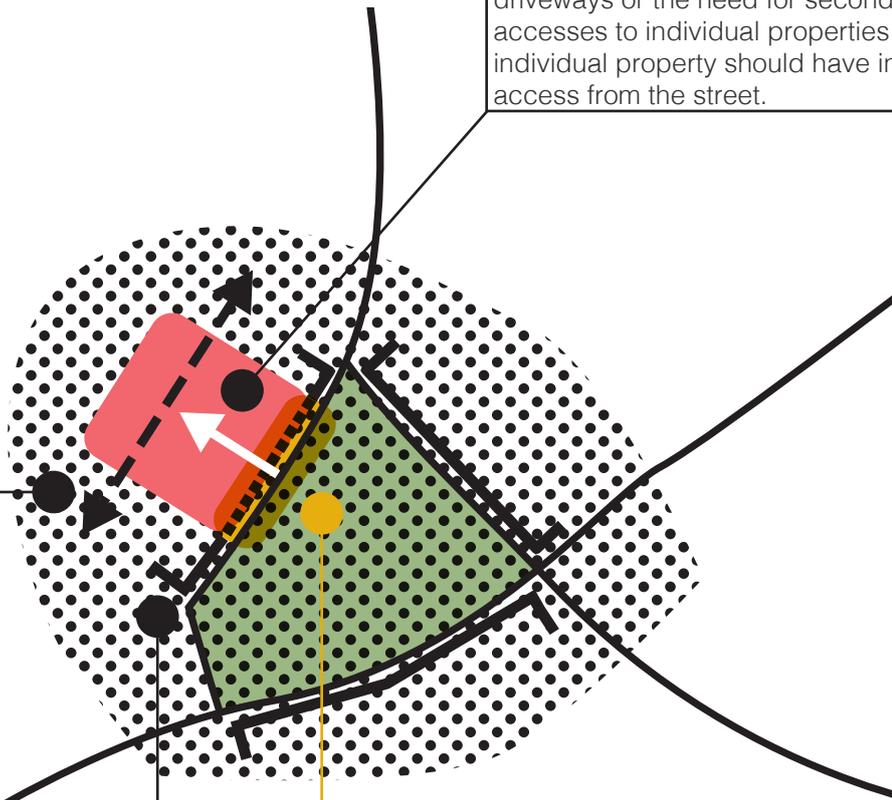
of arrival in the space but the age and character of buildings around a space can vary greatly since these open spaces have performed a central role in these settlements over centuries. New contemporary development in these locations has continued to perpetuate their role and draw attention to them being the central focus of the settlement.

Since they are central to the settlement they have been and can continue to be the most suitable location within these settlements for additional or relocated community facilities or commercial uses where these are justified according to other policy and assessment of need.



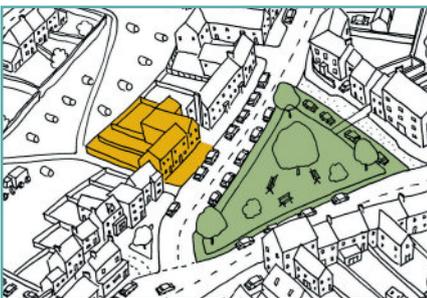
Access to buildings should be provided directly from the street which forms the perimeter to the open space or square. Parking will generally be on street to avoid driveways or the need for secondary accesses to individual properties. Each individual property should have individual access from the street.

The site may facilitate additional connections to adjacent existing development particularly where this provides new links from existing areas of the settlement towards the open at the centre of the settlement.



The site should maintain the continuity of the perimeter of the core, enclosing private space behind the building. Plots will have very limited setback, if any, and will generally be terraced. Buildings may be taller to suit their surroundings and maintain the scale of the perimeter to the open space.

Development frontage and where possible, community facilities or commercial uses, should face the open space and add activity to the space. Where possible use of the pavement or street to spill out, e.g. a small front garden area for a bench or a cafe table and chairs can be provided to increase activity within the open space.



A site alongside an 'open space' within a Settlement formed around a square or a green. (See page 31)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); as well as variety of considerations of the appropriate features to define continuity eg. Chimneys (page 19); Doors & Porches (page 11); Windows (page 13). Relationship with public realm and green space: Public Realm (page 3).  
 Special Topic Sheets (Volume 4): Designing for Health & Well Being (page 5); Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***I. Out on limb***

Similar to sites located at the edge of any satellites to dispersed settlements, sites which lie at the edge of a divided settlement have a role in defining the distinctiveness of one part of a divided settlement.

Sites in these locations may be located beyond the existing natural extent (or settlement boundary) of the settlement.

In this situation sites will establish a new settlement edge.

The site will have a role in ensuring a suitable transition

to the surrounding countryside.

Unlike sites at the edge of dispersed settlements, sites at the outer edge of divided settlements can create a gateway to the settlement as a whole. Although divided settlements are in two parts they represent one cohesive settlement. Sites at the outer edge of the settlement can mark the approach to the settlement.

Sites will often be located on one side of the main route and they therefore will also have a role in addressing the countryside which they face out onto as well as creating a frontage to the street in the foreground.



Where a settlement comprises several distinct parts the edge conditions between these parts needs to maintain distinction between parts whilst also helping the legibility of the whole

Frontage of the site should be created to the main route which enters the settlement.

Frontage to the main route is not a distinctive feature of corner gateway developments. Many Mid Devon settlements demonstrate that sideways building orientation to the street, blank side or unanimated elevations, with small or upper storey windows and often no pavement or setback/privacy strip to buildings in this location.

Where the outer edge of the site creates a boundary to the surrounding countryside, boundaries should utilise planted or visually permeable (e.g. low walls) boundaries. Ensuring gradual transition between built form and countryside.

Contrast at the corner may be created by varying building height as well as plot positioning. Materials and architectural features can also help in distinguishing the corner from the rest of the site.



A site 'out on a limb', which extends from a Divided Settlement.  
(See page 39)

Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.

**References:**

Design Compendium (Volume 3): consideration of the variety of ways to address the contrasting edges and define prominent or corner buildings: Frontages & Elevations (page 7); Boundaries & Thresholds (page 9); Doors & Porches (page 11); Windows (page 13); Materials (page 15).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.

## ***m. Thoroughfare***

Sites which have frontage to a main route through a settlement have a variety of roles.

These sites contribute to the continuity of the built form through the settlement and their design should begin with the structure of the built form through the settlement.

These sites often offer opportunities for key buildings in prominent locations and the addition or relocation of community facilities or commercial uses where justified against other policy or need would be well suited to the prominent location which the frontage of these sites offer.

Sites may have been vacant for some time in these locations and the gap in the built form divided up the settlement. In this case sites in this location offer the opportunity to repair the street scene by taking an integrated approach. Perpetuating this divide should be avoided.

The approach to these sites should be considered alongside other site design parameters as these sites may also perform other key roles in the context of the overall landscape and settlement form.



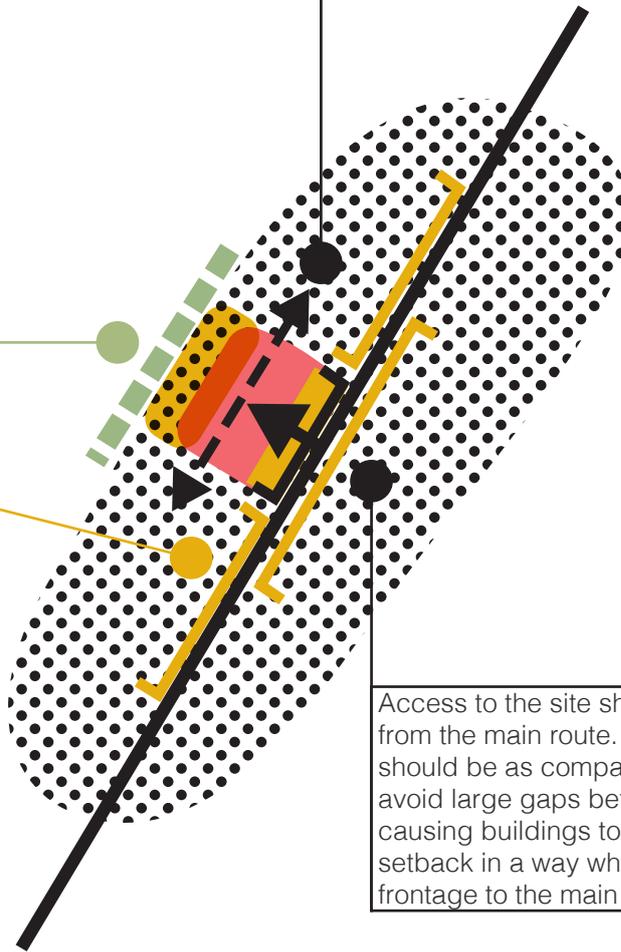
Depending on the form and scale of the settlement these sites may be located such that they also have an edge to the countryside which should be planted or visually permeable with the rear of properties facing the countryside. There may also be opportunities to link footpaths between the centre and the countryside through the site.

The site should maintain the continuity of the built form through the settlement and add to existing frontage along the main route. Any rear boundaries or the rear of buildings along the route should be avoided but there are examples around Mid Devon of the sides and side garden boundaries creating successful edges to main routes where natural surveillance can be achieved.

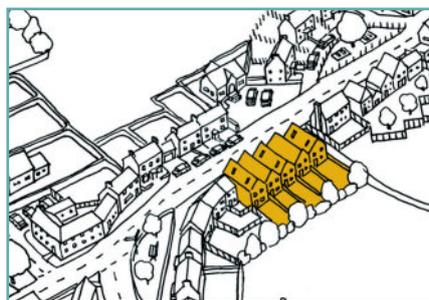
Connections to adjacent development should be made where possible and encourage movement to and from the main route by foot.

Access to the site should be provided from the main route. Junction design should be as compact as possible to avoid large gaps between buildings or causing buildings to be orientated or setback in a way which compromises their frontage to the main route.

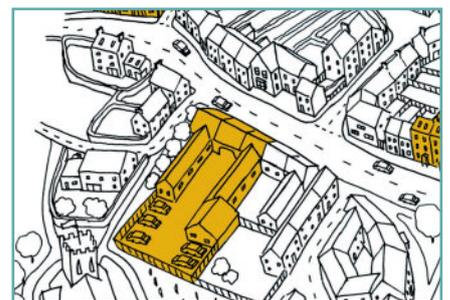
Open space and other Green Infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements.



A site along a 'thoroughfare' in a Settlement formed around a square or a green.  
(See page 31)



A site along a 'thoroughfare' in a Linear Settlement.  
(See page 35)



A site along a 'thoroughfare' a Settlement formed around a Crossroads.  
(See page 43)

**References:**

Design Compendium (Volume 3): Frontages & Elevations (page 7); as well as variety of considerations of the appropriate features to define continuity eg. Chimneys (page 19); Doors & Porches (page 11); Windows (page 13). Maintaining continuity of built form with consideration of: Proportion & Scale (page 5); may be particular constrained by: Parking & Transport (page 23) opportunities. Special Topic Sheets (Volume 4): Designing for Accessibility & Inclusiveness (page 9).

While these references are of particular relevance, many other aspects of the Guide may proved useful tools.



# COUNTRYSIDE

**Development in the countryside, in the context of the Mid Devon Local Plan Policy S14, is defined as land outside of the main towns (S10-S12) and designated villages (S13). Such land is defined as the countryside but can include small settlements and hamlets.**

The aspirations for development in the countryside while within the constraints set by this policy and other broader development control are as follows:

*“Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy”.*

The hierarchy of Local Plan policy for allocated development in Main Towns and Rural Settlements acknowledges that these locations are sequentially the most sustainable locations and therefore offer the best opportunities to respond to climate change. Vice versa, the absence of allocated sites in the countryside acknowledge that these locations are least sustainable.

Opportunities for design to respond to the climate change emergency tend to be limited to innovations in built fabric and energy generation although the social and economic sustainability of rural communities is not to be ignored as an important consideration in the assessment of proposals in countryside locations.

## **Countryside settlements**

Across the Mid Devon Countryside are a wealth of small settlements which are not designated villages within the policy S13 and yet the settlement form is informed by the landscape in the same ways as the 22 designated villages.

The Local Plan distinguishes clearly between settlements which have settlement boundaries where development is allocated (S10-S13), and the Countryside, beyond these boundaries which includes many small settlements (S14). Policy within these distinct areas directs development to the designated places and restricts (with some exceptions) development outside of designate places.

However, the approach to the design of any non-allocated types of development allowed within these smaller settlements scattered throughout the countryside, (which in some cases are as large as some designated settlements and in other cases are merely a gathering of a few buildings), should follow a similar process to the approach taken to development within the designated villages:

**First** consider the landscape setting and the characteristics of this setting which help development retain a distinctiveness in association with each particular landscape type (see Page 7 of this volume of the guide).

**Secondly**, consider the form of the settlement as described within the 7 settlement typologies defined within the guide for Villages (see, Page 26 of this volume of the guide).

**Thirdly**, consider the position of the development in relation to the settlement form and the guidance on the appropriate design approach according to the 13 variations of site situation defined within the guide for Villages (see Page 45 of this volume of the guide).

**Finally**, using the Compendium of District Design (Volume 3 of the guide), consider how various detailed elements of design are dealt with in different situations across the district and how these should be applied in relation to the settlement location.

## Development Typologies in Open Countryside

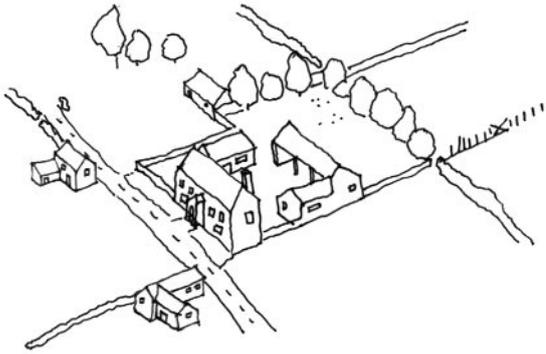
Mid Devon is recognisable for the relationships between landscape and development in the countryside outside of any designated settlement, and outside of those smaller settlements which fall within the countryside, is demonstrated in a variety of ways. Whether residential, agricultural or other community buildings, the majority of existing buildings within the open countryside in Mid Devon can be grouped into four distinct typologies:

- *Ribbon/Terrace*
- *Farmyard Cluster*
- *Manor House*
- *Landmark/Isolated building*

These typologies are useful references when considering new development in the open countryside or alterations to existing buildings. Each of the typologies contribute in different ways to the landscape and will be suitable in different situations. When used in the right places, each of them can add to the distinctiveness of the district. Each typology is also in part, a result of the different functions of development. It may therefore not be appropriate to use a certain form of development for certain functions.

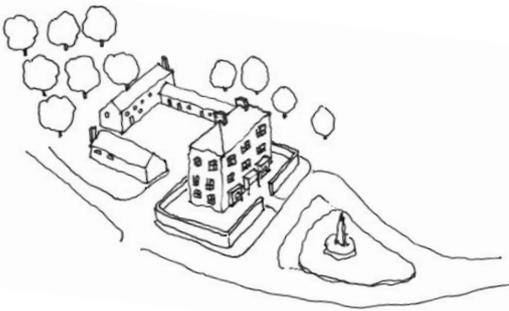
Where new developments in the open countryside are supported by planning policy they will be more sympathetic to the character of the district when designed to be in accordance with these typologies.

Different typologies will be more suitable to different types of development and consideration should be given to an appropriate typology for the building uses and this reasoning should be explained in the design and access statement. The four typologies will also be more or less suitable depending on the site context and design proposals should take into account landscape setting, existing natural features, nearby buildings and other features to determine the most suitable typology, again this reasoning should be demonstrated in the design and access statement. Alterations and extensions to existing buildings should be designed to enhance and compliment the characteristics of the existing typology of the development.



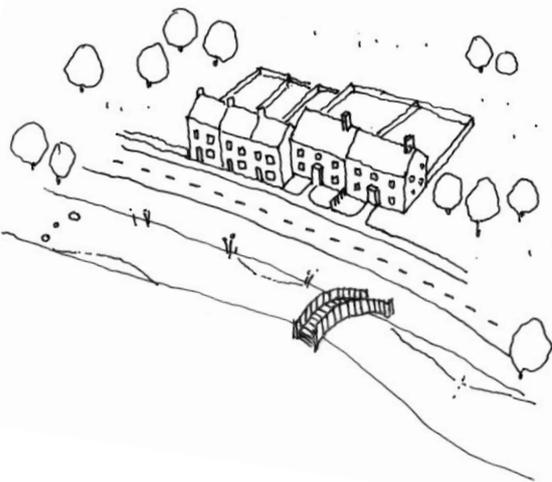
#### Farmyard Cluster:

- Tight groupings of buildings
- Typically create enclosed courtyard(s)
- Fairly consistent scale but often with one dominant building (often the farmhouse)
- Clusters can include small farmyards as well as slightly larger groupings that may incorporate buildings in separate ownership that probably historically developed around the presence of a working farm.
- Predominantly frontages face inwards to courtyards although often the principle building will be double fronted - addressing the street and the courtyard.
- Clusters are usually positioned close to streets with little spacing between the street and the building.



#### Manor House:

- Large, grand buildings set in the open countryside.
- Manor houses are typified by large frontages orientated towards their main approach.
- Often featuring large front gardens and long access drives.
- A selection of smaller outbuildings and sometimes other small homes are associated with the Manor House.
- Distinct hierarchy and variation in scale between the principle building (the Manor House) and its outbuildings.
- Outbuildings are typically positioned behind the Manor House out of sight on approach to the main property.
- Historically Manor Houses are set within extensive grounds featuring a combination of ornamental gardens, kitchen gardens and farmed land.



#### Ribbon/Terrace:

- A small collection of buildings in the open countryside arranged in a linear form and typically terraced.
- Often these terraces are arranged on one side of a highway facing the open countryside or a natural feature such as a stream or river.
- This typology is characterised by its linear form.
- Design detailing creates rhythm and consistency reinforcing the linear emphasis of the buildings.



#### Isolated Building which form Landmarks in the Landscape:

- Isolated individual buildings in the open countryside.
- Often larger homes but can include churches and other building types.
- Buildings have sufficient scale and interest to create a strong presence in the landscape.
- Form and layout often respond to the landscape setting where at times such buildings are nestled into valleys or at other times may break the horizon to form a landmark feature in the landscape.



## Form & Scale of Buildings in the Landscape

The siting of development within a plot should be a response to the characteristics of the site. Let the site shape the development rather than have to heavily engineer the site to accommodate a preconceived type of development.

This is primarily concerned with the topography but may also include surrounding trees, hedges and watercourses.

Adapting the layout of development according to these site constraints can help reduce the cost of a development.

Where a development includes more than one building, it can also help avoid awkward or unsociable relationships between buildings or difficult access arrangements.

Use the development typologies above to determine an appropriate layout of development on the site.

The layout of development may vary in the following ways:

- Slope: work with the contours where possible to avoid excessive cut and fill or underbuilding;
- Plot: the size of each individual building within its plot and where it is located within the plot change the character of development;
- Form: Access & Parking should be considered in an integrated way and should be arranged differently according to the development typology. Avoid excessive areas of hard surface.



## Rural Exception Sites

Local Plan policy DM6 outlines the criteria for Rural Exception sites where a development of predominantly affordable housing may be permitted outside of allocated sites or settlement boundaries, where, among other criteria, it adjoins a settlement.

The design of rural exception sites should take the same approach outlined in the Guide for designing according to landscape and settlement form, identifying the settlement typology and then the site situation to inform the design of the scheme. In this way, Rural Exception Sites can contribute, in the same way as any other development, to the distinctiveness of the place by establishing the correct relationships between buildings and landscape.

All of the design approaches outlined so far are in this guide as applicable to affordable housing as they are to other types of development: landscape setting, settlement form, site situation, or the development typologies in the open countryside are applicable in the design of affordable housing. In regards to build costs, good design does not rely solely on expensive solutions.

It is just as possible to create a well-designed affordable home as it is to create a poorly designed costly dwelling. Simple, understated, sometimes repeating building design and form and tight, efficient layouts are common features of development within the landscape of Mid Devon and can become cost effective models for new development.



## Site considerations

Every site is unique but it has been necessary to make certain generalisations within this guide regarding the setting, layout and features of development throughout the district.

In the open countryside each site should be considered in its own right according to the following considerations:

Whether a site is large or small development should be positioned carefully within the wider landscape:

- Avoid dominating the skyline
- Avoid being the only element which breaks the horizon
- Avoid becoming the only dominant feature in the wider landscape

- Consider the orientation of buildings according to any roads or other buildings (buildings are generally parallel or perpendicular to roads and lanes and to one another) and in response to climatic conditions, creating or avoiding exposure and shelter as well as affecting the building's performance e.g. optimising passive solar gain.

Be prepared to allow the site characteristics and surroundings to determine the type of development on the site. For example, a steeply sloping site may not be appropriate for single storey buildings whose footprint is large as this may lead to lots of change of levels within the building or significant earth works to create a platform for the building.





### Building Features

There are no universal features which are particular to Mid Devon. Many characteristics can be observed across the district and some relate to specific availability of certain building products at certain times historically.

The design of buildings involves balancing their appearance, their environmental performance and the cost of achieving both. For example, the use of a particular natural stone may be in keeping with surrounding buildings but the only cost effective (or available) source requires importing a stone similar in appearance from overseas.

The Compendium of District Design (Volume 3) provides information on how architectural features of a variety of kinds are typically employed across the district to reinforce settlement pattern and distinctiveness. In many cases contemporary materials and detailing can be used in an effective manner in the same way to retain the distinctiveness of the district which is at first borne out of the relationship between settlement pattern and the landscape character.

### Flexibility of buildings

Design of buildings in the open countryside should consider the embodied energy over the lifecycle of the building with the flexibility for re-use rather than rebuild being a foundation of sustainability. Ever changing techniques, economic trends and patterns of living are likely to effect the use and suitability of such buildings and to avoid redundant buildings adaptable and future proofed structures are encouraged.

Responding to landform and existing features in the landscape along with considerate building design can help to reduce the impact of new buildings in the open countryside.

### Landform:

- Buildings aligned parallel with the contours on sloping sites will be less intrusive on the landscape.
- The layout of buildings should be fitting with the natural grain of the landscape.
- Topography can be used to help reduce the impact of new buildings by making use of landform to screen new development.
- New developments should avoid positioning buildings on the brow of hills to reduce their impact.
- On sloping sites, where ground conditions permit, using retaining features to set buildings into the hillside can help them to integrate into the landscape.

### Existing Features:

- Where possible existing trees, hedges and walls should be retained and integrated into any new proposals and landscaping.
- Buildings and layouts should be designed to integrate with and compliment existing patterns of boundaries and other landscape features.
- Where possible new roads and parking areas should be avoided and existing infrastructure should be used to reduce the impact on the landscape.
- Existing opportunities for biodiversity should be identified and new development should be designed to enhance and protect these habitats.

### Building Design:

- Larger buildings or developments should be broken down to reduce their visual dominance in the landscape.
- Building heights should respond to topography and consider visual impact, placing smaller structures to the foreground can help to soften the transition between landscape and built environment.
- Large expanses of roof and walls should be avoided or broken up with changes in materials, heights and set backs.
- Materials and colours should be carefully selected to compliment the landscape and avoid being overly prominent. Selections should respond to the immediate surrounding landscape.
- Where new areas of road and hard landscaping are unavoidable the use of harsh materials such as tarmac should be avoided with more traditional finishes being more appropriate.

This page is intentionally left blank

# DESIGNGUIDE

COMPENDIUM OF DISTRICT DESIGN

VOLUME 3



---

# Contents

---

<b>Page 03</b>	PUBLIC REALM
<b>Page 05</b>	PROPORTION & SCALE
<b>Page 07</b>	FRONTAGES & ELEVATIONS
<b>Page 09</b>	BOUNDARIES & THRESHOLDS
<b>Page 11</b>	DOORS & PORCHES
<b>Page 13</b>	WINDOWS
<b>Page 15</b>	MATERIALS
<b>Page 17</b>	ROOFS & DORMERS
<b>Page 19</b>	CHIMNEYS
<b>Page 21</b>	EXTENSIONS & ALTERATIONS
<b>Page 23</b>	PARKING & TRANSPORT
<b>Page 25</b>	AGRICULTURAL & COMMERCIAL BUILDINGS

Prepared by:



DHUD Ltd  
6 Bakers Cottages  
Longmeadow Road  
Lymington  
EX8 5LP

info@dhud.co.uk  
01395 227052  
www.dhud.co.uk

in conjunction with:

Hilton Barnfield Architects

Hilton Barnfield Architects  
The Studio  
158 Heavitree Road  
Exeter  
EX1 2LZ

studio@hiltonbarnfield.co.uk  
01392 349222  
www.hiltonbarnfield.co.uk

and:



Hyas Associates Ltd  
35 Silver Street  
Newport Pagnell  
MK16 0EJ  
(also Bristol)

0117 4057370  
info@hyas.co.uk  
www.hyas.co.uk

# Introduction

This Compendium of District Design represents a study of features of the built environment throughout the Mid Devon District. Each feature is presented and analysed in a separate chapter.

The Compendium represents an evidenced and broad analysis of the context of Mid Devon according to the methodology outlined below. Such analysis should form a fundamental part of the design process for any project and this Compendium is prepared as a reference and guide for how to consider these features in the context of the rest of the Design Guide. Individual analysis relevant to each project may be wide reaching, or focussed more locally depending on the scale and nature of the proposed development. The Compendium, however, provides a broad basis of design from across the district to assist in the design process for all projects and particularly in cases where it is not proportional or feasible to carry out a District wide analysis. Although this Compendium suggests approaches that could be taken in each chapter, with recommendations of where these would be suitable, this is not intended as an exhaustive body of material and cannot be universally applied. It is more suitable that the Compendium is drawn on as a resource and reference for detailed and site specific analysis to inform good design. MDDC recommends Manual for Streets as a resource in the context of some design matters as well as other policy documents such

as the MDDC Parking SPD and Waste Storage SPD.

## Methodology

This Compendium has been prepared following a rigorous and extensive district wide character analysis. This process included a desktop study to gain an understanding of the broader district, followed by visits to all of the 3 main towns and the 22 rural settlements identified in the Local Plan as well as gaining an appreciation of the surrounding countryside, and villages and hamlets outside of the defined settlement boundaries in the Local Plan. During these visits observations of features of the built environment were catalogued photographically for future reference. This material was then reviewed, drawing comparisons between settlements, and identifying underlying patterns and themes that contribute to the character of the district.

## Structure

Each chapter includes a summary of the treatment of each feature and the contribution it can make to good design when carefully considered as part of a robust design process. This summary also covers a brief overview of how each feature has been used in examples across the district in both historical and more contemporary contexts.

A photographic survey of examples of each feature from across the district is presented to serve as both a resource in the design process and to set the

context for the suggested approaches in each chapter. This section of each chapter doesn't discriminate between positive and negative examples of each feature but simply presents a catalogue of examples of the many approaches evident across the district.

This section is followed by a brief list of notes categorising observations from the photographs and the different treatments of the relevant feature across the district.

Finally, each chapter concludes with a selection of suggested approaches to the treatment of each feature in new development. These recommendations relate to analysis of the typical treatments that are successful in the existing examples from across the District. Whilst these recommendations will typically represent good practice for new development and good design they do not cover all possible scenarios and are not intended to stifle innovation or individuality. Departures from these suggestions should be justified by following a similar site specific analysis and interpretation as is demonstrated in each chapter of this compendium.

Considered in isolation a single design feature may be justified in many ways, however, it is through the necessary balancing of technical and aesthetic priorities that a broader design rationale can be made which respects context, is innovative, and contributes to the commitment to a zero carbon district by 2030.

# PUBLIC REALM



1  
CREDITON  
Formal town square.



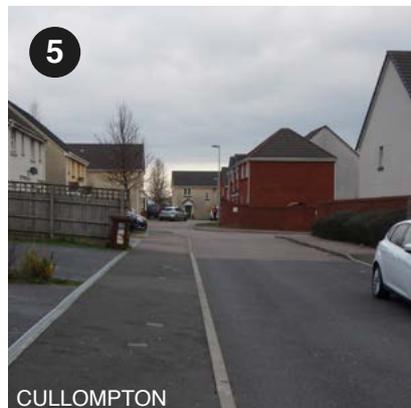
2  
SAMPFORD PEVERELL  
Modern street as shared space.



3  
THORVERTON  
Large grass verge as open space.



4  
BICKLEIGH  
Small green breakout space.



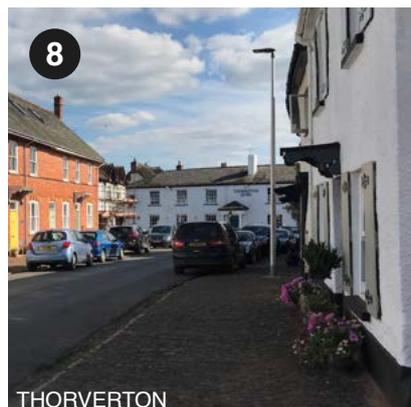
5  
CULLOMPTON  
Public realm in modern development.



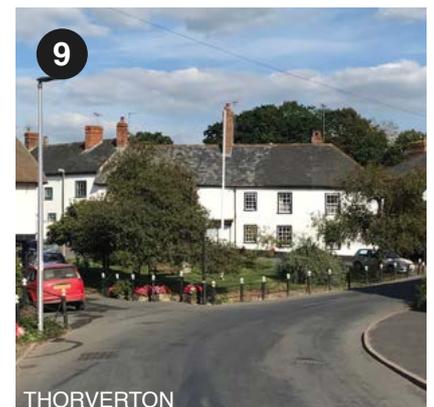
6  
CULMSTOCK  
Informal street corner public space.



7  
COPPLESTONE  
Children's play area.



8  
THORVERTON  
Historic street as shared space.



9  
THORVERTON  
Larger green breakout space.

## CROSS REFERENCES:

Coordinate design of public realm with:  
Proportion & Scale (page 5 this volume);  
Frontages & Elevations (page 7 this volume);  
**Site Situations (Volume 2):**  
Edge Between (page 55);

Open Space (page 67);  
**Special Topic Sheets Volume 4:**  
Designing for Community (page3);  
Designing for Health & Well Being (page5).

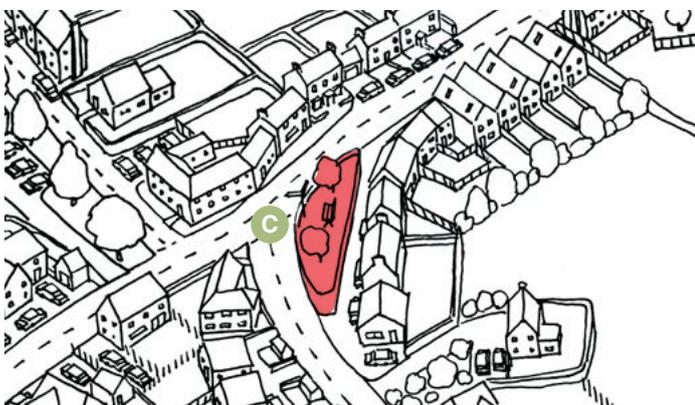
The design and detailing of the public realm has a significant impact on the character of a place. Throughout Mid Devon the historic nature of settlements dictates that the majority of the existing public realm has not been designed but has evolved over time. This often results in narrower streets with a variety of surfaces that historically provided public space and

opportunities for social interaction, events and play as well as transport. These historic 'shared spaces', rather than highways, are characteristic of the Mid Devon District, especially in smaller settlements, and create an opportunity for streets to supplement other more formal public open space in contributing to a rich and well used public realm.

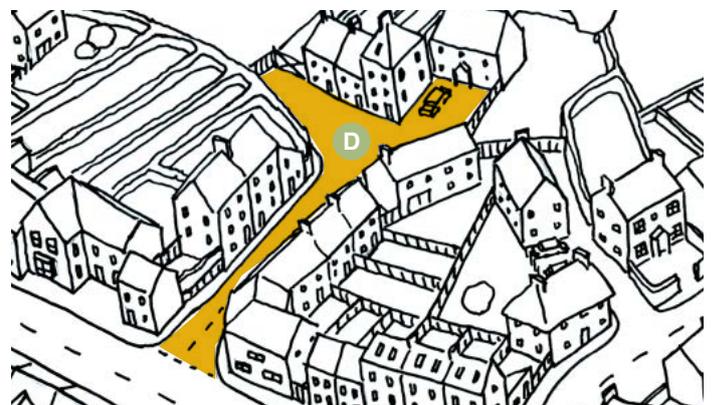


Within some settlements, including town and village centres, central public spaces (A) form a focal point within the public realm as referred to in the Settlement Typologies section of this guide. Where these are successful they are characterised by strong frontages (B) and overlooking from

adjacent buildings (B) as well as serving a clear function within the settlement. The function of these spaces may have altered over time but a purpose is essential to ensure they remain inhabited, useful and cared for. The size and shape of open space should be suitable for its use.



Smaller pockets of open space within settlements (C) can provide break out space and a sense of openness as well as opportunity for informal use (4). There is a fine line between small spaces (4) that can contribute positively and large verges that don't serve a useful function.



Alongside proportion and scale, finishes and detailing of streets should be designed to encourage their use as an extension of the public realm (D) where appropriate. This should be an early consideration in the design process as success is reliant on development layout.

# PROPORTION & SCALE



Sense of enclosure.



Horizontal emphasis to proportions.



Low density, low rise development.



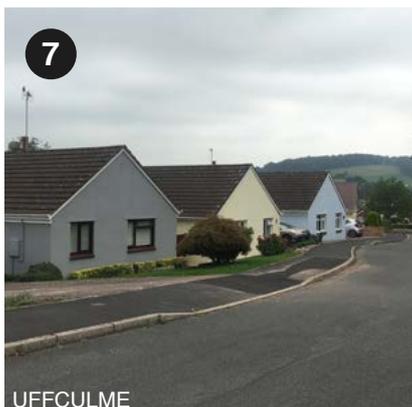
Vertical emphasis to proportions.



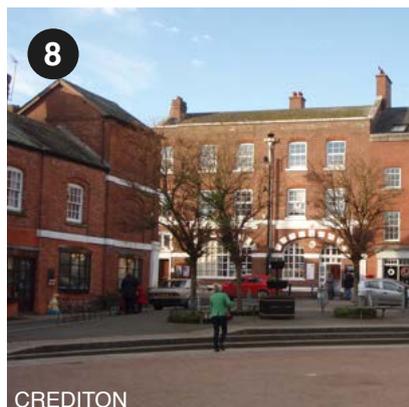
Varying proportions in the streetscene.



Vertical emphasis to proportions.



Low density, low rise development.



Taller buildings front larger public space.



Horizontal proportions with enclosure created by building form.

## CROSS REFERENCES:

Makes particular contribution to:  
Public Realm (page 3 this volume);

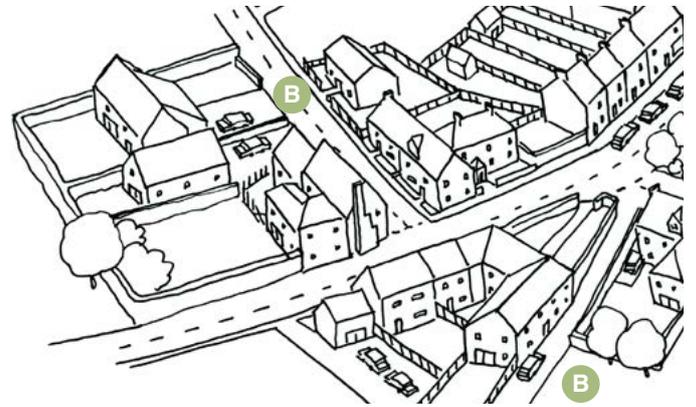
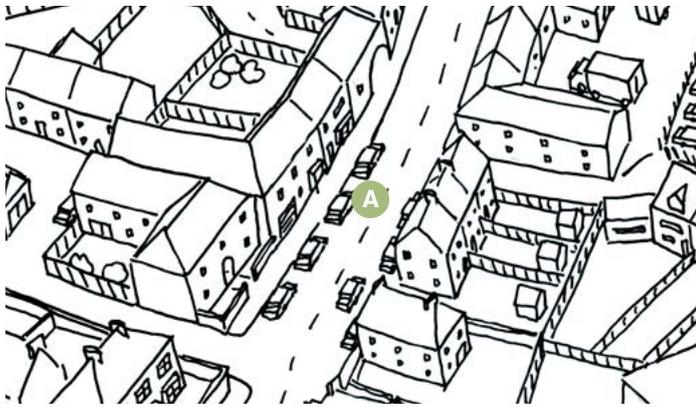
Site Situations (Volume 2):  
Corner (page 51);

Thoroughfare (page 71);

Special Topic Sheets Volume 4:  
Designing for Accessibility & Inclusiveness  
(page 9).

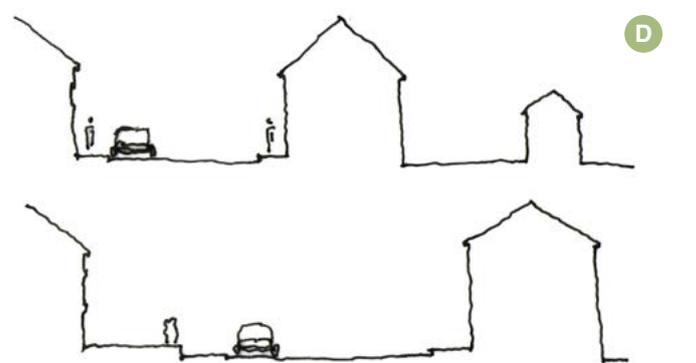
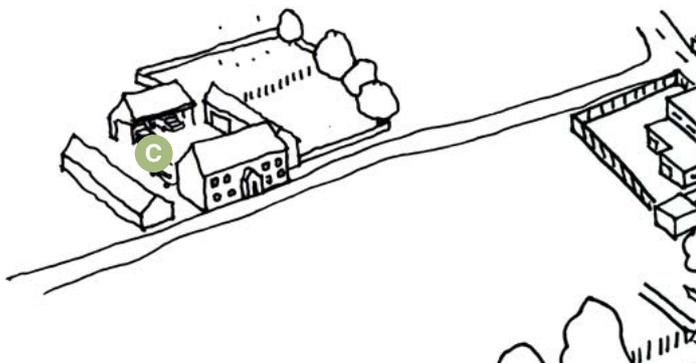
The relationship between the height and width/depth of buildings has a considerable effect on their appearance whilst the relationship between the heights of buildings and the spaces between them has a big influence on the character of the public realm. Both relationships need to be carefully judged to create quality development and desirable places to live. Throughout the

district of Mid Devon patterns can be observed in the proportion and scale of successful development. These patterns are typical relationships that vary with location and building type. A close relationship between buildings across a street can help to create a sense of enclosure whilst more widely spaced buildings can create a feeling of openness and relief.



In the district's town centres buildings tend to have a more vertical emphasis and are relatively closely spaced (A), creating a sense of enclosure which is desirable in the open landscape setting of Mid Devon. The more vertical proportion of frontages is more suitable in these areas

where the density of the settlement provides separation from the open countryside. In village centres and towards the edge of settlements the emphasis moves towards a more horizontal proportion with larger spaces between buildings (B). It is important in these scenarios to find a



balance between the desirable sense of openness and an appropriate lower density whilst avoiding the potential suburban feel of low density, low rise development (3 & 7). Generally the building form, proportion and scale should be considered to create some sense of enclosure from the

open landscape (C). Sectional studies (D) can be a useful tool for understanding existing successful relationships between heights of buildings and the space between them for any specific place. These can then be used as a reference for new proposals.

# FRONTAGES & ELEVATIONS



Rhythm to facades.



Principal elevations to public realm.



Continuity and contrast in elevations.



Repetition in elevations.



Random openings.



Classical, formal elevations.



Courtyard facing principal elevations.



High ratio of void to solid.



Low ratio of void to solid.

## CROSS REFERENCES:

Makes particular contribution to:  
Public Realm (page 3 this volume);  
Coincides with:  
Boundaries & Thresholds (page 9 this volume);

Relevance to all Site Situations (Volume 2):  
(pages 47-72);

The design of building elevations involves a variety of considerations: the orientation of principle and secondary elevations; the proportion and layout of fenestration; and choice of materials. Whilst there is no single style that defines the district there are common themes present in the treatment of elevation design. Principle elevations are typically orientated to

address the street or key public spaces such as village greens. Elevations and street scenes tend to demonstrate a balance between continuity and contrast which creates an interesting yet coherent character. There is a huge range of styles across the district from very historic buildings, through classical 19th century architecture to more contemporary modern developments.

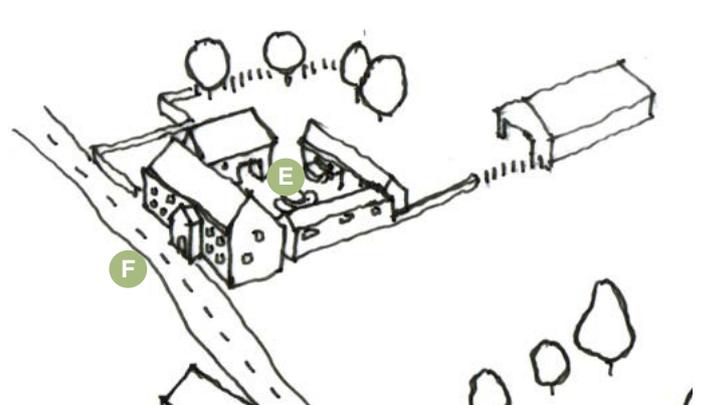


In village and town centres principle elevations typically front the street (A) or a public space (B). The elevations of individual buildings tend to have a strong rhythm with regular openings of consistent proportions. This creates a continuity to the street scene which makes a positive

contribution to the character of the district. It is also typical of the character of the district that this continuity is broken up by variety in materials and the introduction of occasional features (C) such as porches, bay windows or ornamentation.



Away from village and town centres and on back lanes, it becomes more common for buildings to present a side elevation to the street (D) especially on corner plots. These side elevations usually feature a more varied pattern of fenestration with seemingly random placement of windows.



Traditional farm buildings commonly front a courtyard (E) rather than having a principal elevation to the street. Sometimes a larger building may be double fronted (F) addressing the public realm and the semi private courtyard. Fenestration again takes on a more varied pattern.

# BOUNDARIES & THRESHOLDS



No boundary or threshold.



Knee - chest high walls.



High walls - eye level and above.



Planting above low walls.



Rear boundary hedges.



Grass verges.



Close boarded fencing.



Picket fencing.



Small enclosed front gardens.

## CROSS REFERENCES:

Makes particular contribution to:  
Public Realm (page 3 this volume);  
Coincides with:  
Frontages & Elevations (page 7 this volume);

Relevant to the majority of Site Situations  
(Volume 2): (pages 47, 49, 53-63, 69);

Boundaries and thresholds play a key role in the relationship between buildings and the public realm. Material, height, continuity and position of these features all affect the character of a place and the experience and behaviour of people in each place. These features have an important role to play in managing privacy and security, creating a sense of arrival and enclosure whilst

providing interest to, and interaction with, the public realm where appropriate. Throughout the district there are a range of treatments to boundaries and thresholds, both historic and more contemporary, and these are implemented with varying degrees of success. The treatment of these features tends to vary according to their location within a settlement.

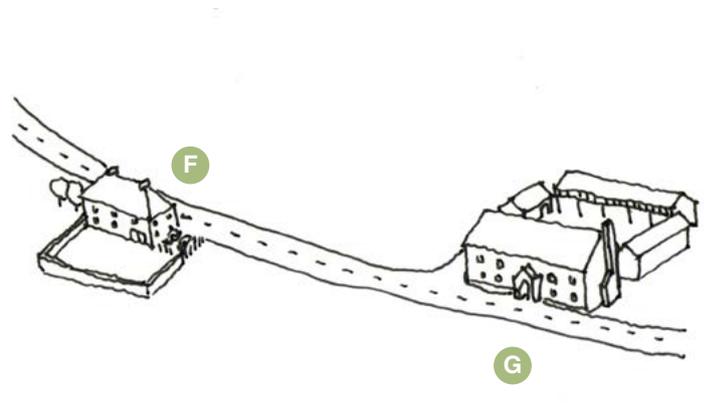


In village centres low walls (A) with small front gardens or no threshold (B) to the public realm are generally appropriate approaches. On back lanes (C) high walls and hedges are often more suitable. A combination of these treatments in larger developments can help to create variety and interest

in the street scene - an occasional small front garden (A) helps to create a sense of openness. At the edge of villages (D) hedges and planted boundaries create a soft edge to the open landscape, these can be successfully integrated with low fences but tall fences should be avoided.



In town centres buildings typically have no threshold to the street or other public realm (E) with doors and windows opening directly on to the street. This helps to provide a hard edge and a sense of enclosure whilst bringing life to the public space.



For isolated houses (F) and farm buildings (G) a combination of low walls, hedges and grass verges can all be used successfully. Some isolated buildings in the countryside may also have no threshold especially when fronting a courtyard.

# DOORS & PORCHES



Doors direct to street.



Traditional enclosed porches.



Shelter to front doors.



Traditional open porches.



Contemporary enclosed porches.



Glazed doors.



Solid doors.



Repetitive features.



Ornamental doors and surrounds.

## CROSS REFERENCES:

Makes particular contribution to:  
Frontages & Elevations (page 7 this volume);  
Boundaries & Thresholds (page 9 this volume);  
Relevant to the majority of Site Situations

(Volume 2): (pages 49, 51, 55, 57, 61-71);

Special Topic Sheets Volume 4:  
Designing for Accessibility & Inclusiveness  
(page 9).

In housing in particular, doors and porches can serve many roles alongside their function as a point of entry. The placement and detail of these features can be carefully considered to create rhythm and consistency in a street scene or to introduce contrast and individuality. Porches often represent an opportunity for personalisation of a property as well as serving a practical function and are common features across the

district. Many front doors feature either enclosed porches, overhanging shelter or open porches. This trait is likely to be a product of the exposed landscape of the district with porches offering welcome shelter from the elements and a design driven by utilitarian concerns offering storage space for outdoor wear suitable for traditional agricultural land use and contemporary outdoor lifestyles.

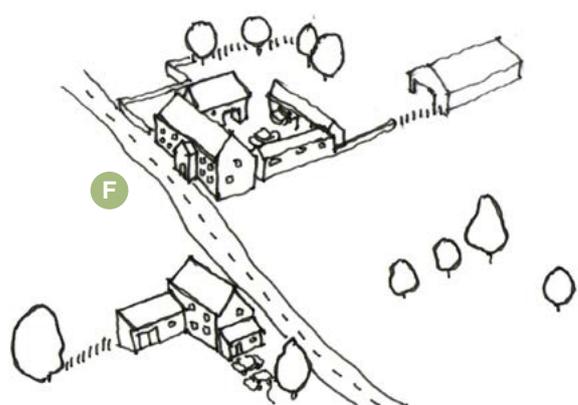


Buildings in village centres demonstrate a variety of approaches to doors and porches and this variety contributes to the character of the villages of the district. Enclosed porches (A) are a common feature, successfully providing shelter, security and privacy. Regular

unsheltered front doors (B) can help to introduce rhythm and continuity to a street frontage. The introduction of occasional porches (C) can balance this continuity with some contrast and help to create a focal point in the street scene.



Doors direct to the street (D) are generally an appropriate feature in town centres and porches are not often encountered. Overhanging canopies (E) can be successfully integrated to create an implied threshold and a sense of shelter at the entrance.



Open or enclosed porches (F) are traditionally common features of isolated houses and farm buildings where they offer functional use for shelter and storage. These requirements are still relevant for new development especially in these locations.

# WINDOWS



SILVERTON  
Larger Georgian style openings.



MORCHARD BISHOP  
Historic small openings.



CREDITON  
Georgian style windows with glazing bars.



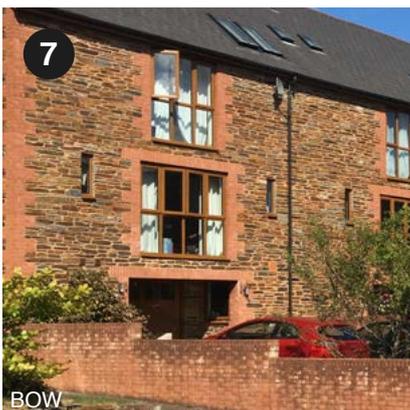
BOW  
Contemporary windows.



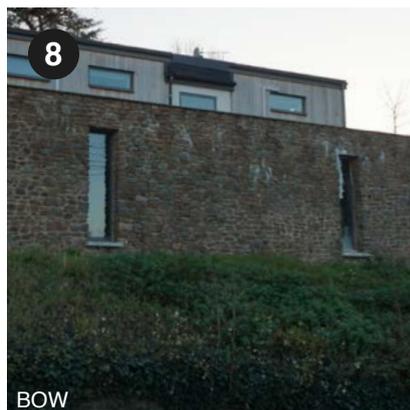
BRADNINCH  
Contemporary use of glazing bars.



THORVERTON  
Bay windows create variation.



BOW  
Large openings in natural stone wall.



BOW  
Modern windows in natural stone wall.



KENNERLEIGH  
Large frameless glazed link.

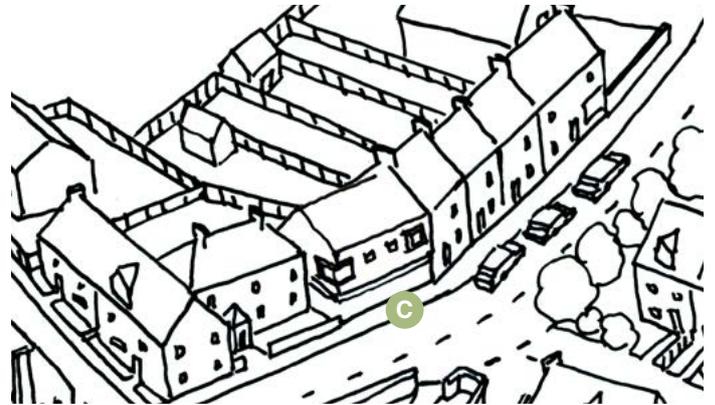
## CROSS REFERENCES:

Makes particular contribution to:  
Public Realm (page 3 this volume);  
Frontages & Elevations (page 7 this volume);

Relevant to the majority of Site Situations  
(Volume 2): (pages 49, 51, 55, 57, 61-71);

The most historic buildings in the district are characterised by small openings sub divided into small panes in a style dictated by the technology and materials available at the time of construction. More recently modern advances in construction have made large uninterrupted areas of glazing possible and there is an evident transition throughout the years between

these two extremes with the advancement and availability of glass. The relationship between solid and void, the proportion of openings and the style of windows all make marked contributions to the character of a building and place. Feature windows such as bay windows, projecting windows or corner windows can be useful occasional features in a streetscene.



In smaller developments (A) it is often more important to consider the design of windows in relationship with the immediate context (B) to create continuity. The use of features (C) that depart from the pattern of the context can help to provide contrast when used sparingly in a more

integrated composition. It is not necessary to mimic the style of historic windows (5) and sometimes more appropriate to make use of contemporary building methods. More important for a well integrated development is to consider the proportion of windows in relation to nearby buildings.



Larger developments (D) and more isolated buildings (E) create greater opportunity for innovation and individuality in window design. Traditional farm buildings tend to have more random window arrangements. The same principles apply, with a balance between contrast and continuity

helping to create a more coherent design. Careful consideration should be given to framing materials, depth of reveals and subdivision of windows. Quality materials such as timber and aluminium frames and deep reveals are generally preferable.

# MATERIALS



1  
TIVERTON  
Variation of materials in town centres.



2  
WESTLEIGH  
Horizontal variation in materials.



3  
BRADNINCH  
Colour creating contrast.



4  
SILVERTON  
Continuity in materials.



5  
STOODLEIGH  
Local stone in historic buildings.



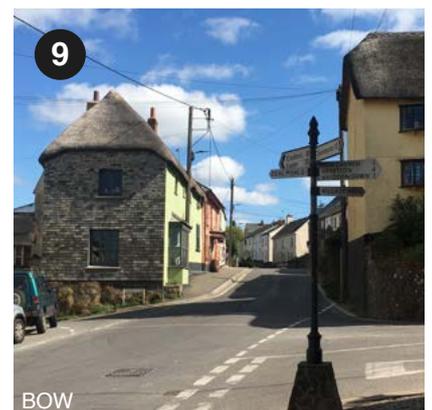
6  
TIVERTON  
Contemporary and historic materials.



7  
MORCHARD BISHOP  
Variety of materials in outbuildings.



8  
BRADNINCH  
Contemporary continuity of materials.



9  
BOW  
Vertical variation in materials.

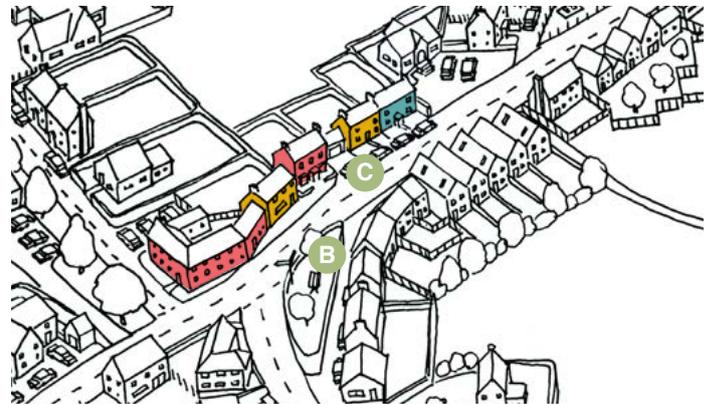
## CROSS REFERENCES:

Makes particular contribution to:  
Frontages & Elevations (page 7 this volume);

Relevant to Site Situations (Volume 2)  
considering contrast: (pages 49, 51, 55, 61).

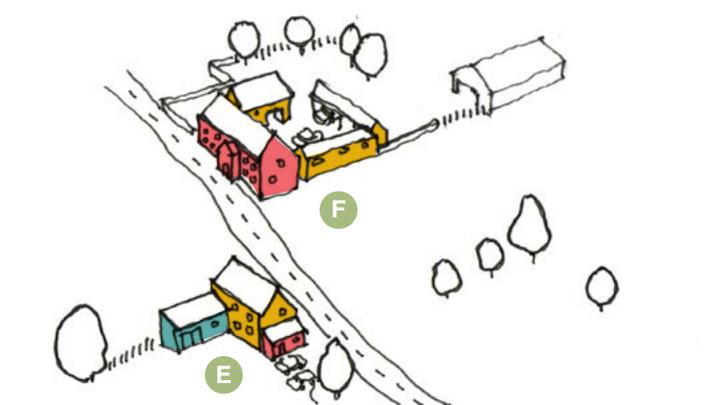
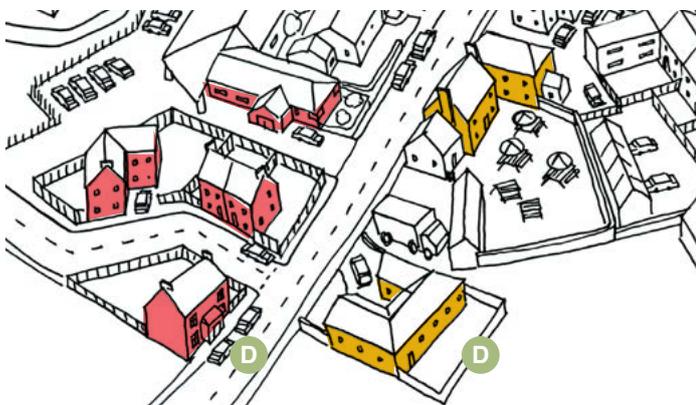
The varied character of Mid Devon owes a lot to the use of a range of different building materials and techniques. Historically this has been driven by availability: influenced by geography, economics and transportation. Whilst in some areas a particular material, such as red sandstone or cob, is a dominant feature the overriding pattern is the variety of materials

that have been used in construction over the years. An accidental, but fine, balance between continuity and contrast has been created and this makes a significant contribution to the character of the district. It is unusual for a single building to use a wide variety of materials but it is equally unusual to have a long uninterrupted facade of streetscene with no variation in materials.



The balance between continuity and contrast is a fundamental part of the character of the district's towns and villages. In town and village centres (A) and (B) continuity is often a result of relatively consistent building heights, regular fenestration patterns and a hard edge

to the street. The use of materials can help to introduce contrast to the street scene (C), breaking up regularity through occasional changes in finish, colour or style. It is rare for every building in a street to have either a completely different material treatment or an identical treatment.



Outside of town and village centres buildings often have larger frontages (D) offering less opportunity for contrasting materials. In buildings that have grown over time it is common for different parts of the building to have been built using different materials (E) thus introducing

some variation in a manner that could provide precedent for new development. Likewise farm buildings and isolated buildings in the countryside tend to be of one material with outbuildings and extensions (F) in other contrasting materials.

# ROOFS & DORMERS



Typical varied Mid Devon roofscape.



Historic thatched roofs.



Retrofitted dormer windows.



Dormer features in historic thatched roof.



Slate and thatched roofs.



Continuity of eaves and ridge heights.



Tightly clipped eaves and verges.



Overhanging eaves and verges.



Repetition of dormer windows.

## CROSS REFERENCES:

Can assist with continuity in:  
Proportion & Scale (page 5 this volume);  
Frontages & Elevations (page 7 this volume);  
Extensions & Alterations (page 21 this volume);

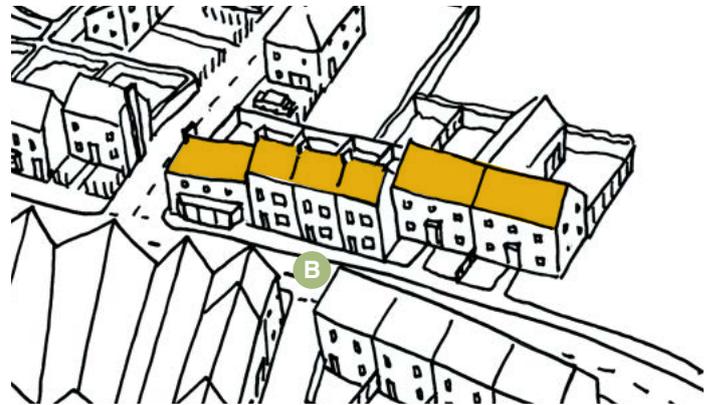
Particularly relevant to a variety of Site Situations (Volume 2) where new frontage is formed: (pages 47, 51, 55, 57, 61, 65, 67-71).

As with other building materials, roof finishes have varied through time with more historic buildings featuring thatched roofs whilst contemporary buildings use a variety of tiled finishes including slate and sometimes metal sheet roofing. The traditional thatch roofs of the district dictated steep roof pitches which are now characteristic of the area and still present on buildings where

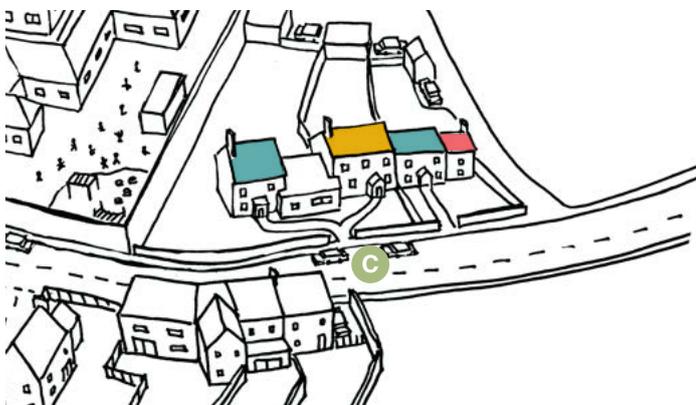
the thatch has subsequently been replaced with slate or other materials. Dormer windows feature in both historic and contemporary buildings as original features and additions. When sensitively designed and carefully detailed, dormer windows can add interest to the roofscape whilst being an efficient method of adding accommodation without raising eaves and ridge levels.



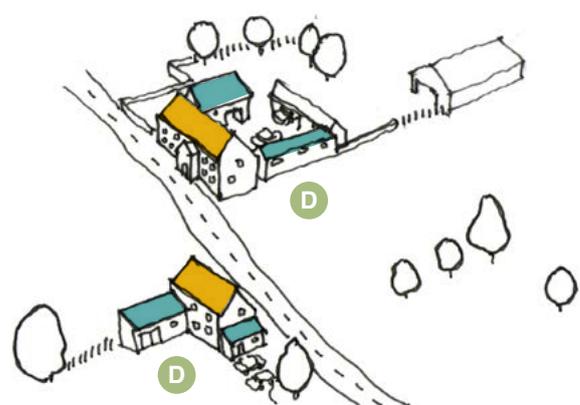
The predominant roof finish in town and village centres is now slate with occasional thatched roofs still remaining. Consistency in roof finish and eaves and ridge heights creates continuity in the streetscene (A). Unlike with other materials consistency in roof finish is characteristic



of the district but this can still be successfully balanced with occasional variation to add contrast. On sloping streets ridges and eaves tend to step with the slope (B), emphasising the topography and with ground to eaves heights remaining relatively consistent.



On the edge of settlements more variation becomes common both in terms of roof finish and heights of neighbouring properties (C). More isolated properties and farms also have greater variation often featuring a combination of single and two storey volumes (D).



The detailing of roofs and dormers is important to create a high quality development. There are a variety of approaches across the district including tightly clipped eaves details and roofs with large overhangs. Roof detailing should be considered as a coherent part of the design approach.

# CHIMNEYS



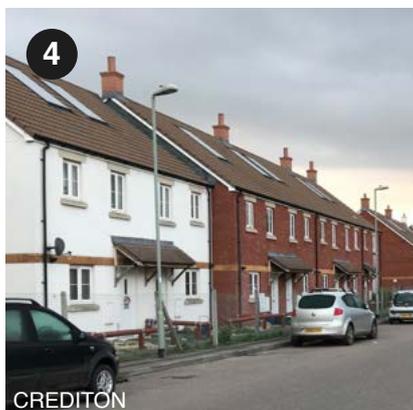
1  
THORVERTON  
Regular chimneys breaking the roofline.



2  
BAMPTON  
Modern development with no chimneys.



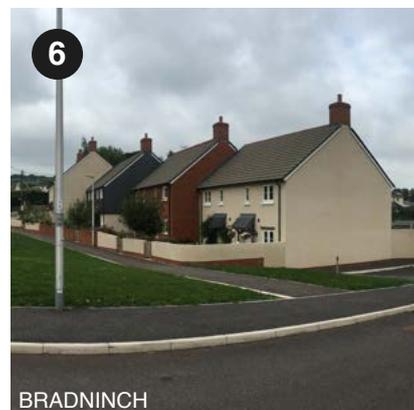
3  
HALBERTON  
Chimney breast creating a feature.



4  
CREDITON  
Regular chimneys.



5  
BAMPTON  
Random placement of chimneys.



6  
BRADNINCH  
Regular chimneys.



7  
CREDITON  
Chimneys in town centres create rhythm.



8  
ZEAL MONOCHORUM  
Chimney breast as an integrated feature.



9  
BAMPTON  
Chimney creating a focal point.

## CROSS REFERENCES:

Can assist with continuity in:  
Proportion & Scale (page 5 this volume);  
Frontages & Elevations (page 7 this volume);  
Extensions & Alterations (page 21 this volume);

Particularly relevant to a variety of Site Situations (Volume 2) where new frontage is formed: (pages 47, 51, 55, 57, 61, 65, 67-71).

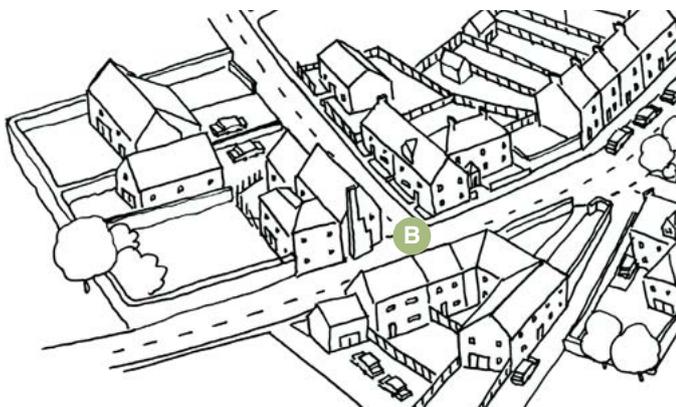
Throughout the district chimneys are a common feature, unsurprisingly so given the historic housing stock. Alongside their functional role in providing heating, chimneys can contribute to the character of a place. Regular chimneys can reinforce the rhythm of a street scene whilst also helping to break up the roof line. Elsewhere more seemingly randomly positioned chimneys

can add interest to a building form and provide a significant architectural feature. Whilst the role of a chimney as part of a heating system is becoming less common they still have an important part to play in the aesthetic appearance of new development. If well considered, other features, such as flues or ventilation cowls, could contribute in a similar way in modern buildings.



Regular chimneys running along a ridge line (A) are a characteristic feature of Mid Devon town and village centres. The regular placement of these features creates rhythm to the streetscene whilst adding interest to, and breaking up, the continuous roof line. In smaller settlement

centres this breaking up of the roof line can help to soften the hard edge between the building edge and the landscape/skyline (1). The heights and finishes of chimneys in these locations vary but the placement at, or close to, the ridge line tends to remain fairly consistent.



Away from the settlement centres, chimney placement becomes more random (B) and can add interest and variation to the character of a place (5). Elsewhere chimneys begin to form features or focal points on street facing elevations (3) with integrated design of windows.



Traditional chimneys may not be a functional necessity for new developments if open fires don't feature but could still be considered to accommodate other flues and stacks. Alternatively other features could be introduced (C) to break up the roof line and add interest to elevations.

# EXTENSIONS & ALTERATIONS



Functional extension to historic building.



Sensitive alterations to historic barn.



Sensitive extension to historic building.



Contemporary extensions.



Contemporary extension to listed cottage.



Contemporary extensions to thatched cottage.

## CROSS REFERENCES:

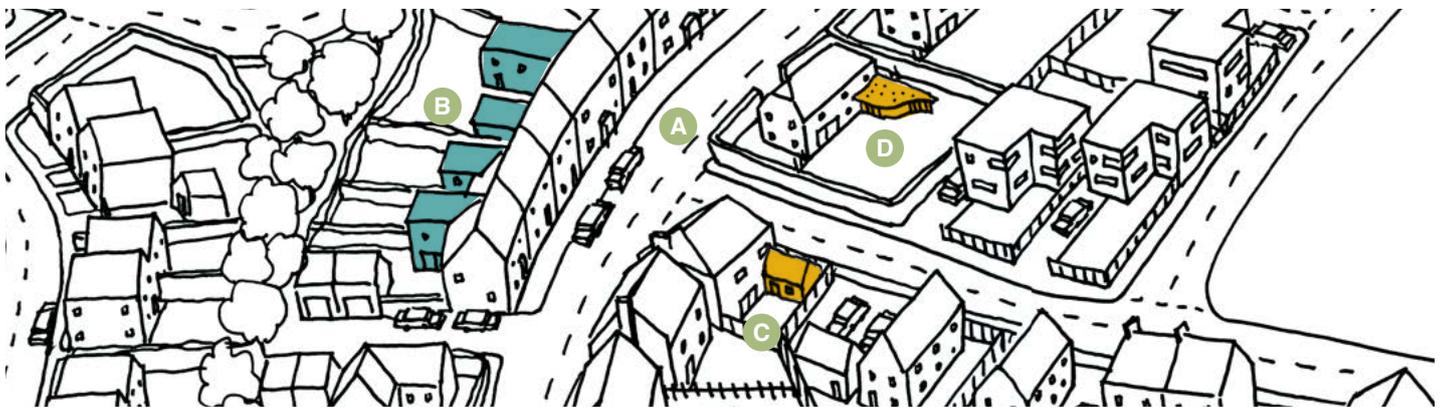
To be considered with reference to:  
Proportion & Scale (page 5 this volume);  
Doors & Porches (page 11 this volume);  
Windows (page 13 this volume);  
Materials (page 15 this volume);  
Roofs & Dormers (page 17 this volume);

Particular relevance in Site Situations with smaller constrained sites (Volume 2): Infill (page 63); Inside Core (page 65);

Special Topic Sheets Volume 4:  
Designing for Accessibility & Inclusiveness (page 9).

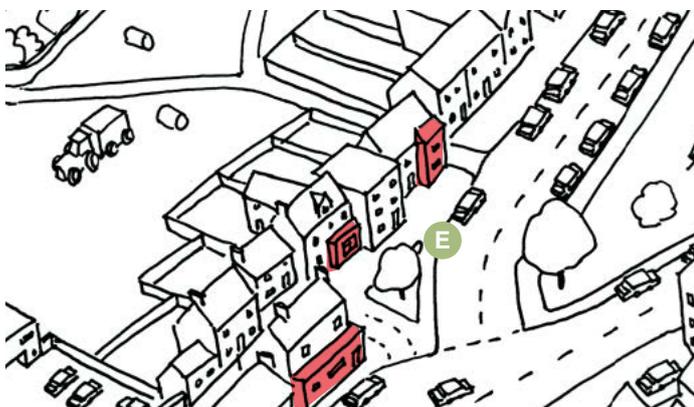
Extensions and alterations to existing buildings can make a significant contribution to the character of a place. Like anywhere in the country there are many examples of buildings that have been extended and altered in Mid Devon. These examples include both historic and contemporary buildings which have been adapted to suit the needs of their users. Approaches to extensions

and alterations vary widely from attempts to reflect the style of the existing building, to very functional additions with little consideration to style, and contemporary additions that create a clear contrast with the original building. As well as referencing this chapter designs for extensions should draw upon the contents of other chapters of this Compendium and the Design Guide.

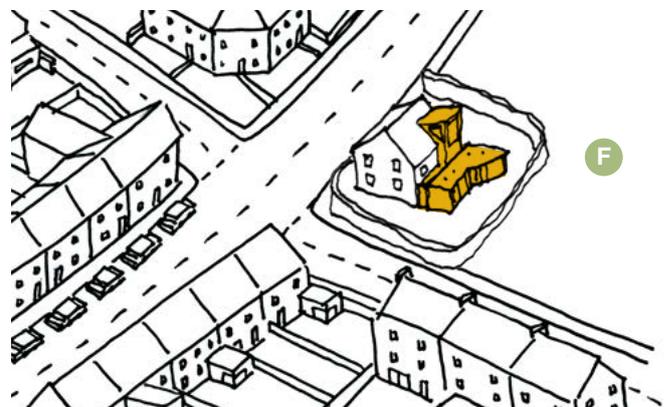


In town and village centres opportunities for extensions and alterations are often limited due to the existing high density of the settlement (A). Where these opportunities do arise they are often at the rear of properties (B) where their impact on the character of the settlement is limited.

Consideration should still be given to a suitable approach to design whether this be a well considered reflection of the style of the original building (C) or a high quality contemporary approach creating contrast (D). Both approaches can be appropriate if executed successfully.



Where alterations will affect the streetscene (E) good design becomes yet more important. A contemporary, contrasting approach can have a significant impact in this setting and may only be appropriate if of sufficient scale to create its own identity. Outside town and village

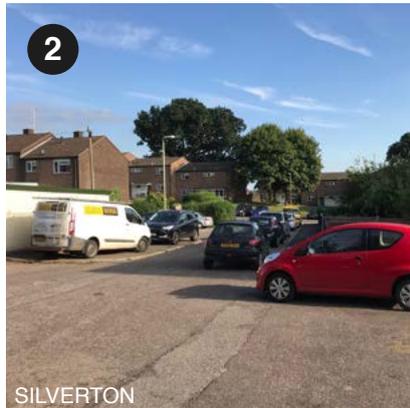


centres opportunities for extensions are more common and it is important to consider the relationship between the extension and the surrounding landscape. Depending on the host building, larger, more ambitious and creative additions (F) can be suitable.

# PARKING & TRANSPORT



Ad-hoc street edge parking.



Dominance of street parking.



On plot and street parking.



Small car park.



Well integrated parking courtyard.



Parking in a traditional courtyard.



Integrated on plot parking.



Street parking in settlement centres.



Parking in a widened road/courtyard setting.

## CROSS REFERENCES:

May influence approach to:  
Frontages & Elevations (page 7 this volume);  
Boundaries & Thresholds (page 9 this volume);  
Particularly relevant in prominent Site

Situations (Volume 2): (pages 49, 61, 65, 71)

Special Topic Sheets Volume 4:  
Designing for Accessibility & Inclusiveness (page 9).

Good strategies for integrating parking are an important consideration for good development. Throughout Mid Devon parking is accommodated in what often appears to be an ad-hoc manner with a mixture of street parking, on plot parking and small parking courtyards or car parks. This, in fact, creates a desirable balance: avoiding a dominance of cars on the street but ensuring enough regular movements from cars to

buildings to create an active street life. Parking provision should be proportional to location and the accessibility of alternative means of transport. When planning the provision of car parking it is also critical to consider future transport modes and make sufficient allowance for electric cars, pool cars and cycle storage (see Policy DM5 for minimum car & cycle parking standards).



In town and village centres the majority of parking provision is on the street (A) or in small car parks or parking courtyards (B) with little opportunity for on plot parking. This arrangement helps to encourage activity on the street in the town and village centres. Moving away from

the village and town centres there is often a shift towards more on plot parking (C) although this is typically well balanced with street parking (D) and parking courtyards. This balance is important to avoid a sub-urbanisation of village and town edges.



In the open countryside and settlement peripheries there is more scope for on plot parking (E) and this is often the main provision supplemented by ad-hoc road edge parking (F). Traditional farm courtyards often incorporate areas for car parking (G) and, along with isolated houses, often provide

well integrated sheltered parking in outbuildings or car ports. All new development should make reasonable provision for alternative means of transport. The provision of well planned cycle storage can be a key factor in the use of cycle transport as an alternative to vehicles.

# AGRICULTURAL & COMMERCIAL BUILDINGS



BAMPTON  
Modern commercial buildings.



STOODLEIGH  
Modern agricultural buildings.



NYMPET ROWLAND  
Traditional farmyard buildings.



UFFCULME  
Traditional commercial buildings.



BOW  
Industrial aesthetic extension.



COLEBROOKE  
Agricultural building in settlement context.



ZEAL MONOCHORUM  
Agricultural building in open countryside.



BAMPTON  
Modern commercial buildings.



SAMPFORD PEVERELL  
Traditional agricultural/workshop units.

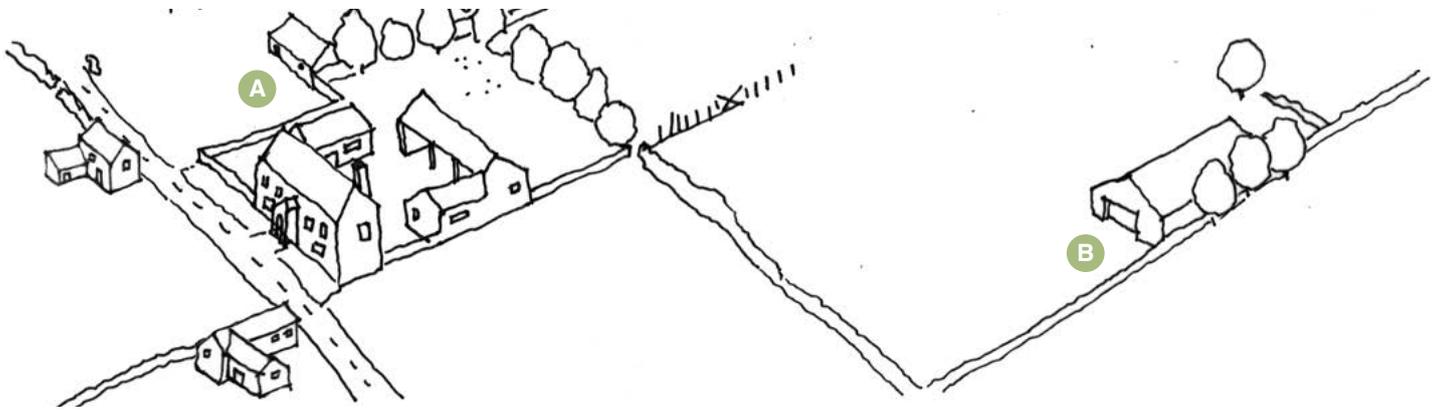
## CROSS REFERENCES:

Consider development typologies for open countryside (Volume 2, page 77).

Special Topic Sheets Volume 4:  
Designing for Community (page 3).  
Employment & Agricultural Development  
(page 11).

Agricultural and commercial buildings demonstrate a wide variety of forms and typologies across the district. Ranging from traditional farm buildings and barns to modern agricultural barns and units located on larger industrial estates. Primarily agricultural and commercial buildings need to be fit for purpose but they can also be designed to be sensitive

to their surroundings so as to have a positive impact on the character of the district. The importance of the design and appearance of these buildings is proportional to their location as there is more to consider in open countryside or an historic settlement than in the context of one of the district's existing industrial estates.



New agricultural buildings should, where practical, be grouped with existing farm buildings to reinforce the 'Farmyard Cluster' typology (A). If a number of new buildings are proposed and a relationship with existing farm buildings is not practical then a new 'Farmyard Cluster'

within the open countryside could be created. Where stand alone agricultural buildings in the open countryside are essential these should be designed sympathetically to the existing topography, landscape and site features. Trees and planting can also be helpful for screening (B).



Many new commercial buildings will be sited within existing industrial settings (C) and replicate existing buildings and functions. Where it is appropriate to introduce commercial buildings into settlements and amongst other building uses (D) their design should be more carefully considered to



compliment the immediate context following the guidance throughout this design guide. The creation of new business parks outside or on the edge of settlements (E) should also follow this guidance with particular reference to Volume 4, Special Topic: Employment & Commercial buildings.

This page is intentionally left blank

# DESIGNGUIDE

---

Special Topic Sheets

---

VOLUME 4



---

# Contents

---

## Page 02

### INTRODUCTION

## Page 03

### 1. DESIGNING FOR COMMUNITY

## Page 05

### 2. DESIGNING FOR HEALTH & WELL BEING

## Page 07

### 3. DESIGN, HOUSING DELIVERY & VIABILITY

## Page 09

### 4. DESIGNING FOR ACCESSIBILITY & INCLUSIVENESS

## Page 11

### 5. EMPLOYMENT & COMMERCIAL

## Page 13

### 6. SELF & CUSTOM BUILD

## Page 15

### 7. GREEN INFRASTRUCTURE

Prepared by:



DHUD Ltd  
6 Bakers Cottages  
Longmeadow Road  
Lymington  
EX8 5LP

info@dhud.co.uk  
01395 227052  
www.dhud.co.uk

in conjunction with:

Hilton Barnfield Architects

Hilton Barnfield Architects  
The Studio  
158 Heavitree Road  
Exeter  
EX1 2LZ

studio@hiltonbarnfield.co.uk  
01392 349222  
www.hiltonbarnfield.co.uk

and:



Hyas Associates Ltd  
35 Silver Street  
Newport Pagnell  
MK16 0EJ  
(also Bristol)

0117 4057370  
info@hyas.co.uk  
www.hyas.co.uk

# Introduction



**This volume covers a series of topics which apply across the district. It outlines how design considerations in these areas can help to achieve the objectives of the adopted Local Plan Review (2013-2033).**

Information and guidance provided under these special topics in most cases, refers to already established national guidance and best practice. Where this is the case additional relevant documents are referenced.

While previous volumes in this document have encouraged a bespoke approach to landscape, settlement and site there are also a series of more generic principles applicable to good placemaking and which all development should have concern for. This series of special topics are areas within the Local Plan in which design has a key role in facilitating good outcomes.

Other Volumes of this guide are applicable to the topics within this Volume and provide information on landscape character, settlement form, site situation (Volume 2) and use of design features (Volume 3) which should be cross referenced when considering the following topics.

# 1. DESIGNING FOR COMMUNITY

*The design of places is concerned with the social and economic success as well as creating functional and attractive physical buildings and spaces.*



Creating sustainable communities relies upon the integrated design of environments in which social values and economic function can thrive. Well designed neighbourhoods are places, where over time, communities grow stronger through the sense of belonging which is created and the long term security people can have in their place.

Beginning with the design process, every project can begin to engender ownership, sense of belonging, and community integration by involvement and engaging the community from the outset. Furthermore a design which emerges from a shared set of values and gathers consensus throughout a staged design process embodies ownership, leads to greater support for proposals among the public and politically and at its foundation can benefit from a much greater depth of local knowledge.

Careful attention to the location and prominence of a variety of community focal points around a neighbourhood (places of worship, publicly accessible buildings, shops, open spaces), whether delivered as part of a development or already existing can improve community interaction. From simple common day to day activities such as the walk to school or putting the bins out, to more individual events in the social calendar, the opportunities for people to interact can be facilitated using design. Streets should be considered as public spaces and designed to enable people interaction.

Healthy communities comprise a varied demographic. This diversity leads to widespread benefits including education, social awareness, respect for others. It can help the elderly or infirm to live independently for longer in their own home. Diversity provides the basis for a rich community memory of place, a living history and story telling which underpins the distinctiveness of a place. The design of development can pro-actively encourage a diverse community and one that is highly interactive.

High density and intimacy are characteristics of many parts of existing Mid Devon settlements. Intricate design is needed maintain privacy as well provide adequate overlooking to public areas. The internal arrangement of space within buildings can play an important role in achieving this balance.

Successful placemaking results in resilient, healthy communities, physical connections and the ability to engage in and be aware of local activities and facilities ensures that, for local trips, walking and cycling become the most convenient options.

In Mid Devon, taking the opportunity to repair and reinvigorate existing communities within towns and rural settlements is an investment in the social and economic well being across the district and the county. As communities become more functional their social capital rises in value bringing with it long term benefits in many areas.

As the Council responds to the climate emergency declaration and attends to its commitment to a zero carbon district by 2030 there will be more significant influences on patterns of living and the social consequences. Designing for community cohesion and more careful attention to the interaction of people in places and spaces can itself play an important part in addressing climate change through the development of more walkable, less car reliant, neighbourhoods and a more communal, less wasteful existence for all.

For safety and security reasons design of all aspects of development should also take account of Principles of Crime Prevention through Environmental Design (CPTED) and engagement with the Police Architectural Liaison Officer is recommended.



- 1 A combination of buildings and public realm create sociable places.
- 2 In many Mid Devon settlements, streets are also open spaces and encourage the free movement of all users.
- 3 Community facilities can become accidental meeting places where they are a focal point.
- 4 Privacy & overlooking need to be achieved in tight knit places.
- 5 Publicly accessible buildings can serve a landmark purpose and a social function.
- 6 Connections with, and awareness of, community groups and activities through signposting.

# 2. DESIGNING FOR HEALTH & WELL BEING

***Designing for the Health and Well Being of communities requires an holistic approach. The objective is not just the absence of disease or infirmity but a state of complete physical, mental and social wellbeing.*** (World Health Organisation definition)

Evidence has shown that better quality places, lead to better health outcomes. Physical and mental health, fitness, daily comfort and quality of life have been observed and shown to be influenced by not only internal building space but urban form and the socio-economic make up of communities.

Socio-economic inequalities often correlate with unhealthy lifestyles, opportunities to exercise, awareness and capacity for healthy eating and interactivity within the immediate community day to day to facilitate a healthy mental attitude.

This Design Guide has outlined how the environment and physical considerations of the design of development can be more distinctive. However, this approach to design has a more profound and long term capability to reverse segregation, isolation and inaccessibility and provide the platform upon which grass roots prevention of future health care burdens can be established.



Belonging, sense of ownership and security, community and social interaction and access to outside space, including public spaces which are safe and walkable all contribute to a better, healthier environment for mind and body.

Community involvement in the design process, as outlined in Volume 1 of this guide can foster a strong sense of belonging in a place and lead to the ongoing stewardship of open space and maintenance and control over ongoing management and uses of public spaces and public buildings.

These design principles for places, which coincidentally help promote health and well being, are not new, but they can be approached from a public health perspective. Well designed



**Reference should be made to the ‘pocket guide’ accompanying this Design Guide document for a checklist of health & sustainability considerations for use with planning applications.**

places provide good opportunities for social prescribing whereby GPs, nurses and other primary care professionals can refer people to a range of local, non-clinical services ranging from gardening to arts and sports. A mixed and diverse urban realm can offer an increasing list of referral services.

The core urban design principles of connecting places, creating a mixed, diverse community and a structure of safe streets and spaces which become public places are the basis of a healthy community, however attention to detail can also contribute hugely to people’s sense of well being through the design of uplifting and sociable spaces and buildings.

Designing buildings to maximise the use of natural daylight begins at the masterplan stage to ensure overshadowing is minimised and orientation of internal spaces is optimised. Ensuring adequate provision of private outdoor space should not be left as an after thought. Secure by design principles apply at a masterplan level and in the detailing of architecture. There are specific health challenges faced across Mid Devon for which every site should consider their small part towards a cumulative improvement: road safety, air quality, quality of living environments -particularly in rented accommodation, and space standards.

Integration of Public Health services within Local Authorities provides the opportunity for the public health consideration to be applied more readily within

the planning system. This has been manifested in the principles of the Health Impact Assessment tool (HIA), in some cases influencing planning applications -assessing place’s ability to affect health outcomes for a community. In East Devon, improvements to the Cranbrook masterplan have been made on health grounds and, as a result of joint working, Cranbrook has been selected as one of NHS England’s ‘Healthy New Towns’. This opens the way for measuring the success of the place against health and well being outcomes. The subsequent 10 point guide: ‘*Putting Health into Place*’ by NHS England is available and corroborates many of the principles of this Guide.

Sport England along with Public Health England have launched the revised guidance ‘Active Design’ which has considerable synergy with this Design Guide and provides some of the means by which being active can become an intrinsic part of everyone’s life pattern: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>



*Free events like ParkRun at Killerton happen in public spaces available for the community to use.*

*Formal pitches and facilities such as trim-trails in large park spaces like in Silverton are within easy reach and well connected.*

# 3. DESIGN, HOUSING DELIVERY & VIABILITY

This Design Guide aims to support the increase in effective housing delivery by helping to remove risk and uncertainty from the design process and by improving the quality of new development.

Used as indicated in Volume 1, and adopted as a common language between the authority, the community and the developer it can assist all parties in reaching consensus on design more quickly.

While the Design Guide SPD is not a policy document within the current Local Plan, it could assist any future work on the review of site allocations across the district to identify opportunities which are mutually beneficial to both housing delivery targets and the repair and enhancement of Mid Devon settlements and the contribution they make to the landscape character of the district. In this way the guide, with other previous work which is referenced throughout this guide, provides the platform by which any further site allocations can be considered, in part, in their capacity to contribute to the distinctiveness of the district as well as their contribution to housing delivery.

The connection between good placemaking and financial value and deliverability of new development is increasingly being made in national policy and guidance. Back in 2015, the RICS commissioned a piece of research from CBRE on this subject. As reported in the RICS Land Journal

(Dec 2015/Jan 2016 edition), the initial message from the research was that if developers create places that are well-planned, designed and built, people are prepared to pay more for homes there. The research looked at 5 case studies of new residential neighbourhoods or districts, varied in size and location. Land Registry data was used to reflect how the schemes had sold in relation to the local market conditions and the findings demonstrated a positive relationship between placemaking and commercial value.

Recent reviews of the planning system since the publication of the 2017 Housing White Paper have highlighted the importance of planning in creating diverse and high quality places and not just delivering houses. The importance of these factors in housing delivery was highlighted by Sir Oliver Letwin in his review of build-out rates, commissioned by the Chancellor of the Exchequer in 2017. His review built on the White Paper commitments with a specific objective of explaining the gap between housing completions and the allocated/permitted sites in areas of housing demand and making recommendations for closing that gap. The Draft Analysis, published in June 2018, concluded that large sites (those with over 1500 units) have a slower build out rate than smaller sites due, mainly, to a homogeneity of house types and tenures and limits to the rates at which the market will absorb such products. In his Final Report, published in October 2018, Letwin made a series of recommendations

including a “new set of planning rules” with financial incentives to encourage the delivery of a more diverse housing stock on large sites, raise the proportion of affordable housing, and increasing the build out rate. [Source: Independent Review of Build Out Rates: Draft Analysis, Para 4.26 (Rt Hon Sir Oliver Letwin, June 2018)]

The Raynsford Review, chaired by the Rt Hon. Nick Raynsford, was initiated by the TCPA around the same time that the Letwin Review was commissioned by government. The review aimed to start a conversation around fundamental planning reform based on the premise that near-continuous process change over the past decade has resulted in a planning system that is fragmented and fails to secure lasting progress on economic, housing, social, or environmental issues.

The Final Report of the task group was published in November 2018, and advocates a fundamental review of the planning system, covering issues as diverse and complex as the purpose of planning; the balance of power between private and public bodies; community engagement; design quality and standards; and betterment tax.

Most recently the Building Better: Building Beautiful Commission was established by the Communities Secretary Rt Hon James Brokenshire MP in 2018 with 3 primary aims:

- To promote better design and style of homes, villages, towns



and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area.

- To explore how new settlements can be developed with greater community consent
- To make the planning system work in support of better design and style, not against it.

The Commission’s interim report, published in July 2019 highlights the role of the planning system “Beauty first. Beauty and place making should be a collective ambition for how we move forward and a legitimate outcome of the planning system. Great weight should be placed on securing them in the urban and natural environments. This should be embedded prominently and alongside sustainable development in the National Planning Policy Framework (NPPF), associated guidance and encouraged via ministerial statement. Local Plans should embed this national requirement locally, discovering and defining it empirically through analysis and by surveying local views on objective criteria.”

Design in all areas outlined within this guide therefore, should seek to diversify type and tenure of properties (this applies to employment and commercial uses as well as residential) and deliver high quality development. Existing settlements across Mid Devon already demonstrate huge diversity and the process outlined within Volume 2 regarding settlement form and site situations, and in Volume

3 regarding the strategic use of design features supports the specification of a diverse mix for any given site where this can be demonstrated to contribute in the ways described to the distinctiveness of the district.

Assessing the viability of a development has become more in focus in recent years as the case has been made that pressure on development to make varied financial contributions has risen. The value of design can be measured using a much wider set of criteria than the standard development appraisal provides and it should not be left to viability arguments alone to define the appropriateness of design. Social, environmental and economic values need to be appreciated over a much longer time period than the construction period and across a wider catchment than a single development site in order to ensure developments contribute positively to their location.

Much of this longer term value can be brought about in a number of ways at little cost (outlined within this guide):

- Responding to settlement form;
- Recognising the site’s role in the settlement;
- Creating a more connected place;
- Safe, sociable streets & spaces;
- Using architectural features

strategically.

Approaches to the assessment of development value as it contributes over time will be welcomed as part of a more comprehensive appreciation of the value development can bring to a community as a whole. Likewise alternative financing models which may include investment and income based value generation and which can create accountability to the ongoing quality and value of development, post construction maybe ways of building stewardship into the land procurement process.

Alternative delivery mechanisms such as Community Land Trusts, or cooperatives of Self and Custom builders are increasing in scale and demonstrating high quality where an early stake in design is extended to end occupiers.

Development in rural areas across the district is in line with the NPPF requirement (Para 68) for small sites to deliver 10% of development. There is a role for small sites in sustaining a local workforce of builders and developers and ensuring short and medium term delivery of housing in the district with a diversity of different products.

# 4. DESIGN, ACCESSIBILITY

*Public places, streets and spaces have long been a setting for democratic expression: market places, rallies, celebrations, demonstrations. As society diversifies, so too must the flexibility of public space and buildings expand to cater for all.*



Towns and rural settlements throughout Mid Devon already demonstrate accessible and inclusive public space. Invariably streets are distinctively without pavements in places. The equity of these spaces is different to more recent developments which prioritise the car above the pedestrian in the street.

The design of places which are inherently accessible and inclusive (and not requiring bolt on or retrospective adaptation) begins with a placemaking approach:

- *Consider accessibility at the outset of the design process to resolve gradient, levels and internal building design at a strategic masterplan scale rather than suffer unintended consequences of an ill-considered site layout which could have been avoided;*
- *Look for precedents locally which offer good accessible solutions within the context of the historic settlement pattern and built form;*
- *Use integrated solutions in preference to bolt-ons;*
- *Consider the requirements of the Equality Act (DDA) audit and Part M of Building Regulations at the earliest possible stage in the project to allow all parts of the design process to respond;*

An accessible and inclusive environment is closely linked to the creation of a legible and integrated development. The principles throughout this design guide espouse the need to integrate new residents with existing communities. Streets and spaces, whilst being safe and overlooked, are also open thoroughfares where people, familiar and unfamiliar, meet and to some degree partake in exchange. The design of connected pedestrian environments are by their nature more inclusive than segregated vehicle dominated environments and whether in Main Towns or Villages, establishing the principles of walkable neighbourhoods is a good basis for meeting the needs of a variety of people and abilities where access to facilities and services are within easy reach of the majority of people.

Accessibility needs change over a lifetime and sometimes through changes in circumstances over night. Designing in adaptability where all eventualities cannot necessarily be accounted for at the outset is an important consideration in new buildings.

To promote accessibility and inclusivity, the Council wishes to encourage provision of ramped or level access to new dwellings and for developers to consider the requirements of Lifetime Homes: providing space and structure within buildings for possible future installations such as lifts or additional WCs.

Different approaches to access can affect how buildings and public realm combine to create streets.



# 5. EMPLOYMENT & COMMERCIAL DEVELOPMENT

***The Mid Devon adopted Local Plan Review (2013-2033) commits to “support sustainable economic success”. The Vision for the district identifies that high quality development in the right places will be instrumental in regenerating and benefiting all areas.***

The primary aim of employment and commercial buildings is to meet the needs of the businesses who occupy them and facilitate their growth and sustainability. However, as part of a wider planning strategy, far from being isolated buildings, employment and commercial development, designed to a high quality and located correctly can be a catalyst for much wider benefits to the local area and in the district and contribute to the reduction of carbon emissions.

In a similar way to residential development, employment and commercial development has the potential to affect the identity of the district. The process of preparing the Local Plan and the Sustainability Appraisal have helped develop a picture of the district, its characteristics, constraints and sustainability issues and this Design Guide among other documents has supplemented this profiling of the district. This definition helps identify an approach to employment and commercial development which contributes to the distinctiveness of the district.

A distinctive place, which generates footfall, encourages sense of belonging and facilitates satisfaction among communities supports a thriving economy and while this Design Guide cannot determine the location of employment provision across the district (this has already been determined within the Local Plan), it can assist in the design of developments which contribute to and benefit from the distinctiveness of the district, its towns, villages and countryside.

While strategic growth and provision for employment has been made in the allocation of employment sites throughout the district, the

Local Plan supports job creation as part of any proposal where it is supported by careful analysis of the benefits this brings the sustainability of the community and settlement as a whole. (Policy SP1; para 2.12). By its many references to enhanced connectivity, the guide encourages an integrated design approach to employment and other uses to improve accessibility and to promote social inclusion and interaction.

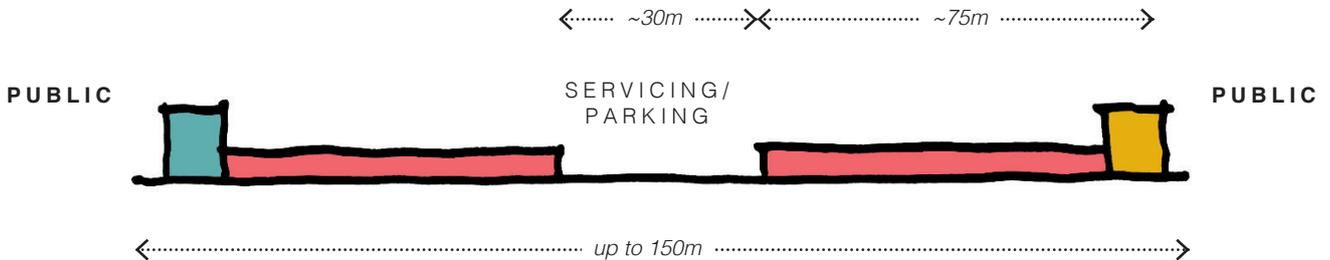
The design of new employment buildings and sites within towns and rural settlements should have regard to the settlement pattern and follow the process of defining the contribution buildings can make to the integrity of this form described in Volume 2 of this Design Guide.

In addition, the opportunity to upgrade existing employment and commercial areas and town centres with better designed facilities can facilitate some of the most pressing repair required in the Main Towns where there has been a trend of zoned, single use development on town centre sites or edge of town industrial estates.

In these locations each individual site should consider the contribution it can make to cumulative change in the following areas:

**Outward facing, building frontage, street enclosure and overlooking.** Certain components of the employment provision identified within the Local Plan lend themselves better to creating public fronting buildings: offices, retail, leisure, healthcare, education and other public facilities. Likewise a proportion of the Gross Internal Floorpace, comprising any communal or serviced areas of an employment facility maybe

*Development blocks in employment areas can be large to accommodate large footprint operational buildings. Locating office and ancillary functions around the perimeter and facing outwards and enclosing the servicing and parking within the block is key to creating better public space around the block.*

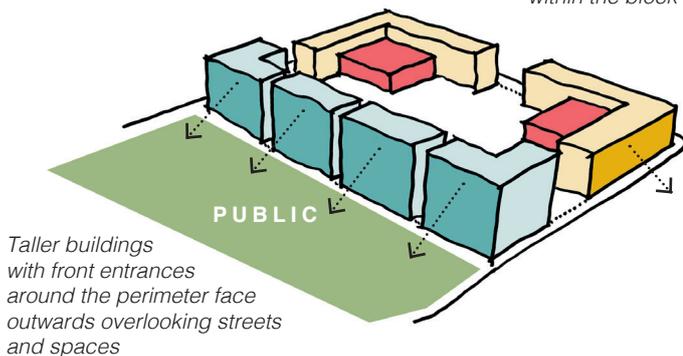


able to provide additional value as publicly accessible, shared or co-working space increasing the efficiency of the serviced building model as well as the contribution it makes to the public realm. Where these are included as part of a mix of employment uses on a site, they can be used within the site layout to create outward facing frontage to development, either at ground floor (consider the location of public entrances to buildings) or above ground floor to create additional height to otherwise low-rise buildings and to help create a street which has human scale proportions and which is

large sheds have dominated. Enclosing servicing and parking to the rear of, or within courtyards enclosed by, buildings will help improve the overall environment

**Connected and permeable layouts** can improve accessibility of employment areas for access by sustainable means and it can provide greater flexibility where blocks of development have a variety of street frontages around them, being able to accommodate the needs of businesses requiring a more prominent public presence and those that include more anti-social functions such as noisy or dirty processes.

*Servicing, parking and large footprint single storey functional buildings are set behind the facade or enclosed within the block*



*Taller buildings with front entrances around the perimeter face outwards overlooking streets and spaces overlooked by suitable uses on either side.*

In the countryside, employment and commercial buildings have a longstanding role in the rural economy and as such they contribute important features within the landscape, both visually and functionally. The majority of existing development within the countryside conforms to the typologies described within Volume 2 of this Design Guide (Page 74: Countryside) and should continue to contribute these distinctive forms of development within the landscape, all be it they may come about on unallocated sites, permissible under development management policies and requiring no planning permission at all.

**Public realm focussed**, improving the environment around employment areas for pedestrians can encourage greater integration with surrounding residential areas and reduce short journeys by car. Improving public space to provide a network of spaces in which employees and the public can spend breaks and time outside of working hours as well as public areas in which to meet makes the area more sustainable. This will involve creating more legibility and structure to areas where previously monotonous

Overall, many commercial buildings are developed to be let with business models based on the long term lettable income of the building. The design of buildings which have built in adaptability over time according to the requirements of changing occupiers can help ensure their long term potential to sustain an income and remain attractive as demands and commercial activity changes across the district. Designing in flexibility also helps the Council achieve their objectives of policy DM19, protection of employment land by allowing greater longevity of employment use, not restricted to a single occupier, or type of function.

# 6. SELF & CUSTOM BUILD

Alternative housing models, where an early stake in the design is extended to end occupiers, such as Self-build and Custom housebuilding projects, Community Land Trusts, co-housing projects or cooperatives of Self and Custom builders are increasing in scale and demonstrating high and distinctive design quality. Mid Devon District Council wants to support more of this form of housing to boost more affordable housebuilding and offer greater housing choice.

Mid Devon offers a huge range of opportunities for unique self and custom built houses. Geographically large, it comprises great landscape and settlement variety. This diversity, described throughout other volumes of this Design Guide, can be the basis of a site selection and design process that individuals enter into when undertaking to build their own home.

The diversity of settings and sites across the district provides a rich choice of opportunities for self and custom build. Project briefs should be developed with careful reference to the Landscape Character and Settlement Form approach which this Guide takes to exploring context and appropriate site response - not every site will offer the right ingredients for every self or custom housebuilder.

Across the district, opportunities exist for a mix of plot sizes enabling different types of homes to be built, offering local people a real chance to build their own homes on permissioned, serviced building plots

ready for development. This may include smaller lower cost plots which can accommodate smaller homes. In any case, proposals should reflect the appropriateness of the scale and form of the development to its situation as described throughout this Design Guide. Proposed housing mix should also take account of the local demand on the Council's statutory Self-Build and Custom Housebuilding Register.

Early engagement between the self builder and the Local Authority can help identify where the requirements and aspirations of the projects can be most likely realised, and where the best contribution to the character of a particular location can be made.

This Guide has identified how the distinctiveness of Mid Devon is a function of landscape and settlement form and also outlines how sites in different locations in and around settlements can best contribute in a positive way to the distinctiveness of a given location. Self & Custom build opportunities are not exempt in their ability to make a positive contribution to the character of the district and as such the design of such projects should follow the same process outlined throughout this Guide in understanding the context and role of a site:

**First** consider the landscape setting and the characteristics of this setting which help development retain a distinctiveness in association with each particular landscape type (see Page 7 of Volume 2 of this guide).

**Secondly**, consider the form of the settlement the opportunity finds itself within as described within the 7 Settlement Typologies defined within the guide for Villages (see, Page 26 of Volume 2 of the guide).

**Thirdly**, consider the position of the development in relation to the settlement form and the guidance on the appropriate design approach according to the 13 variations of Site Situation defined within the guide for Villages (see Page 45 of Volume 2 of the guide).

**Finally**, using the Compendium of District Design (Volume 3 of the guide), consider how various detailed elements of design are dealt with in different situations across the district and how these should be applied in relation to the settlement location and the site situation within that settlement.

According to the approach described it may be deemed appropriate that self and custom build projects on larger sites are best arranged in a series of parcels. This can help take account of local demand and viability and ensure that the design character and wider housing offer across a site is not compromised.

Arranging Custom and Self Build housing in clusters will also enable construction traffic and different build outs to be better managed and better aligned with the design aspirations, constraints and design quality expectations. Clustering of plots/



properties would also help in terms of management of sales and marketing. Clusters of five or more homes in a parcel is recommended.

In these cases it is strongly encouraged that the design response is communicated as a design code which embodies the principles which have been developed through the use of the Guide and the process described above. Prepared in discussion between the Council and the applicant such codes can help explore and communicate how groups of self and custom build homes are being considered in the context of the character of the settlement or location in questions.

Using the Design Guide to secure a design code can enable development to come forward more quickly and the Council may seek to link a code to a planning permission via a planning condition.

Design codes should be kept as simple as possible to avoid stifling the ability of Self and Custom builders to build innovative and creatively designed homes and undermine market demand. The Design Guide provides a wealth of ready-made contextualisation and site categorisation which can structure how design codes are prepared. The accompanying Pocket Guide provides a concise way of checking a design code for a group of self or custom build plots has made all the necessary design considerations.

Self & Custom build design codes should strike a careful balance between flexibility and prescription: too restrictive and it will be more challenging for a landowner to sell plots, too flexible and there is a risk that design does not contribute positively to the distinctiveness of the location.

Key design code parameters should be defined with reference to the role the site plays within the settlement, outlining the acceptable form of development on each plot (for example scale, massing, materials, height, layout, amenity and landscaping) in this context (see Page 45 of Volume 2 of the guide). But Self and Custom build design codes may want to provide further clarity about what aspect of a design is mandatory and what is optional and how this applies to the plot and/or wider site. Menus of alternative design solutions for specific elements are encouraged but should be founded on the principles already defined within this Guide with regards to the use of a range of architectural details performing different functions within the settlement and site context.

The Council also encourages the use of a 'Plot Passport' when 'Self Build'

plots are marketed to buyers. Such documents can help translate the design code into a series of easily understood principles and they are becoming more widely used as part of site marketing. Plot Passports are not normally needed where a Custom Build developer manages the build out of a site and homes are built for the homeowner to complete themselves or built to their specification, ready to move in. This includes community-led housing not involving serviced building plots for sale to the public.

When part of larger housing sites, the location of Self and Custom build projects should be considered holistically as part of any site strategy and settlement context of the whole scheme. Prominent self and custom build plots within the scheme present opportunities to introduce unique and special features but these should be considered for their ability to contribute to an overall approach to the site in its context according to the process described in this Design Guide. The location of the self and custom build elements within a large scheme will also have a bearing on what role they play in the settlement and site context and therefore how they contribute to the overall site design response.

# 7. GREEN INFRASTRUCTURE & BIODIVERSITY

**All design interventions should consider making provision for Green Infrastructure (GI) and biodiversity net gain within development. This should be considered with reference to the Mid Devon GI strategy.**

The National Planning Policy Framework states that local planning authorities should: *'take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure'*.

The Planning Practice Guidance on Green Infrastructure provides more detail on this.

Mid Devon has prepared a Green Infrastructure Assessment (2013) in support of the Local Plan Review process which identifies green infrastructure as a key part of all development policy areas with the addition of policy DM26 which outlines the types of contributing elements to a green infrastructure strategy and the wide benefits these can bring.

The variety of landscape and biodiversity interventions represented by comprehensive GI provides multi-functional benefits in urban and rural settings. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefiting movement. It can promote economic growth and investment with quality green space having a major positive impact on land and property markets. It can offer broad social benefits and be a resource for education, food production and promote stronger communities.

Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves as well as other infrastructure provision. Greener neighbourhoods and improved access to nature also offers significant well being benefits with improvements to public health, quality of

life and reduced environmental inequalities. GI at all scales offers opportunities to increase the resilience of existing settlements to climate change by facilitating cost effective to manage rainwater, promote healthy lifestyles and in doing so supporting a move towards net zero carbon.

Mid Devon settlements are a mix of urban and rural environments and are permeable to wildlife. They provide good examples of the ability for people and wildlife to coexist in the same place. New development in these places can seek opportunities to create new best practice in urban biodiversity.

Opportunities to retrofit green infrastructure in existing settlement situations can be realised through:

- *green roof systems and roof gardens;*
- *green walls to provide insulation or shading and cooling;*
- *new tree planting or altering the management of land (e.g. management of verges to enhance biodiversity);*
- *wildlife enhancements to existing and refurbished development and environments.*

Further information on GI is included within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity" as well as the Landscape Institute's 'Green Infrastructure: An Integrated Approach to Land Use'.

## **Design should also consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.**

### **Biodiversity enhancement**

By providing a strategic methodology for design which responds to settlement form in the landscape and the contribution landscape character and its constituent elements can offer to the identity and function of a place, this Design Guide supports the enhancement of biodiversity within Mid Devon. As well as the strategic integration of development and the landscape, simple interventions, such as increasing levels of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment should be considered within development of all scales. Forthcoming national guidance on biodiversity net gain for all developments will outline a standard approach for quantifying the biodiversity gains of various development and landscape types. Mid Devon Local Plan Policy S9 (Environment) also refers to Biodiversity net gain.

### **Landscape enhancement**

Volume 2 of this Design Guide offers a strategic methodology for enhancing the character and local distinctiveness of the natural and built environment. This can also be supported by detailed landscape design which:

- *uses natural resources more sustainably;*
- *considers native and suitable species for the context; protects and plans for the succession of, mature trees and considers the value of hedgerows and trees of all ages in the strategic design of development and landscapes;*
- *new planting should aim at all times not merely to hide development but to compliment its position within the landscape according to existing settlement and landscape relationships;*
- *consider lighting strategy with reference to landscape and biodiversity;*
- *bring benefits for the local community through GI provision and access to and contact with nature.*

Provision and integration of GI, as well as providing technical function, also offers ways of enhancing landscape character and distinctiveness. The way in which landscape and open spaces are organised can make a significant contribution to the character and success of a development. It is critical that this is a consideration at an early stage in the design process. Guidance outlined in Vol2 of this guide for responding in various ways to settlement form and site situation includes ways that landscape elements can be employed for effective placemaking advantage.

Overall, the design and integration of GI and inclusion of individual green spaces within development should look to follow the methodology outlined in Vol2 of this design guide which identifies suitable responses to the settlement form and character within the landscapes of Mid Devon. Landscape interventions of all scales can contribute, as development can, to the character and function of settlements within the landscape.

Further guidance on the design processes for GI and green space can be found in the references provided above.

### **Other design considerations**

All development, even at a small scale, should consider the importance of strategic and environmentally integrated masterplan approaches to green and blue infrastructure and the role and integration of open space suitable to the development and its location. This will often mean considering the position and role of GI and open space first to benefit from the multiple contributions they can make to the identity and function of a place. The various principles outlined throughout this guide have relevance to the positioning and design of GI and open space. Local Plan Policy S5 (Public Open Space) establishes quantitative standards which should be considered in association with this guide.

This page is intentionally left blank

**The Mid Devon Landscape** Page 4

The first step in guiding the design of development across Mid Devon is to recognise the way in which the landscape of the district has already guided, and continues to guide human's activity and their response to the strategic constraints placed upon them by the landscape in which they have lived over the ages

**Landscape Character Areas** Page 5

The Mid Devon Landscape Character Assessment work identifies 12 LCTs, chosen from the Devon Menu. Users of this guide should identify and become familiar with the character area(s) relevant to a development proposals and explore how design can incorporate and respond to the characteristics and features of those particular areas.

**Settlement Character** Page 7

The Town & Settlement Character Assessment carried out by Mid Devon District Council identifies 10 Settlement Character Areas which are a synthesis of landscape and townscape factors. Users of this guide should consider the location of their site with reference to the settlement character areas and identify the characteristics and features will may influence the design.

**Identifying Site Situation** Page 45

Identify where the site for development may be situated within the settlement. The section should be read and applied with close reference to Volume 3: The Compendium of District Design in order to identify architectural features and other detailed design considerations which can be used as tools to achieve the site situation design principles.

- Between Isolated Page 47
- Between Joining Page 49
- Corner Page 51
- Edge Page 53
- Edge Between Page 55
- Edge on a Limb Page 57
- Edge to Satellite Page 59
- Gateway Page 61
- Infill Page 63
- Inside Core Page 65
- Open Space Page 67
- Out on Limb Page 67
- Thoroughfare Page 69

**Settlement Typologies** Page 27

The distinctiveness of the Mid Devon district is born out of the influence the landscape has had on the emerging settlement form over time. Using the descriptions in the Guide, identify the form of the settlement where development is being considered recognising that any settlement may display features of more than one typology:

- Central Square or Green Page 31
- Patchwork Page 33
- Linear Page 35
- Enclosed Core Page 37
- Divided Page 39
- Dispersed Page 41
- Cross Roads Page 43

**Main Towns** Page 10

Design Guidance for the main towns therefore is more usefully steered towards encouraging the enhancement of recognisable assets and strengths of the towns and overcoming weaknesses and threats.

If development is proposed in one of the 3 main towns, Tiverton, Cullompton or Crediton then after an initial broad observation of how each settlement is positioned in the Landscape in order to identify the main drivers of identity and distinctiveness in each of the 3 places, users of the guide should identify how design can taken account of the following aspects:

- Settlement form
- Site situation
- Town framework plan
- Identify the components of the town to which design of development can contribute positively

**Landscape Variations** Page 29

Many settlement forms occur in different landscape situations and this can have a bearing on the design approach taken. Identify whether the settlement is influenced by any of the following:

- Valley
- Hillside
- Hilltop
- Low Lying
- Undulating

**The Countryside** Page 74

In the countryside, development contributes in particular ways to the visual distinctiveness of the District. Whether adapting existing development or proposing new buildings, consider which of the following typologies and accompanying principles are relevant:

- Farmyard Cluster
- Manor House
- Ribbon/Terrace
- Isolated Building which form Landmarks in the Landscape

The Compendium of District Design provides a rich resource of examples of different architectural treatments and features from around Mid Devon based on extensive site survey work. These categories have been defined as a toolkit for consideration alongside designing for Landscape and Settlement form, and for use in identifying appropriate ways of responding to the different parameters of a site situation. Each chapter is accompanied by examples of locations where these treatments and features occur around the District.

Consider which of the following treatments and features can be used in articulating the parameters outlined in the site situation guidance:

- Public Realm
- Proportion & Scale
- Frontages & Elevations
- Boundaries & Thresholds
- Doors & Porches
- Windows
- Materials
- Roofs & Dormers
- Chimneys
- Extensions & Alterations
- Parking & Transport
- Page 533**
- Agricultural & Commercial Buildings

While previous volumes in this document have encouraged a bespoke approach to landscape, settlement and site there are also a series of more generic principles applicable to good placemaking and which all development should have concern for. This series of special topics are areas within the Local Plan in which design has a key role in facilitating good outcomes.

- Designing for Community Page 3
- Designing for Health & Well Being Page 5 
  - Maximise natural lighting
  - Contribute to a stimulating environment
  - Foster an inclusive and equitable environment
  - Encourage active lifestyles, including walking and cycling
  - Provide opportunities for healthy eating
  - Enable people interaction
  - Support and not harm local vernacular
- Design, Housing Delivery & Viability Page 7
- Designing for Accessibility & Inclusiveness Page 9
- Employment & Commercial Development Page 11
- Self & Custom Build Page 13
- Green Infrastructure & Biodiversity Page 15



**Mid Devon**  
DISTRICT COUNCIL

Prepared on behalf of Mid Devon District Council by:



in conjunction with:

**Hilton Barnfield**  
Architects

and:



# Pocket Summary Checklist

September 2020

Mid Devon District Design Guide

Structure first. Detail later

The Guide provides a structure by which a proposal for development can demonstrate its strategic role and the way in which detailed design complements this.

In the first instance the design process should consider how the landscape context influences design.

Secondly, the Guide provides a method of understanding settlement form with reference to 7 settlement typologies (more than one may apply to any given situation).

In the Main Towns, Tiverton, Cullompton and Crediton a framework of components which contribute to the towns character and function are provided which development should look to contribute positively to.

Sites will be located in different places relative to the settlement form and the Guide provides help in understanding how different site situations provide different opportunities to contribute to the character of the settlement.

The Guide also provides a variety of overarching guidance for consideration in a variety of development scenarios.

The Pocket Summary

The Design Guide has been developed to assist developers and the local authority stakeholders in ensuring high quality and locally distinctive design proposals for the development across Mid Devon District.

For the benefit of all interested parties using this document, this pocket summary provides the contents of the Design Guide summarised as a one page checklist, enabling applicants, planning officers and council members to ensure that applications consider all aspects through their design. However, it must be stressed that this remains a summary of the Guide and applicants are expected to familiarise themselves with all content within the Design Guide.

Local Distinctiveness

Throughout the Design Guide, significant emphasis is placed upon discovering and contributing to the distinctive pattern and form displayed by Mid Devon settlements within the varied landscape across the district. It does this by following a methodical categorisation process of landscape character and settlement form and encourages responses to these according to a site's situation and by providing a toolkit of architectural treatments and features.

Mid Devon District Design Guide

# Pocket Summary checklist

September 2020

### Structure first, Detail later

The Guide provides a structure by which a proposal for development can demonstrate its strategic role and the way in which detailed design compliments this.

In the first instance the design process should consider how the landscape context influences design.

Secondly, the Guide provides a method of understanding settlement form with reference to 7 settlement typologies (more than one may apply to any given situation).

In the Main Towns, Tiverton, Cullompton and Crediton a framework of components which contribute to the towns character and function are provided which development should look to contribute positively to.

Sites will be located in different places relative to the settlement form and the Guide provides help in understanding how different site situations provide different opportunities to contribute to the character of the settlement.

The Guide also provides a variety of overarching guidance for consideration in a variety of development scenarios.

### The Pocket Summary

The Design Guide has been developed to assist developers and the local authority stakeholders in ensuring high quality and locally distinctive design proposals for the development across Mid Devon District.

For the benefit of all interested parties using this document, this pocket summary provides the contents of the Design Guide summarised as a one page checklist, enabling applicants, planning officers and council members to ensure that applications consider all aspects through their design. However, it must be stressed that this remains a summary of the Guide and applicants are expected to familiarise themselves with all content within the Design Guide.

### Local Distinctiveness

Throughout the Design Guide, significant emphasis is placed upon discovering and contributing to the distinctive pattern and form displayed by Mid Devon settlements within the varied landscape across the district. It does this by following a methodical categorisation process of landscape character and settlement form and encourages responses to these according to a site's situation and by providing a toolkit of architectural treatments and features.



This page is intentionally left blank



## **Draft Mid Devon Design Guide Supplementary Planning Document**

## **Strategic Environmental Assessment Screening Report**

**November 2019**

## 1.0 Mid Devon Design Guide

### *Purpose, scope and content*

- 1.1 Mid Devon District Council has used consultants, DHUD Ltd in conjunction with Hilton Barnfield Architects and Hyas Associates Ltd, to help prepare a Design Guide for Mid Devon District. This is currently in a Draft form, intended for public consultation.
- 1.2 The purpose of the Mid Devon Design Guide is provide detailed guidance on urban, village and rural design in Mid Devon that can be used to help improve the design of development proposals submitted to the Council for determination and inform the decisions made on these.
- 1.3 The Mid Devon Design Guide has been prepared with regard to character and local distinctiveness of the district, including its landscape and settlements, and also taking into consideration health, climate change and sustainability.
- 1.4 The Mid Devon Design Guide comprises four volumes: Procedural; Settlement and Landscape; Compendium of District Design; and, Special Topic Sheets. It also includes a Pocket Toolkit.
- 1.5 The Mid Devon Design Guide includes eleven core principles:
  - CP1 Supporting, through design, Mid Devon District Council's and Devon County Council's commitment to creating a carbon zero district and county by 2030;
  - CP2 Identifying and facilitating local distinctiveness;
  - CP3 Representing in design, the unique landscape and settlement form of Mid Devon and the interaction between the two;
  - CP4 Providing a variety of non-prescriptive guidance usable in a range of ways;
  - CP5 Facilitating and maintaining design conversation which remains focussed on, and is proportionate to relevant issues;
  - CP6 Enabling continuity of approach and decision making;
  - CP7 Labour saving (providing a rich source of contextual information and other analysis);
  - CP8 Bringing political awareness of distinctiveness and the tools available to uphold high quality design;
  - CP9 Enabling a comprehensive design consideration through context appreciation;
  - CP10 Enabling better, more evidenced, policy compliance;
  - CP11 Enabling the preparation of evidenced Design and Access statements which demonstrate how planning proposals contribute positively to landscape and settlement distinctiveness by using the framework the Guide provides.

### *Relationship with the National Planning Policy and the National Design Guide*

- 1.6 The National Planning Policy Framework (2019) paragraph 124 makes clear "the creation of high quality buildings and places is fundamental to what the planning and development

process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development more acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this". Paragraph 126 adds "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design." The Mid Devon Design Guide is consistent with the National Planning Policy Framework.

- 1.7 The Government published the National Design Guide in October 2019. This provides a common overarching framework for design based on ten characteristics reflecting the Government's priorities for design. It also highlights the importance of local Design Guides in setting out and understanding the local context and analysis of local character and identity. The Mid Devon Design Guide complements the National Design Guide by doing this.

#### *Relationship with the Mid Devon Local Plan*

- 1.8 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.9 The Local Plan Review Policy DM1 High Quality Design will provide the policy baseline for the more detailed guidance included in the Mid Devon Design Guide:

#### ***Policy DM1***

#### ***High Quality Design***

*Designs of new development must be of high quality, based upon and demonstrating the following principles:*

- a. *Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b. *Efficient and effective use of the site, having regard to criterion (a);*
- c. *Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d. *Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e. *Visually attractive places that are well integrated with surrounding buildings, streets, landscapes and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring uses, taking account of:*
  - i. *Architecture*
  - ii. *Siting, layout, scale and massing*
  - iii. *Orientation and fenestration*

- iv. *Materials, landscaping and green infrastructure*
- f. *Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.*

1.10 At the time of preparing the Mid Devon Design Guide, the Council has followed post examination hearings advice from the Planning Inspector and has proposed Main Modifications to Policy DM1. These include the addition of three further criteria to Policy DM1 as follows:

- g) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) *Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) *On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M ‘access to and use of dwellings’.*

1.11 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Design Guide SPD*

1.12 The Mid Devon Design Guide will be adopted by the Council as a Supplementary Planning Document (SPD). The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

**2.0 SEA and SEA Screening**

*Strategic Environmental Assessment*

2.1 The requirement for a Strategic Environmental Assessment (SEA) arises from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (hereafter referred to as the SEA Directive). This has been transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (referred to as the ‘SEA Regulations’). This legislation places an obligation on local authorities to undertake SEA on any plan or programme prepared for town and country planning or land use purposes and which sets the framework for future development consent of certain projects.

*Screening*

2.2 The 2008 Planning Act has removed the requirement to undertake a Sustainability Appraisal (SA) for an SPD. However, this has not replaced the requirement to establish whether an SPD requires Strategic Environmental Assessment (SEA). SEA is required in some limited situations where a Supplementary Planning Document (SPD) could have significant environmental effects.

- 2.3 In order to establish whether SEA is required the fundamental consideration is whether the document is likely to have 'significant environmental effects'. This is done through a screening assessment. If the screening assessment indicates that there could be significant effects, an SEA is needed.
- 2.4 A Practical Guide to the SEA Directive was published by the Department of the Environment, Office of the Deputy Prime Minister (2005). This sets out practical guidance on applying the SEA Directive on the assessment of the effects of certain plans and programmes on the environment. The practical guidance includes a flow chart (figure 2) which illustrates the process for screening a planning document to establish whether a full SEA is needed.

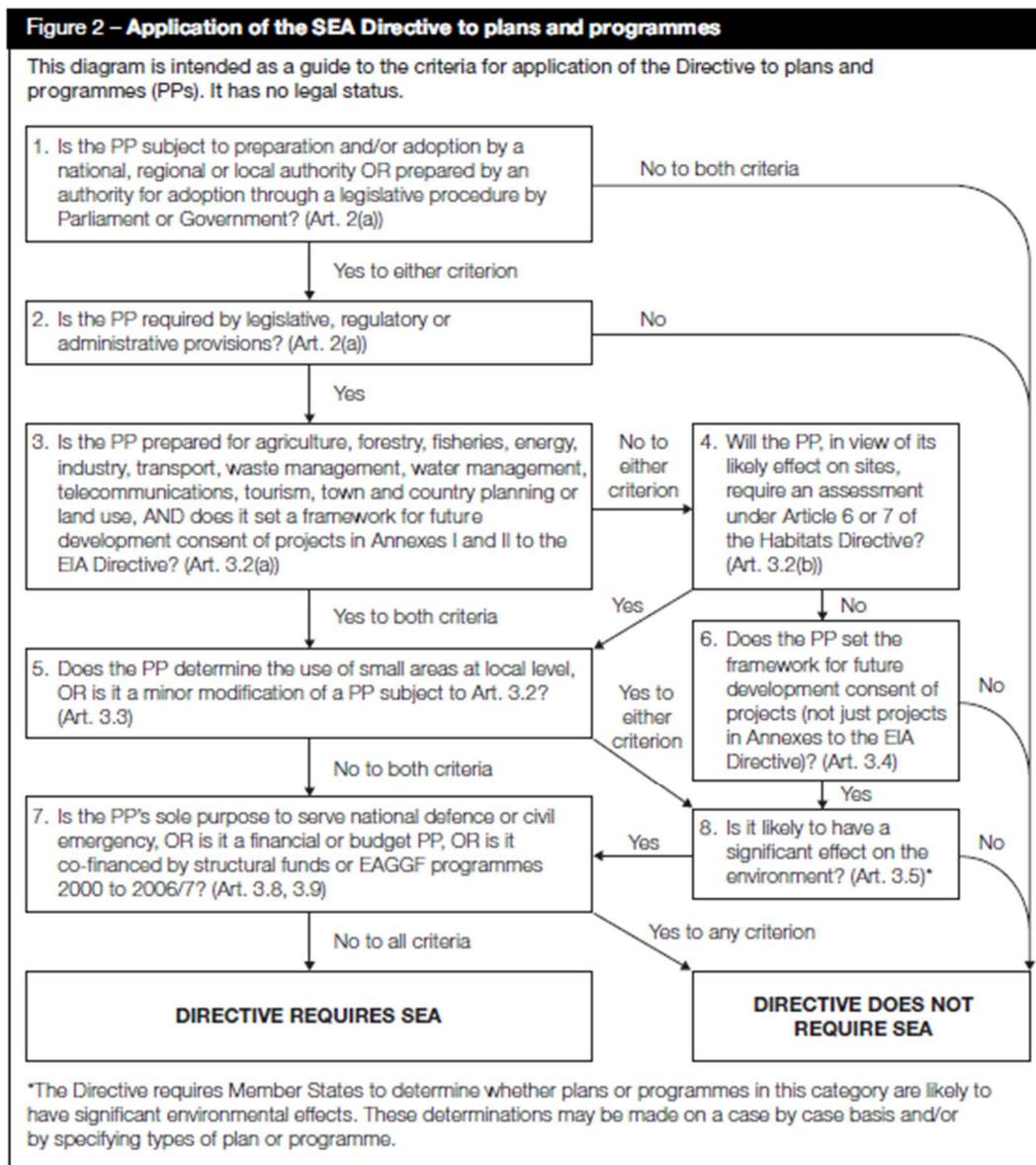


Diagram 1: Application of the SEA Direct to plans and programmes (Figure 2 extracted from 'A practical guide to the Strategic Environmental Assessment Directive')

- 2.5 Table 1 below sets out the Council’s response to the above questions in order to clearly assess the whether there is a requirement for the Mid Devon Design Guide SPD to be subject a full SEA.
- 2.6 Table 2 provides the Council’s assessment of likely significant effects of the Mid Devon Design Guide SPD on the environment, in accordance with the screening report process in Table 1.

**Table 1: Screening of the Mid Devon Design Guide SPD**

Stage	Y/N	Reason
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art.2(a))	Y	The preparation and adoption of the SPD is allowed under the Town and Country Planning Act 1990. The process in preparing the SPD is in accordance with the Town and Country Planning (Local Planning) Regulations 2012.  <b>Go to STAGE 2</b>
2. Is the SPD required by legislative, regulatory or administrative provisions? (Art.2(a))	Y	Although the SPD is not a requirement under the provisions of the Town and Country Planning Act 1990, if adopted it will form part of the Local Plan and supplement development plan policies. It is therefore important that the screening process is precautionary and considers whether it is likely to have significant environment effects and hence whether SEA is required under the Directive.  <b>Go to STAGE 3.</b>
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Y	The SPD has been prepared for the purposes of town and country planning. It supplements policies in the Mid Devon Local Plan Review (2013-2033) by providing detailed guidance as to how these policies are interpreted in relation to design in new development.  The area covered is more than 5 hectares and the design guide will be used in development of more than 150 dwellings and other major developments. Although the design guide does not create new policy or identity specific sites for development.  <b>Go to STAGE 5</b>
4. Will the SPD, in view of this likely effect on sites require an assessment under Article 6 or 7 of the Habitats Directive? (Art.3.2(b))		<b>Not Applicable</b>  The SPD has been subject to a separate Habitat Regulations Assessment screening which has concluded the SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-

	combination with other plans or projects and further 'Appropriate Assessment' is not required.	
5. Does the SPD determine the use of small areas at local level, OR is it a minor modification of a plan or programme subject to Art 3.2? (Art.3.3)	N	The SPD does not determine the use of small areas at local level as it is supplementary to the Mid Devon Local Plan Review (2013-2033) which does this and it is not a minor modification of a plan or programme subject to Article 3.2.  <b>Go to STAGE 8</b>
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	<b>Not applicable</b>	
7. Is the SPD's sole purpose to serve national defence or civil emergency, OR is it a financial or budget plan or programme, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	<b>Not applicable</b>	
8. Is it likely to have a significant effect on the environment? (Art. 3.4)	N	See Part 2, assessment of the likely significant effects on the environment. This concludes that the SPD is unlikely to have a significant effect on the Environment.  <b>DIRECTIVE DOES NOT REQUIRE SEA of the SPD</b>

**Table 2: Determining the likely significance of effects of the Mid Devon Design Guide SPD on the environment**

Criteria specified schedule 1 SEA Regulations	Likely significant environmental effect (Y/N)	Reason
1. The characteristics of plans and programmes, having regard, in particular, to -		
a) The degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	N	The SPD, if adopted will help implement the relevant design policies of the Local Plan and therefore contribute to the framework for future development consent. The Local Plan has been subject to Sustainability Appraisal (SA) and therefore SEA.
b) The degree to which the SPD influences other plans and programmes including those in a hierarchy;	N	The SPD is in conformity with the National Planning Policy Framework and Mid Devon Local Plan Review 2013-2033 policies. The SPD will not significantly influence other plans and

		programmes, it supplements the Local Plan which has been subject to SA and therefore SEA.
c) The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development;	N	The SPD will help raise design standards in development proposals. One of the core principles of the SPD is to support, through design, the Council's commitment to achieving net zero carbon emissions by 2030. The Design Guide SPD has regard throughout to climate change. The Design Guide acknowledges that good design is a key aspect of sustainable development and seeks to achieve this by providing clarity on design process, design expectations and how these will be tested through the planning process. As a result, it seeks to facilitate high quality housing and other developments based on sound urban design principles. It seeks to develop buildings of high environmental quality in their appearance and long term durability. It seeks to make best use of green infrastructure and encourages best practice in sustainable development which will help reduce the risk of flooding.
d) Environmental problems relevant to the SPD; and	N	The environmental problems are consistent with those typically found in Mid Devon, these include air quality, flood risk, noise and biodiversity. Planning policy in relation to these environmental problems is principally established through the National Planning Policy Framework and the Mid Devon Local Plan Review. However, the SPD provides guidance on maintaining distinctiveness and the value this espouses in environmental, social and economic terms, coupled inextricably to the character of the landscape. The Design Guide establishes a process to ensure that developments can effectively respond to landscape and settlement form. Therefore, positive environmental impacts are predicted.

e) The relevance of the SPD for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	N	The SPD is not directly relevant to the implementation of European legislation including the Water Framework Directive.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to -		
a) The probability, duration, frequency and reversibility of the effects;	N	The SPD seeks to ensure development is of an appropriate scale, suitably designed with consideration of the impact on amenity, character of area and environmental impact. Therefore positive social and environmental impacts are predicted. Long-term significant adverse effects are not anticipated.
b) The cumulative nature of the effects;	N	The SPD is in conformity with the strategic policies in Local Plan Review 2013-2033 and it is intended that the effects will have a positive cumulative effect in the area.
c) The transboundary nature of the effects	N	There are not expected to be any significant trans-boundary effects. The design guide SPD seeks to provide good practice in the design of development within Mid Devon District.
d) The risks to human health or the environment (for example, due to accidents);	N	The SPD is likely to have a positive impact on human health by encouraging high quality accommodation and development. There are no significant risks to human health.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	N	The SPD applies to the Mid Devon District Area with the impacts likely to be felt by a significant proportion of the District population (approximately 80,000) where development occurs.
f) The value and vulnerability of the area likely to be affected due to – (i) Special nature characteristics or cultural heritage; (ii) Exceeded environmental quality standards or limit values; or (iii) Intensive land-use	N	Mid Devon has a number of heritage assets across the area. These are covered by other policies in the Local Plan and specific legislation. The SPD seeks a positive approach to maintain, or improve the setting of these assets through careful consideration of landscape and settlement form. The SPD seeks to guide development in keeping with

		the principles of national, regional and local strategic policy and seek to prevent over intensive development.
g) The effects on areas or landscapes which have a recognised natural, Community or international protection status.	N	The SPD seeks to promote good design and therefore is likely to have a positive effect on areas or landscapes which have a recognised natural, Community or international protection status including the Blackdown Hills AONB and Dartmoor National Park.

### 3.0 Conclusions

3.1 This SEA screening has identified that the draft Mid Devon Design Guide SPD is unlikely to have significant effects on the environment.

3.2 The SEA screening has also found that there is no requirement for the Mid Devon Design Guide SPD to be subject to a full SEA.

### 4.0 Next steps

4.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.

4.2 The screening opinion will be published alongside the Draft Mid Devon Design Guide and will also be subject to public consultation.



## **Draft Mid Devon Design Guide Supplementary Planning Document**

## **Habitat Regulations Assessment Screening Report**

**November 2019**

## **1.0 Mid Devon Design Guide**

### *Purpose, scope and content*

- 1.1 Mid Devon District Council has used consultants, DHUD Ltd in conjunction with Hilton Barnfield Architects and Hyas Associates Ltd, to help prepare a Design Guide for Mid Devon District. This is currently in a Draft form, intended for public consultation.
- 1.2 The purpose of the Mid Devon Design Guide is provide detailed guidance on urban, village and rural design in Mid Devon that can be used to help improve the design of development proposals submitted to the Council for determination and inform the decisions made on these.
- 1.3 The Mid Devon Design Guide has been prepared with regard to character and local distinctiveness of the district, including its landscape and settlements, and also taking into consideration health, climate change and sustainability.
- 1.4 The Mid Devon Design Guide comprises four volumes: Procedural; Settlement and Landscape; Compendium of District Design; and, Special Topic Sheets. It also includes a Pocket Toolkit.
- 1.5 The Mid Devon Design Guide includes eleven core principles:
  - CP1 Supporting, through design, Mid Devon District Council's and Devon County Council's commitment to creating a carbon zero district and county by 2030;
  - CP2 Identifying and facilitating local distinctiveness;
  - CP3 Representing in design, the unique landscape and settlement form of Mid Devon and the interaction between the two;
  - CP4 Providing a variety of non-prescriptive guidance usable in a range of ways;
  - CP5 Facilitating and maintaining design conversation which remains focussed on, and is proportionate to relevant issues;
  - CP6 Enabling continuity of approach and decision making;
  - CP7 Labour saving (providing a rich source of contextual information and other analysis);
  - CP8 Bringing political awareness of distinctiveness and the tools available to uphold high quality design;
  - CP9 Enabling a comprehensive design consideration through context appreciation;
  - CP10 Enabling better, more evidenced, policy compliance;
  - CP11 Enabling the preparation of evidenced Design and Access statements which demonstrate how planning proposals contribute positively to landscape and settlement distinctiveness by using the framework the Guide provides.

### *Relationship with the National Planning Policy and the National Design Guide*

- 1.6 The National Planning Policy Framework (2019) paragraph 124 makes clear "the creation of high quality buildings and places is fundamental to what the planning and development

process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development more acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this". Paragraph 126 adds "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design." The Mid Devon Design Guide is consistent with the National Planning Policy Framework.

- 1.7 The Government published the National Design Guide in October 2019. This provides a common overarching framework for design based on ten characteristics reflecting the Government's priorities for design. It also highlights the importance of local Design Guides in setting out and understanding the local context and analysis of local character and identity. The Mid Devon Design Guide complements the National Design Guide by doing this.

*Relationship with the Mid Devon Local Plan*

- 1.8 The Council is preparing a new local plan for Mid Devon. The Mid Devon Local Plan Review 2013-2033 ("Local Plan Review") is at an advanced stage in its preparation. It is currently being examined by an Inspector appointed by the Planning Inspectorate and is currently subject to a main modifications stage. It is anticipated it will be adopted in the spring 2020. Once adopted the Local Plan Review will replace the current Mid Devon Local Plan, which includes:

- Core Strategy (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Development Management Policies (adopted 2013)

- 1.9 The Local Plan Review Policy DM1 High Quality Design will provide the policy baseline for the more detailed guidance included in the Mid Devon Design Guide:

***Policy DM1***

***High Quality Design***

*Designs of new development must be of high quality, based upon and demonstrating the following principles:*

- a. *Clear understanding of the characteristics of the site, its wider context and the surrounding area;*
- b. *Efficient and effective use of the site, having regard to criterion (a);*
- c. *Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;*
- d. *Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;*
- e. *Visually attractive places that are well integrated with surrounding buildings, streets, landscapes and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring uses, taking account of:*
  - i. *Architecture*
  - ii. *Siting, layout, scale and massing*
  - iii. *Orientation and fenestration*

- iv. *Materials, landscaping and green infrastructure*
- f. *Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available.*

1.10 At the time of preparing the Mid Devon Design Guide, the Council has followed post examination hearings advice from the Planning Inspector and has proposed a Main Modification to Policy DM1. These include the addition of three further criteria to Policy DM1 as follows:

- g) *Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;*
- h) *Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and*
- i) *On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.*

1.11 The Mid Devon Local Plan Review (2013 – 2033) has been subject to a Sustainability Appraisal (SA) , which has incorporated a Strategic Environmental Assessment (SEA). The Local Plan Review has also been subject to a Habitat Regulations Assessment.

*Status of the Mid Devon Design Guide SPD*

1.12 The Mid Devon Design Guide will be adopted by the Council as a Supplementary Planning Document (SPD). The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications.

**2.0 Habitat Regulations Assessment**

*Habitat Regulations Assessment*

2.1 A Habitat Regulations Assessment (HRA) refers to the several distinct stages of Assessment. These must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine whether a plan or project may affect the protected features of a European site ('habitats site') identified under these regulations before deciding whether to undertake, permit or authorise it.

*Screening*

2.2 All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration is typically referred to as the 'Habitats Regulations Assessment screening' and should take into account the potential effects both of the plan/project itself and in combination with other plans or projects.

- 2.3 Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives must be undertaken. A plan or project may be agreed to only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 2.4 In April 2018, the Court of Justice of the European Union delivered its judgement in Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta (‘People over Wind’). The judgment clarified that making screening decisions as part of the HRA and for the purposes of deciding whether an appropriate assessment is require, mitigation measures cannot be taken into account. Mitigation measures intended to avoid or reduce the harmful effects of a plan or project can only be taken into account at the appropriate assessment stage.
- 2.5 The Mid Devon Design Guide SPD has been ‘screened’ for the purpose of Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 as amended and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

**3.0 Habitats site**

- 3.1 A Habitats site refers to any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.
- 3.2 There are no Habitats sites within Mid Devon although there are 11 such sites within 10km (Table 1), the closest being the Culm Grasslands SAC which lies immediately adjacent to the north western boundary of Mid Devon District.

Table 1: Habitats Sites within 10km of Mid Devon District		
Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)	Ramsar Sites
<ul style="list-style-type: none"> <li>• East Devon Pebblebed Heaths</li> <li>• Culm Grasslands</li> <li>• South Dartmoor Woods</li> <li>• Holme Moor and Clean Moore</li> <li>• Dartmoor</li> <li>• Exmoor Heaths</li> <li>• Quants</li> <li>• Exmoor and Quantock Oakwoods</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> <li>• East Devon Heaths</li> </ul>	<ul style="list-style-type: none"> <li>• Exe Estuary</li> </ul>

### *Potential Impacts on Habitats Site*

3.3 There are a number of categories that can affect Habitats Sites which include:

- Physical Loss
- Physical Damage
- Non-physical disturbance
- Water table/availability
- Toxic contamination
- Non-toxic contamination
- Biological disturbance

#### **4.0 Mid Devon Local Plan Review 2013 – 2033 HRA**

4.1 As the competent authority under The Conservation of Habitats and Species Regulations (2010) (now 2017 as amended) Mid Devon District Council has been required to assess its Local Plan Review 2013-2033 as part of the HRA process.

4.2 A full HRA Report for the Mid Devon Local Plan Review 2013-2033 was undertaken March 2015 and related to the Publication Draft version of the Local Plan Review. This concluded that adverse effects on the integrity of European sites (referred to in this report as Habitats sites) around Mid Devon from policy and site options in the new Local Plan, either alone or in combination with other plans, will not occur.

4.3 Two HRA Addenda were prepared in 2016. The first (dated August 2016) was prepared in order to update the findings of the March 2015 HRA Report in light of changes to the supply of housing and employment land that were made in the Submission version of the Local Plan Review. The HRA Addendum screened the changes to policies in the Local Plan Review and concluded that, for each change, the screening conclusions of the March 2015 HRA Report would have been the same and the same Appropriate Assessment work would therefore have been undertaken. The second HRA Addendum (December 2016) presented Appropriate Assessment work that was undertaken in relation to potential air pollution impacts on the Culm Grasslands SAC that could result from development at Junction 27 and the associated additional housing required.

4.4 A third HRA addendum was prepared in October 2019 which presented an assessment of the proposed Main Modifications raised by the Planning Inspector appointed by the Secretary of State to undertake the independent examination of the Mid Devon Local Plan Review (2013-2033). This concluded that the HRA for the Mid Devon Local Plan Review remain that the Local Plan Review (taking into account the Proposed Main Modifications) is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. These proposed Main Modifications include the proposed Main Modification to Mid Devon Local Plan Review Policy DM1 High Quality Design. The third HRA addendum has found that the proposed Main Modification to Policy DM1 does not change the HRA findings previously reported.

## **5.0 Mid Devon Design Guide SPD HRA Screening**

- 5.1 The Mid Devon Design Guide SPD expands upon policies within the Mid Devon Local Plan Review 2013-2033. The SPD does not introduce new policies or proposals outside the scope of the Local Plan Review. Policies in the Mid Devon Local Plan Review, including Policy DM1 High Quality Design have already been subject to HRA with the conclusion that the Mid Devon Local Plan Review is not likely to have adverse effects on the integrity of European sites (referred to in this report as Habitats sites), either alone or in-combination with other plans or projects. The Design Guide SPD does not result in development itself but seeks to guide development in providing good design. The Mid Devon Design Guide SPD is therefore not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **6.0 Conclusion**

- 6.1 This screening report has identified that the draft Mid Devon Design Guide SPD is not likely to have significant adverse effects on the integrity of Habitats sites, either alone or in-combination with other plans or projects and further 'Appropriate Assessment' is not required.

## **7.0 Next steps**

- 7.1 This screening opinion will be subject to consultation with the three designated consultation bodies – Historic England, Natural England, and the Environment Agency.
- 7.2 The screening opinion will be published alongside the Draft Mid Devon Design Guide and will also be subject to public consultation.

This page is intentionally left blank

# Mid Devon Design Guide – Supplementary Planning Document Consultation Statement

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Planning) (England) Regulations 2012  
Regulation 12

## Public Consultation (2020)

The Council carried out a public consultation on a new Design Guide Supplementary Planning Document (SPD). The SPD includes guidance on the design of new buildings in Mid Devon and helps to raise awareness and standards throughout the planning process. The consultation took place from 11 May – 6 July 2020.

The Council wrote to 3,526 people on the Forward Planning Consultation database. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils
- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)
- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Information on the Council's website
- Social media updates

The SPD has been screened for the purpose of Strategic Environmental Assessment and Habitat Regulations Assessment. The Environment Agency, Historic England and Natural England have been consulted on the draft determination that no Strategic Environmental Assessment or Appropriate Assessment is required. Historic England and Natural England confirmed that they concur with the Council's determination. No response was received from the Environment Agency.

The Council invited people to make representations by post or email. A total of 36 valid responses and 1 late representation was received. The following table sets out a summary of the main comments raised during the consultation, along with a response explaining how these have been addressed in the draft Supplementary Planning Document:

Summary of Representation	Response
<b>General Comments</b>	
<p>Historic England supports the intent of this draft Design Guide to secure good design for new development that understands and responds to its landscape, townscape and/or settlement context, reinforces local character and distinctiveness, and contributes to sustainable development. (9 – Historic England)</p>	<p>Support noted.</p>
<p>Support the three step design process outlined in the document. However, there will be many developments of different types and scales taking place in locations that will directly and/or indirectly affect the significance of designated and non-designated heritage assets, including their settings, as well as wider historic landscape and/or townscapes. We are concerned that the inter—relationships between the context and design of new development and the historic environment have not been adequately covered throughout the draft SPD (9 – Historic England).</p>	<p>The Council acknowledges that developments of different types and scales in different locations will directly and/or indirectly affect the significance of designated and non-designated heritage assets. It is considered that the relationship between the context and design of new development is adequately covered throughout the Council’s adopted Local Plan and therefore it is not necessary to repeat this within this SPD.</p>
<p>Green Infrastructure – The SPD could consider making provision for GI within development. (12 – Natural England).</p>	<p>Comments noted and agreed. The Design Guide now includes an additional topic sheet on green infrastructure and biodiversity. Additions have also been incorporated into the ‘site situations’ sheets to reflect that open space and green infrastructure are important elements in addressing the principles of responding to site situations and should be considered alongside built elements’.</p>
<p>Biodiversity enhancement – SPD could consider incorporating features which are beneficial to wildlife within development in line with para 118 of the NPPF – e.g. level of bat roost or bird box provision within the built structure or other measure to enhance biodiversity in the urban environment. (12 – Natural England)</p>	<p>Comments noted and agreed. The Design Guide now includes an additional topic sheet on green infrastructure and biodiversity.</p>
<p>Landscape enhancement - Opportunities to consider how development might make a positive contribution to the character and</p>	<p>Comments noted. Please see green infrastructure and biodiversity topic sheet.</p>

<p>functions of the landscape. E.g. it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed to do so, and where mature trees are retained on site, provision is made for succession planning. (12 – Natural England)</p>	
<p>Other design considerations – NPPF includes a number of design principles which could be considered including the impacts of lighting on landscape and biodiversity. (12 – Natural England)</p>	<p>Comments noted. Please see green infrastructure and biodiversity topic sheet.</p>
<p>Welcome Mid Devon’s intention to deliver sustainable development across the district by encouraging the development of sustainable transport opportunities both within and between settlements, thereby reducing the reliance on the private car (25 – Highways England)</p>	<p>Support noted.</p>
<p>The County Council is in support of the document, which sets out some practical, general design guidance for future developments within the district. (5 – Devon County Council)</p>	<p>Support noted.</p>
<p>Code currently fails to include anything on the need to embed wildlife design principles into existing and new urban areas (See suggestions in rep for further details). (22 – Devon County Council Ecology)</p>	<p>Comments noted. The Design Guide now includes an additional topic sheet on green infrastructure and biodiversity.</p>
<p>The Design guide would be strengthened by including details of:</p> <ol style="list-style-type: none"> <li>1. How existing green space will be protected and enhanced to facilitate connecting people with nature, as this is proven to benefit all aspects of human health, and the economy as well as providing natural capital.</li> <li>2. How new green spaces will be provided to maximise the health and wellbeing potential of a community, enabling connectivity with nature.</li> <li>3. How Mid Devon will ensure sustainability and conservation of natural resources will</li> </ol>	<p>Comments noted and agreed. The Design Guide now includes an additional topic sheet on green infrastructure and biodiversity. With regards to natural resource conservation, the strategic nature of the guide in tackling the integration of environments both urban and landscape does already address the connectivity of people with the natural environment without overt or explicit instruction to do so. As development across Mid Devon becomes more naturally a reflection of the landscape character (which has affected settlement form), this will be a movement of reconnection and reliance upon the qualities and facility of the landscape and natural resources</p>

<p>facilitate the plans to become net zero such as the collection of rainwater, promotion and creation of infrastructure to promote active travel and installation of air source heat pumps to replace boilers.</p> <p>4. How homes and communities will be constructed to promote healthy eating environments (32 – Devon County Council Public Health).</p>	<p>which are highlighted as important here.</p>
<p>Good and useful document although some of it was written in such a way as to be difficult to read (8 – Willand Parish Council)</p>	<p>Comments noted. It is recognised that there is a significant volume of material. This is necessary to capture the rich and varied nature of the landscapes and settlements across Mid Devon. The procedural guide provides guidance on how to navigate through the guide and officers would be happy to provide further advice on this.</p>
<p>Overall, we think this is a comprehensive guide with a thorough approach that will be helpful to councillors at all levels, and to interested residents as well as assisting prospective developers (14 – Crediton NP Steering Group).</p>	<p>Support noted.</p>
<p>Glad to see the first principle behind the guide is to help achieve the aim that MDDC has set itself: to become carbon neutral by 2030. However, we are not clear as to how far that has affected the detail of the guide in promoting energy efficiency and the use of sustainable materials, locally sourced as far as possible (14 – Crediton NP Steering Group).</p>	<p>Comments noted.</p>
<p>Parish Council supports the aspiration to being carbon neutral. Suggest the wording in the document might need to be updated to bring it line with other policies adopted by the Council. It was suggested that it falls down on CP1 and CP11. (8 – Willand Parish Council)</p>	<p>Comments noted. The guide has been reviewed again and further opportunities to strengthen links and references have been incorporated. Additional policy measures will be taken forward through the next local plan as many interventions require a change to development plan policy.</p>
<p>Very little reference to the recently published 2019 National Design Guide, not even to consider the 10 steps required to meet national planning standards.</p> <p>Very little reference to the NPPF within the</p>	<p>Comments noted. It is considered that the 10 characteristics are reflected throughout the Design Guide as a whole. However, for clarity the 10 characteristics have also been incorporated into Volume 1 (page 4) of the Guide. Similarly, the Design Guide has been prepared having regarding</p>

<p>pages of factual content of all four volumes. (17 – Culmstock Parish Council)</p>	<p>to all provisions of national and local policy. It is not considered necessary to duplicate NPPF policy within the guide itself.</p>
<p>Pictures demonstrated the varied and beautiful vernacular nature of the Mid Devon built-environment, but somehow hesitate to show examples of recent designs which “enhance” the charming character of existing settlements (17 – Culmstock Parish Council).</p>	<p>Not agreed, the guide includes many examples of recent developments which make a positive contribution to the character of existing settlements.</p>
<p>Design Guide is premature if it is to have any significant benefit unless it can include any Climate Emergency polices (17 – Culmstock Parish Council).</p>	<p>Not agreed. As a roadmap to net zero carbon emissions emerges with more concrete strategies for the LPAs approach to addressing this, it is these strategies which can then draw upon the Design Guide as the means by which these policies can be implemented.</p>
<p>Various key principles seem to be missing from the body content of the Design Guide. We suggest that the active parts of the guide should be corrected for the following omissions:</p> <ul style="list-style-type: none"> <li>• Enhancement</li> <li>• Renewables</li> <li>• Insulation</li> <li>• Listed buildings</li> <li>• Nature habitats</li> <li>• Thatch, chert, cobbles and local materials</li> <li>• Neighbouring AONB Design Guide – wrongly listed in “Lower” Culm (d17 – Culmstock Parish Council).</li> </ul>	<p>Comments noted. An additional special topic guide has been added to address GI and biodiversity matters. Additional guidance has also been incorporated with regards to the historic environment. Whilst renewables and insulation are important considered, these would necessitate a change to development plan policy and therefore, these matters will be addressed through the next Local Plan review.</p> <p>With regards to the AONB, amended reference now reads: (See also the Blackdown Hills AONB Management Plan 2019-24 and Design Guide for Houses).</p>
<p>Design Guide should include the following:</p> <ul style="list-style-type: none"> <li>• Include energy saving audits</li> <li>• Greater planning weight should be given to minimise energy</li> <li>• EPC ratings should be scrutinised and tightened</li> <li>• EV charging points should be included on every major development</li> <li>• Attach the forthcoming Future Homes Standard</li> </ul> <p>(17 – Culmstock Parish Council)</p>	<p>Comments noted. It is recognised that these are important considerations. However, it is not possible to include many of these within supplementary guidance. These are matters for development plan policy and will therefore be addressed as the Council commences its next Local Plan Review.</p>
<p>The document is particularly thin and there is no recognition in this document that the fact</p>	<p>Comments noted. It is not agreed that the DG does not recognise that Cullompton is the District focus</p>

<p>that Cullompton has become the District focus for development and that the Garden Village Initiative and the need for a Relief Road are not mentioned at all (Late rep – Cullompton Town Council)</p>	<p>for development and the Garden Village. However, it is difficult to be more comprehensive in relation to the Main Towns and specific proposals such as Culm GV as the DG does not seek to act as a stand-alone masterplanning exercise. Rather, the Guide provides a framework that provides a basis for further attention, in this case, through Cullompton Town Centre Masterplan and Culm GV Masterplan SPD.</p>
<p>Guide provides excellent advice on factors that generate building form and layout. However, there is little guidance on how development should relate to natural features in more detail – such as ancient and veteran trees and hedges. (See rep for guidance on Veteran and Ancient Trees and Hedgerows and field patterns) (5 -Ancient Tree Forum)</p>	<p>Comments noted. An additional topic sheet covering green infrastructure and biodiversity has been incorporated which includes reference to how development should relate to natural features including trees of all ages.</p>
<p>Draft design guide makes a lot of references to active design without making a reference to the publication of Active Design. This final version should make reference to the documents that have influenced this guide. (11 – Sport England)</p>	<p>Comments noted. The Active Design Publication has been included within Volume 4 Designing for Health and Wellbeing (page 6).</p>
<p>The Design Guide is very good and comprehensive document but it's more of a technical reference that is not easy to read to a number of readers. Suggest a reformat i.e. split into sections e.g. a single house builder will want different information to that of a volume house builder/master planner. (11 – Sport England)</p>	<p>Comments noted. It is recognised that there are a number of technical references. Where possible, plain English has been used throughout the document but in certain cases, it is necessary to refer to specific terms that are relevant to urban design and architectural principles. The Council is currently considering ways in which the contents of the DG can be presented online.</p>
<p>Final format could be a web based interactive tool rather than a published document/pdf. We would direct you to the Essex Design Guide for format. (11 – Sport England)</p>	
<p>Would have wished to have seen more on topics such as space standards, and car parking but would like to register our strong approval and support for this very comprehensive, interested and well-illustrated collection of documents (19 – Tiverton Civic Society).</p>	<p>Support noted. It is recognised that these are important considerations. However, it is not possible to include many of these within supplementary guidance. These are matters for development plan policy and will therefore be addressed as the Council commences its next Local Plan Review.</p>

<p>Multiple typographical/spelling errors (see rep for details) (19 – Tiverton Civic Society)</p>	<p>Comments noted. These have been corrected, as detailed below:</p> <p>Completed: in Volume 1, ‘an’rather than ‘and’ in column 1; ed DH (Page 9)</p> <p>No Change (page 5): in Volume 2, ‘human’s activity in column 2 ed reads ‘human activity’</p> <p>Completed: (page 4, not page 5) and ‘repsonse’ in column 3, page 5;</p> <p>Completed (page 11, not page 12) ‘comitment’ in column 2, page 12;</p> <p>Not found ‘constrains’ rather than ‘constraints’ in column 1 (Cullompton).</p> <p>Not found Words missing, for instance, in the coloured parts at the base of both pages 9 and 10 in Volume 1;</p> <p>Completed (actually Vol 2).Page 4, column 1, ‘respond to the climate emergency’</p> <p>There should be capital letters, and in some cases, new sentences in places e.g.</p> <p>Completed (Page 13 not 14) ‘North Devon’ on page 14, column 1, in Volume 2;</p> <p>Completed (Page 10 not 11) ‘However’ on page 11, column 3, Volume 2,</p> <p>Completed (Page 5 not 6) and column 1 of page 6 in Volume 4.</p> <p>Disagree (appropriate terminology to express the ‘exception to’ (outside of) main towns or village boundaries:</p> <p>The words ‘outside of’ appear frequently, and are unnecessary, for instance,</p> <p>in Volume 1, page 6, column 3;</p> <p>in Volume 2, lines 75 and 79;</p>
---	---

	<p>in Volume 3, pages 3 and 17.</p> <p>Enormously lengthy and abstruse sentences, as many as 14 lines long, occur fairly frequently, and, in each case, would read much more clearly if broken down into several separate sections. Examples include examples in</p> <p>Amended: columns 1 and 3 on page 6 of Volume 1,</p> <p>Disagree: and column 2 of page 8 in Volume 4.</p> <p>Amended: The new paragraph on page 27, Volume 2, column 3, should not start with 'For instance' (or should this be part of the previous paragraph?)</p>
<p>Well-presented set of documents and we support much of its contents. However, we would suggest that there should be mention of Mid Devon's rich archaeological heritage, both as a constraint and as an opportunity. The SPD should also refer to the Devon County Historic Environment Record as a key resource. (23 – Devon Archaeological Society)</p>	<p>Comments noted. Reference to the Devon County Historic Environment Record as a key resource has been incorporated.</p>
<p>Reference to Modern Methods of Construction, specifically volumetric modular buildings is currently absent from the document despite the District having a Garden Village.</p> <p>(21 – Latis Group Ltd c/o Montagu Evans LLP).</p>	<p>Comments noted. The Council is currently preparing an additional Supplementary Planning Document in relation to Custom and Self Build. This will also include consideration of Modern Methods of Construction.</p>
<p>The DG gives the impression that it is aimed at very small development parcels, small infills and narrow edge extensions. It is not very clear how the design for bigger sites should be approached (24 – Taylor Wimpey)</p>	<p>This is not a site allocations document and therefore is intended as supplementary to work already in place in those two areas. AS a result it responds to the majority of development and its relative contribution to the settlement. In cases where larger (strategic) development is proposed in policy, policy also requires a more comprehensive masterplanning and design coding in these areas.</p>
<p>Some parts of the guide are incredibly prescriptive (various diagrams for ways to deal with development in different locations) and it often calls for slavish replication of what is</p>	<p>Not agreed. It is not considered that the DG is prescriptive. To the contrary, the Guide is a work of careful interpretation of all baseline, landscape and settlement character, in order to provide a</p>

<p>there (24 – Taylor Wimpey)</p>	<p>suitable context for unprescribed design. It encourages an imagination of design and solution building in response to all that is highlighted as the Mid Devon canvas.</p>
<p>Principles of Crime Prevention through Environmental Design (CPTED) should be incorporated into the design and layout (See rep for detailed suggestions (29 – Devon and Cornwall Police)</p>	<p>Comments noted. The Following text has been incorporated ‘For safety and security reasons design of all aspects of development should also take account of Principles of Crime Prevention through Environmental Design (CPTED) and engagement with the Police Architectural Liaison Officer is recommended’.</p>
<p>Design should be leveraged entirely as a response to climate change; solar passive design, Brise Soleil, lots of onsite renewables, lots of on-site biodiversity. Materials chosen on the basis of their capital and operational carbon cost, and we should accept that the resulting design (that accommodates these features &amp; materials) as the new norm. (1 - Individual)</p>	<p>Comments noted. It is recognised that these are important considerations. However, it is not possible to include many of these within supplementary guidance. These are matters for development plan policy and will therefore be addressed as the Council commences its next Local Plan Review. However the guide does incorporate the climate emergency as a central theme and provides a basis upon which other strategies can be implemented.</p>
<p>Wherever possible all new buildings should have solar panels built in as part of the original structure to contribute to atmospheric carbon reduction. Rain water collected on roofs etc. should be directed into soakaways rather than the drains to reduce run off causing flooding and maintain the water table. Maximum amount of thermal insulation should be installed to enhance heat retention. (2 - Individual)</p>	<p>Comments noted. Please see above response.</p>
<p>Over development of housing should be allowed to swamp local facilities from roads to hospital schools and shops (2 -Individual).</p>	<p>Comments noted. The quantum and distribution of development, as well as infrastructure provision are matters for local plan policy.</p>
<p>Guide makes reference to policy CP1 “supporting through design the commitment to creating a zero carbon district by 2030”. However the guide contains little information on how this is to be achieved through the planning process. (3 - Individual)</p>	<p>Comments noted. The guide has been reviewed again and further opportunities to strengthen links and references have been incorporated. Additional policy measures will be taken forward through the next local plan as many interventions require a change to development plan policy.</p>

<p>The guide fails to mention the upcoming requirement for the Environment Bill for a net gain of 10% in biodiversity (3 - Individual)</p>	<p>Comments noted. An additional special topic sheet has been incorporated with guidance on biodiversity net gain.</p>
<p>Did not find the document easy to read. Several typos/missed/unnecessary words. (4 - Individual)</p>	<p>Comments noted. A number of typos/missed words etc. have been identified during the course of the consultation. These have been corrected for the adoption version.</p>
<p>Planning has concentrated on the theoretical desire to reduce the use of motor vehicles by limiting the “Off Road” parking opportunities for the new residents. The outcome has been that the new residents have not responded this influence. The result being that “On road” parking, particularly in out of work hours, is reaching hazardous proportions. (7 - Individual)</p>	<p>This is a Local Plan policy matter and does not fall within the scope of the Design Guide. The Council’s Parking Supplementary Planning document provides guidance on the design of residential and commercial parking provision. This will be updated in due course following the adoption of the Local Plan Review.</p>
<p>Large commercial premises and large agricultural buildings are developed without panels. Why is it not a stipulation that, if the commercial building is suitable aligned, it should be fitted with solar panels. (7 - Individual)</p>	<p>Comments noted. A requirement for commercial buildings to be fitted with solar panels is a development plan policy matter and therefore, will be considered as part for the next Local Plan Review.</p>
<p>Important to ensure the highest design standards in any new developments e.g. installation of renewables, high spec insulation. It is also important to enable electric cars, public transport, cycling and walking (16 – Individual).</p>	<p>Agreed, comments noted.</p>
<p>Photograph 9 on page 23 is wrongly captioned. This is the public highway. (26 – Individual).</p>	<p>Comments noted. This has been corrected.</p>
<p>Comments regarding the development of Silverhaye Farm. Opportunity for a sensitive and attractive new holding. The opportunity was missed (27- Individual).</p>	<p>This is a planning application matter. No change required.</p>
<p>All housing developments should include the provision of adequate public open space(not just small play parks), including playing fields (28 – Cllr Wilce)</p>	<p>Comments noted. An additional topic guide has been incorporated to provide guidance on green infrastructure. Quantitative standards for public open space are set out in Policy S5 of the adopted Local Plan.</p>
<p>DG does not address the visual impact of solar</p>	<p>Comments noted. The installation of solar panels</p>

panels on our roofs, insulation or wind power (30 – Individual)	and equipment on residential buildings and land is generally permitted development (subject to certain limits and conditions) with no need to apply to the Local Planning Authority for planning permission.
Social engineering involved in limiting of individual parking has backfired and a better solution may be for developers to provide additional off road parking, either per household or on separate land within the proposed development (34 – Individual)	Comments noted. The Council’s policies on parking are set out within Policy DM5 of the Local Plan Review as well as the adopted Parking SPD.
Why is it not a stipulation that, if the commercial building is suitably aligned, it should be fitted with Solar Panels? (34 – Individual)	Comments noted. A requirement for commercial buildings to be fitted with solar panels is a development plan policy matter and therefore, will be considered as part for the next Local Plan Review.
Landscape eroded by numerous planning consents (35 – Individual)	Comments noted.
More emphasis required on maintaining the patchwork of villages, which is such an attractive feature of the Mid Devon countryside. As new estates (both residential and industrial) proliferate, I see a real danger of village boundaries extending to the point where there will be clear separation between the villages. For a county whose, countryside is one of its main attractions, this would be a tragedy.	Comments noted. It is considered that successful application of the Design Guide will achieve these aspirations. The DG seeks to highlight the various successful conditions throughout the district which can be drawn upon in the variety of different locations (site situations). The DG actively avoids prejudicing particular typologies however where these demonstrate how they achieve various design principles then the use of different typologies is acceptable.
<b>Volume 1: Procedural Guidance</b>	
CP3: principle should be amended (or a new core principle introduced) to include reference to the conservation and enhancement of the historic environment, heritage assets, their settings and wider historic landscapes and/or townscapes (9 – Historic England)	Comments noted. An amendment to CP2 has been incorporated to read ‘Identifying and facilitating local distinctiveness, including conservation and enhancement of the historic environment, heritage assets, their settings and wider historic landscapes and/or townscapes as part of an integrated approach to design’.
Background Page 6 – Should include an explanation of landscape, settlement form, character and distinctiveness in relation to the historic environment, heritage assets, their settings and wider historic landscapes and/or	Comments noted. Additional text has been incorporated as follows ‘At the same time design can contribute to the conservation, enhancement and enjoyment of historic environments,

<p>townscapes and how the Design Guide will contribute to their conservation, enhancement and enjoyment. (9 – Historic England)</p>	<p>landscapes and heritage assets’.</p>
<p>References Page 7 – Should reference the conservation area character appraisals and management plans with links to them on the Council’s website. Links can also be provided to key Historic England advice e.g. Managing Changes to Heritage Assets (2016) and The Setting of Heritage Assets (2017). (9 – Historic England)</p>	<p>Comments noted. The DG now includes references to the Conservation Area appraisals and management plans under evidence base. A reference to the suite of guidance documents has been incorporated under ‘Other Publications’.</p>
<p>Site and Context Appraisal (Page 9) – The reference to the potential need for conservation area assessment and heritage appraisals in historic environments should be clarified to provide a better indication of when these might be required for designated heritage assets, e.g. assets on the local heritage assets register and archaeological sites.</p> <p>The Council’s local validation check list refers to ‘heritage statements’ as opposed to conservation area assessment and heritage appraisals and it would be helpful if the language matched.</p> <p>There should also be an explanation of the relationship between heritage statements/desk based assessment, and design and access statements. (9 – Historic England)</p>	<p>Comments noted. Several references to the historic environment have been incorporated throughout the guide. However, it is not considered necessary to explain the relationship between different studies. The requirements referred to within the representation will apply irrespective of whether the Design Guide references them and therefore it is unnecessary to duplicate policy and guidance from elsewhere.</p>
<p>Review of planning policy (page 9 – This should also refer to conservation area character appraisals and management plans with links to them on the Council’s website. What is the relationship with other guides e.g. windows and doors, and roofs and chimneys? (9 – Historic England)</p>	<p>Completed with following text: ‘Refer also to Conservation Area Appraisals and Management Plans where they are in place (these have also contributed to the formation of this guide and other Local Plan policy.’</p>
<p>The SPD section on design process should refer to making use of the Devon Historic Environment Record (HER) (18 – DCC Historic Environment).</p>	<p>Completed: included as above.</p>

<p>Page 7 – Under “Other publications” we suggest referencing something that specifically advises about environment/creating biodiversity and preserving existing trees of value and hedgerows (14 – Crediton NP Steering Group).</p>	<p>Completed: included MDDC Green Infrastructure Assessment (2013) in Evidence Base list and added policy ref to Topic Paper (Vol4) to DM26: ‘Mid Devon has prepared a Green Infrastructure Assessment (2013) in support of the Local Plan Review process which identifies green infrastructure as a key part of all development policy areas with the addition of policy DM26 which outlines the types of contributing elements to a green infrastructure strategy and the wide benefits these can bring.’</p>
<p>Design guidance would benefit from citing ‘good practice’ precedents of how contemporary and traditional schemes may have successfully interpreted the local character. This would be of greater relevance to our client (13 – Barratt Homes c/o Origin 3).</p>	<p>Not agreed, the guide includes many examples of recent developments which make a positive contribution to the character of existing settlements. The guide provides the framework by which applicants are able to demonstrate how their proposals can make positive contributions to the character of existing settlements. Providing more specific examples would reduce the innovation and individual interpretation for each applicant and the guide is not intended to stifle design imagination in this way.</p>
<p>To future proof the DG and give it longevity, design principles for new settlements, as potentially could be delivered at J27 could be included. (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. DG does enable consideration of new settlements but also recognising that developments of this scale will be subject to a detailed 2 stage masterplanning process and a separate design guide.</p>
<p>Early engagement is welcomed. We encourage the DG to go further and look to influence sites, such as J27 as the promotional stage, before even getting to pre-application (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. This is beyond the scope of the Design Guide and is a matter for local plan policy.</p>
<p>Commitment to zero carbon by 2030 needs to appreciate viability considerations to ensure deliverability in regards to other planning gain (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. Policy requirements in relation to net zero carbon as well as viability evidence will be considered as part of the next local plan review.</p>
<p>DG appears to miss that larger scale developments (new settlements) provide the opportunity to address site wide considerations for sustainable development (13 – Barratt Homes c/o Origin 3).</p>	<p>Not agreed. It is not for the SPD to make strategic suggestions on the strategy for addressing sustainability of settlements, or the developments strategy for the district.</p>

<p>Number of references have been archived by Government including “By Design – towards better practice” and “Building for Life 12 (2012)”</p> <p>Reference should be replaced with National Design Guide and the latest version of BfL.</p> <p>(20 – Redrow Homes c/o Walsingham Planning)</p>	<p>Completed: deleted By Design; updated BfL to read ‘5th Edition (2018)’. National Design Guide already included.</p>
<p>Approach for all new development to be shaped by historic settlement patterns is not realistic or appropriate for the delivery of balanced, modern, viable communities.</p> <p>(20 – Redrow Homes c/o Walsingham Planning)</p>	<p>Not agreed. The Design Guide demonstrates how the historic environment, landscape and the influences it has, and continues to exert on settlement form across the district can be used as the basis of the design of new development.</p>
<p>Foreword – Design Guide does not mention the NPPF and the brownfield first planning/building objective (31 – CPRE Devon).</p>	<p>Comments noted. The DG has been prepared with strong regard to national and local planning policy. It is not considered necessary to duplicate these provisions within the guide itself.</p>
<p>Background – Suggest addition to Paragraph 4”It should allow for the adaptability of physical space <i>as designated in the Local Plan 2013-2033</i> and as far as possible not prohibit the adoption of future technologies (31 – CPRE Devon).</p>	<p>Not agreed. The suggested reference is unnecessary.</p>
<p>Understanding the district – Suggest adding “Mid Devon has a diverse landscape ranging from high plateau, <i>wide spread farmland</i>, to steep valley incisions.” (31 – CPRE Devon).</p>	<p>Comments noted. This suggestion has been incorporated.</p>
<p>The Design Process – Suggest to add “Conservation Area assessments and Heritage appraisals <i>will</i> be required in <i>many</i> historic environments”</p>	<p>Comments noted. The suggestion has been incorporated.</p>

<p>Early engagement – Suggest to add “Check other local advisory groups, such as Design Review panels, <i>Wildlife trusts</i>, Heritage, Community, <i>Civic Societies</i>, and local interest groups who usually welcome early engagement and can be a valuable source of assistance and information” (31 – CPRE Devon).</p>	<p>Comments noted. Amendment has been incorporated.</p>
<p>Refining the design and submitting a planning application. Paragraph 2 – Suggest “Liaise with the Local Authority to ensure all requirements have been met, including conformity to the Local Plan 2013 – 2033, to register a Planning Application” (31 – CPRE Devon).</p>	<p>Comments noted. However it is considered that the suggested reference is unnecessary.</p>
<p>The photo on page 3 and photo number 5 in Volume 1 is not Yeoford but Woodland Head which is about one and a half miles away. (33 – Individual)</p>	<p>Completed.</p>
<p><b>Volume 2: Designing for Landscape and Settlement Form</b></p>	
<p>Pages 4 – 8 - Other than reference to the Dartmoor Fringes the text in relation to landscape and settlement character does not prompt consideration of landscape or area-based heritage assets (9 – Historic England).</p>	<p>Completed: text added to Vol2, page 7: ‘Additional area characterisation work such as more localised landscape or area-based heritage assessments for registered parks, gardens or conservation areas are encouraged as part of design development where they complement parish and district scale studies.’</p>
<p>Main Towns (Pages 10 – 24) – Text does not acknowledge that there are conservation areas in Cullompton, Tiverton and Crediton (9 – Historic England).</p>	<p>Completed: text added to Vol2, page 11: ‘The Conservation Area Appraisals for each of the 3 settlements have also contributed to understanding the full character of each of the settlements. Cullompton also has a Conservation Area Management Plan which identifies where changes and improvements would be welcome and could take place. This provides further context for design and the application of the Design Guide.’</p>
<p>In relation to Cullompton, the text should note at appropriate points that there is an Article 4(2) Direction in force and that the town has a High Street Heritage Action Zone.</p>	<p>Completed: Text added to Vol2 page 17: An Article 4(2) Direction is currently in force and the town has a High Street Heritage Action Zone and there are a series of several historical foci – the Roman fort (potential for public open space), the early medieval church and later medieval market areas. Coordination between High Street initiatives, other town centre design and heritage assets will be</p>

	important in affecting sustainable change.
Villages (pages 26-72 and Countryside (pages 74-80) - The text does not identify that many of the villages/settlements are conservation areas, some of which have appraisals and management plans (9 – Historic England).	Completed: Text added Vol2 page 26: ‘Mid Devon District Council have completed Conservation Area Appraisals for many villages and Management Plans for some. These identify where changes and improvements would be welcome and could take place. These provide further context for design and the application of the Design Guide. Details of these studies can be found on the MDDC website.’
The Cullompton section could usefully refer to its several historical foci – the Roman fort (potential for public open space), the early medieval church and later medieval market areas (18 – DCC Historic Environment).	Completed: Text added to Vol2 page 17: ‘An Article 4(2) Direction is currently in force and the town has a High Street Heritage Action Zone and there are a series of several historical foci – the Roman fort (potential for public open space), the early medieval church and later medieval market areas. Coordination between High Street initiatives, other town centre design and heritage assets will be important in affecting sustainable change.’
Congratulates Mid Devon District Council on this excellent document but request that you remove the broken green lines with the words ‘Creedy Park Setting, Shobrooke Park Setting and Downes Park Setting’ from the illustration on page 24 of Volume 2. The inclusion of this notation on the plan is inaccurate and misleading (See rep for further detail) (10 – Gardens Trust)	Completed: Green lines removed and text added to key Vol2 Page23: ‘The associations between nested and overlapping settings of surrounding historic parks contribute to the setting and outlook of the town and are sensitive to any changes at the edge of the settlement as well as offering opportunity to shape the landscape identity of the town’s eastern edge.’
Agree with the recommendation that the landscape be taken into consideration when a settlement is developed but suggested that with regard to the Mid Devon Landscape the motorway and major roads should be noted as being just as significant as hills and rivers. This affects Willand in particular as when the M5 is closed the B3181 becomes a diversion route. (8 – Willand Parish Council)	Disagree that these elements have shaped the form of settlements over the same time period that the landscape and geology have. We have however taken into account where there has been some influence in the form of the settlement typologies if for instance a river, railway or road divides a settlement, or influences its linear or cross roads form. The majority of these settlement forms derive from streets which are of a scale to include pedestrian occupation and links and relationships across and along the routes are conceivable (in fact have driven trade and social function over time). The same cannot be said for motorways or railways and so they cannot be

	drawn upon to deliver the same facility to the place into the future.
Willand has been identified as being a Patchwork Settlement typology, the only village in Mid Devon to be identified as this type along with one town, Tiverton. The Parish questioned whether the recommendation that this type of settlement should avoid creating a distinctive centre was something that was true or should be desired. (8 – Willand Parish Council)	Comments noted. It is important that the Design Guide recognises the existing settlement typologies irrespective of whether some parts of the settlement form have arisen by means which are regrettable. The guidance then provides advice on solutions which seek to unify the character and settlement typology.
Some of the weaknesses identified in Tiverton, especially on connectivity and road design, apply equally to Crediton. There are: <ul style="list-style-type: none"> <li>• Pedestrian connections among new estates are an after thought</li> <li>• Excessively large junctions to small, infill, cul de sac developments in outlying areas</li> <li>• Pedestrian and cycle links around the town not integrated well with neighbouring area</li> <li>• Oversize highways through neighbourhoods result in poor public realm and car dominance.</li> </ul> (15 – Crediton Town Council)	Comments noted. It is difficult to be comprehensive in each Main Town case -these chapters are not intended as standalone masterplan exercises. Avoided adding more ‘weaknesses’ etc but have instead amended intro text to Main Town section (Vol2 page 10) to include: [... strengths and weaknesses.]... ‘(Many more exist in each case and this chapter is intended to provide a basis for the further attention which may be given to each settlement – i.e. through town centre masterplans)’.
Page 21 – Setting – Developers proposing plans that will impact on the setting could be more clearly direct to consider more significant green spaces and planting of more mature trees to create new green corridors and contribute to those already existing (14 – Crediton NP Steering Group).	Comments noted. An additional special topic guide has been incorporated which provides guidance in relation to green infrastructure and biodiversity.
Page 4 – While the introductory pages have obviously been updated to refer to the 2019 climate emergency, over a year later the factual definitive pages don’t seem to have been significantly updated from 3 year old documents (17 – Culmstock Parish Council).	Comments noted. The guide has been reviewed again and further opportunities to strengthen links and references have been incorporated. Additional policy measures will be taken forward through the next local plan as many interventions require a change to development plan policy.
Connectivity, climate change and sustainability – Issue not just the provision of connective footpaths and cycle routes themselves but the	Comments noted. The guide has been reviewed again and further opportunities to strengthen links and references have been incorporated.

<p>design of them, which should be to the highest standards of usability with attention to surfacing and lighting, landscaping and attractiveness. These aspects should have more prominence in the guide (14 – Crediton NP Steering Group).</p>	<p>Additional policy measures will be taken forward through the next local plan as many interventions require a change to development plan policy.</p>
<p>Page 22 – Development at Gateway locations – We are unlikely to gain new landmark buildings at these locations but we could gain a more attractive, practical, pedestrian friendly road design with an emphasis on impressive environmental landmarks as gateways to our town (14 – Crediton NP Steering Group).</p>	<p>Comments noted.</p>
<p>Page 24 – Strongly agree with the mention of additional permeability to improve connectivity between surrounding neighbourhoods and the High Street. Developers should be more clearly encouraged to think of all the potential connections they can create rather than links they have to provide (14 – Crediton NP Steering Group).</p>	<p>Comments noted and agreed. However, it is suggested that this is the premise of the Design Guide already without any additions needed. Connections are highlighted as necessary in the context of the form of the settlement and this is how they will be encouraged to respond</p>
<p>Cullompton Tiverton and Crediton are the focus for development in the district. The design of a new settlement can also have its own identity based in part on the site’s landscape and waterscape characteristics and through good masterplanning (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. The distribution of development is a matter for local plan policy.</p>
<p>Finding less constrained sites in the region are required going forward – housing demand can therefore be met in part by a new settlement and the Design Guide should recognise this (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. The site allocation process is a matter for local plan policy.</p>
<p>Welcome the objective of delivering streets to encourage walking and cycling and reduce the relation on the car, however, we recommend the Design Guide acknowledges reference to Manual for Streets.</p> <p>Parking – Include acknowledgement to the County Council’s current parking standards.</p> <p>Waste Management – Reference should be</p>	<p>Completed: Text added to Vol 3 (Compendium of District Design), page 2 (Introduction): ‘MDDC recommends Manual for Streets as a resource in the context of some design matters as well as other policy documents such as the MDDC Parking SPD and Waste Storage SPD.’ Suggest reference to these documents offering more detailed technical information is more appropriate in Vol3, than Vol2 as rep suggests.</p>

<p>made to how storage facilities could integrate well with their surrounding environment (13 – Barratt Homes c/o Origin 3).</p>	
<p>Increased densities should be focused around key public transport intersections, along strategic routes, overlooking public spaces and within neighbourhood, local and village centres. Can be applied to larger strategic developments/urban extensions and new settlements (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. This is a matter for local plan policy.</p>
<p>Linear form is one of the most common settlement forms across Mid Devon. Continuity does not necessarily mean terracing. There are a number of examples in towns and villages within Mid Devon that achieve continuity with detached and semi-detached dwellings, and this should be reflected in the Design Guide (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. Agree with this comment, but the DG doesn't mention terraces, or any other specific typology in reference to the Linear form, or the 'Site on a Thoroughfare' site situation -the most likely to be relevant to a linear village centre. It already includes reference to side and rear boundaries to properties (inferring detached or semi-detached) being used successfully in various situations around Mid Devon. Given, as this comment indicates, there are a variety of ways to successfully maintain the continuity of the Linear form it would seem inappropriate to draw attention to any individual typology as the 'right' way to do this.</p>
<p>Design Guide should highlight the importance of an environmentally led Masterplan and providing exemplar Green and Blue Infrastructure.</p> <p>SUDS: Surface water features can make a significant contribution to the landscape character, biodiversity and sustainable performance of development.</p> <p>Landscape: The way in which landscape and open spaces are organised can make a significant contribution to the character and success of a development. It is critical that this is a consideration at an early stage in the design process.</p> <p>Biodiversity: The 10% net gain in biodiversity required on all developments once the Environment Bill is enacted should be referred to as the use of the DEFRA metric will be</p>	<p>Comments noted. These comments have been incorporated in to a new special topic guide which addresses GI and biodiversity.</p>

<p>required (13 – Barratt Homes c/o Origin 3).</p>	
<p>New developments should be designed to meet the lifestyles of the people likely to live there. DG should draw lessons from contemporary precedents and provide a framework for the delivery of house types designed for modern living and streets and places designed around modern lifestyles (such as convenient and practical parking and the ability to charge an electric vehicle easily) (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. A number of contemporary precedents are considered and the DG reflects on these. Parking provision and electric vehicle charging infrastructure are matters for local plan policy and the Council’s Parking SPD.</p>
<p>The only typologies shown, predominately comprise terraces with minimal car parking. No provision is made for detached homes or any lower density form of housing. Detached homes are an important part of the character of Mid Devon and they remain very popular house types that provide for modern lifestyles (13 – Barratt Homes c/o Origin 3).</p>	<p>Disagree with observation. Please see responses above regarding agnosticism with regard to typologies. An additional review of the Design Guide was requested by MDDC to ensure the Design Guide was Net Zero Carbon target compatible since the declaration of climate emergency was announced part way through the preparation of the guide. Some building typologies will perform better as tools in achieving these targets than others. Nevertheless, the Design Guide does still not express a preference for one typology over another, only that where a typology is selected that it can be demonstrated its use in its context is contributing to the settlement form in the way the Guide outlines.</p>
<p>Design Guide should refer to detached homes and how they should form part of the creation of mixed and balanced communities as well as high quality streets and spaces. Detached homes can be used to create strong corners, focal points, key groupings, addressing gradients and provide skyline interest (13 – Barratt Homes c/o Origin 3).</p>	<p>DG is agnostic to house type and form in order to focus more attention on the principles of place making and local distinctiveness. It does not prohibit the forms mentioned and would allow, where these functions of buildings mentioned can be demonstrated, the use of these in the way described. Many approaches to achieving particular design principles are displayed throughout the district and it would be inappropriate to single out one typology as the ‘right’ way of approaching certain design principles.</p>
<p>Page 14 – all of the ‘good’ examples are from the town centre and all of the negative ones are taken from suburban locations. This presents an unbalanced and incorrect view that all suburban typologies are poor design</p>	<p>The intentions of the DG are misread here. The intention is not to reference ‘suburban’ or ‘urban’ typologies specifically, rather to highlight the various successful conditions throughout the district which can be drawn upon in the variety of</p>

<p>references (rep provides other positive examples) (20 – Redrow Homes c/o Walsingham Planning).</p>	<p>different locations (site situations). The DG actively avoids prejudicing particular typologies as the ‘right’ or ‘wrong’ approach. Where these can demonstrate how they achieve various design principles then the use of different typologies is acceptable.</p>
<p>Pages 15 and 16 – This section sets out a series of considerations and references for the key strategic spatial design ‘components’. To avoid confusion it should be made clear that the text that the TEUE is exempt from the following guidance in the new district-wide design guide (20 – Redrow Homes c/o Walsingham Planning).</p>	<p>Not agreed, no development will be exempt. Rather the guide will be a material consideration in the determination of planning applications. However, it is recognised that in the case of Tiverton EUE, more comprehensive masterplanning and design coding has been undertaken.</p>
<p>Page 6- Good info on landscape areas. Not sure thumbnail photos are easy to understand; sometimes even mixed and confused. the block colour often obscures the point in question (24 – Taylor Wimpey)</p>	<p>Comment unclear. No thumbnail photos are included at page 6, or in the entire Landscape character chapter.</p>
<p>Page 28 – Good dissemination of local settlement typologies. Could they be the ones to form the basis for larger schemes (Not all, but some of them – e.g. central square) (24 – Taylor Wimpey)</p>	<p>Noted. Agree that the design guide approach to landscape and settlement form may play a role in identification of sites and future plan making</p>
<p>Page 32 <i>‘Avoid inadvertently creating a substitute for the central space by the provision of similar open space, or location of non-residential uses elsewhere.’</i></p> <p>That does not make sense as it surely depends on the volume, critical mass of the new development (24 – Taylor Wimpey)</p>	<p>Comments noted. Scale of development appropriate to settlement function and form is a policy issue. DG is concerned with maintaining character and integrity of the landscape and built distinctiveness and the central space in settlements which historically have functioned around this form is and should remain a single focus. This is not to say other policy compliance in areas of open space provision need to also be fulfilled according to the scale of development, but this should be carried out, located and designed in a way which respects a settlement hierarchy to the public realm.</p>
<p>p.36 Linear forms should be expanding on all sides, otherwise one increases the distances (bad for walking and cycling) (24 – Taylor Wimpey).</p>	<p>Comments noted. DG cannot specify ‘where’ development can and cannot happen around these settlement types. This is a matter for local plan policy. However the approach to landscape and settlement form may play a role in future plan</p>

	making.
p.42 - Sustainability issues. Should 'dispersed' be replicated? It is not a very sustainable form of development (24 – Taylor Wimpey)	Comments noted. DG cannot specify 'where' development can and cannot happen around these settlement types. This is a matter for local plan policy. However the approach to landscape and settlement form may play a role in future plan making.
p.45 Site Situations – The key is on one page but serves several diagrams on different other pages. Not easy to use (24 – Taylor Wimpey)	Disagree. It would confuse reading and make this a much more cumbersome section if the Key were repeated on every page. At the draft stage we also had comments to the contrary that a common key at the beginning of the chapter would aid the readability and hence the document revision register reflects this change to include the key in one place at the beginning of the chapter.
p.48 onwards - Interesting descriptions of site locations, but almost all sites mentioned are sort of infills or tiny extensions to the settlements (24 – Taylor Wimpey)	Please see above responses. This is not a site allocations document and therefore is intended as supplementary to work already in place in those two areas. AS a result it responds to the majority of development and its relative contribution to the settlement. In cases where larger (strategic) development is proposed in policy, policy also requires a more comprehensive masterplanning and design coding in these areas. Added following text on page 46 for clarity: 'Local Plan site allocations determine development distribution but the Design Guide approach to landscape and settlement form may play a role in future plan making.'
P.58 – Edge on a limb? Difficult to understand what this diagram is trying to say. Query whether illustration is correct. (24 – Taylor Wimpey)	Introduction to the settlement form chapter is careful to highlight that the summaries of settlement typologies may not comprehensively reflect the wide array of individual settlement forms across the district but in summarising, the resource of observed features from across the district is made available for interpretation. If the comment references a particular settlement not conforming wholly with one of the 7 settlement typology summaries, it may be that drawing upon features of two or more others is a more helpful way of the applicant identifying a suitable design approach in the context of their site. The Design Guide is intended to be used flexibly in this way.

	<p>Added following on page 46 vol2 for clarity of use of Site Situations: ‘Sites may display characteristics of multiple situations and appropriate responses be interpreted accordingly.’ Also amended final paragraph on page 27 vol2: ‘It may be that some of the features of two or a number of the settlement typologies seem to match the development location. The guide should be used flexibly to form a judgement as to which elements of the Design Guide are applicable to creating a development which contributes in the best way possible to the settlement form of the given location.’</p>
<p>p.60 Edge to Satellite – Query whether illustration is correct. Too many back walls exposed – should never be the case (24 – Taylor Wimpey)</p>	<p>Rear boundaries to the open countryside is a real condition prevalent throughout a wider variety of settlements across the district. Their treatment is the means by which development of this form is acceptably accommodated within the landscape and the DG makes references to various treatments which could be employed to achieve this. Where there are exceptions to this eg. a road around the edge of a settlement which only has development on one side the DG also drawn attention to this through the various site situations and the possible responses to them.</p>
<p>p.76 – Countryside – Fit for one house but what is the guidance for development. There need to be more on how to structure new developments; this does not say much (24 – Taylor Wimpey)</p>	<p>Policy leads on development locations. Light touch advice included in DG to assist situations where design guidance is useful to PD. Regardless of planning policy position on the countryside even small development interventions can contribute to the distinctiveness of the landscape.</p>
<p>Cullompton town component list ignores the proposed town centre bypass which is currently planned to traverse the CCA fields in total rejection of both item 4 (retain the open aspect) and item 6 (detrimental consequences) (3 - Individual)</p>	<p>Comments noted. Amended text to Item 6, Page 20, Vol2 to read: ‘While infrastructure capacity and accessibility is key to the town’s growth and sustainability, design response to negative aspects such as noise or visual intrusion should take care to avoid equally detrimental consequences such as impact on views, east-west movement, green space, conservation of heritage assets or the emergence of a highways dominated environment, particularly in the case of the provision of a town centre relief road (Policy CU19, Local Plan Review).’</p>
<p>Page 19 and elsewhere the word “legibility” is used. This may have some hidden meaning to</p>	<p>Comments noted. We have been careful to use plain English throughout the documents but where</p>

the authors but in the context it is nonsensical for the rest of us. There are other jargon issues in the guidance (for example the use of words such as fenestration) which makes it difficult for the layman to understand. (3 - Individual)	certain words are more relevant to the Urban Design or Architectural principles it is important these principles are well communicated in the ways that professionals understand them.
<b>Volume 3: Compendium of District Design</b>	
Provides a useful reference guide to district-wide built environment features. It does not explain that public realm works and other forms of development that affect the historic environment should always be informed by a staged approach (9 – Historic England).	Comments noted. However it is not considered necessary or proportionate to include this within the Design Guide given that this is a requirement of national policy in any case.
Should include reference to relevant Historic England advice on these matters (9 – Historic England).	Completed: See amendments included under other responses
Page 24 – Parking and Transport – Guide states that integrated parking is important but we wonder if this could be more clearly expressed with some further guidance (14 – Crediton NP Steering Group).	Comments noted. Further guidance on this matter will be provided as part of the Council’s Parking SPD review.
Secure cycle storage can be a challenge where sites are tight. We would be interested to know what would be considered adequate (14 – Crediton NP Steering Group).	Comments noted. Cycle parking standards are provided in Policy DM5 of the Local Plan 2013 – 2033. Added text to Vol 3 page 24: ‘(see Policy DM5 for minimum car & cycle parking standards)’.
Page 26 – Agricultural and commercial buildings – Do not agree that the siting of commercial buildings in existing industrial settings makes the design less important (14 – Crediton NP Steering Group).	Completed: amended to read: ‘Many new commercial buildings will be sited within existing industrial settings (C) and replicate existing buildings and functions.’
Page 2 – Agreed that considered in isolation a single design feature may be justified in many ways, however it is through the necessary balancing of technical and aesthetic priorities that a broader design rationale can be made which respects context, is innovative and contributes to the commitment to a zero carbon district by 2030 (13 – Barratt Homes c/o Origin 3).	Comments noted.
Page 2 – Importance of public realm is supported. However images are devoid of cars	Not agreed. All 12 images except 2 (which are of public green space) include cars. Cars and space for

<p>and 21<sup>st</sup> Century need for car parking, shopping, internet deliveries etc. cannot be ignored (13 – Barratt Homes c/o Origin 3).</p>	<p>delivery vehicles and/or commercial and agricultural vehicles have been included as observed through extensive field survey of Mid Devon. All drawings are based on real settlements or the hybridisation of a variety of similar type settlements and present car parking and other vehicle requirements and capacity in ways which are true to the mixed life across the district. It is within this context that the DG addresses how to make appropriate design responses.</p>
<p>Page 10 – Consideration of “boundaries and thresholds” focusses on the historic village character, which is relevant in part, but the DG should acknowledge the technical balance of delivery, building reg compliant homes, adoptable roads service provision etc. It currently does not (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. Disagree that the DG does not acknowledge the technical balance of delivery, building reg compliant homes, adoptable roads service provision etc given that no part of the guide is prescriptive. To the contrary, the Guide is a work of careful interpretation of all baseline, landscape and settlement character, in order to provide a suitable context for unprescribed design.</p>
<p>Page 11-12 – DG would benefit from citing examples of how local distinctiveness can be reinterpreted in a contemporary way fit for 21 century developments (13 – Barratt Homes c/o Origin 3).</p>	<p>The Intro to the Guide in Vol1, makes clear that the provision of the Guide is not intended to deny the opportunity for designers to engage in a design process. It is provided in order to equip and facilitate a richer process of designing according to the context and interpreting the local character for 21st century purposes. The important principles of the Mid Devon character, in how settlements have formed within the landscape and the role sites have in contributing to this settlement form are the central tenets of the design guide. The interpretation of how building typologies and design detail can achieve these principles is the responsibility of the continuing design process and the parties involved in this.</p>
<p>Page 23-24 – Recommended that acknowledgement is made of the County Council’s current parking standards and suggested that a compliant scheme is cited, supported with a set of car parking principles to improve the quality of car parking provision (13 – Barratt Homes c/o Origin 3).</p>	<p>Comments noted. The Council’s parking policies are set out in Policy DM5 of the Local Plan and the Parking SPD. It is therefore not necessary to repeat this guidance within the DG.</p>
<p>Page 24 – Agreed that new development should make reasonable provision for alternative means of transport. J27, Tiverton</p>	<p>This is a matter for development plan policy and falls outside of the scope of this SPD.</p>

<p>Parkway is uniquely places to support growth in Mid Devon and the wider Exeter area (13 – Barratt Homes c/o Origin 3).</p>	
<p>Page 6, 7, 9, 11 – 22 - The dismissal of the suburban typology of housing is unhelpful. This section should be revised to clearly explain which aspects of suburban design are to be avoided and it should be explained how compact, walkable, landscape-led places using a suburban typology comprising detached homes can be delivered successfully (20 – Redrow Homes c/o Walsingham Planning).</p>	<p>The Design Guide does not dismiss or promote any individual typology on its own merits. Rather the Design Guide structures a process of the justification of the use of various typologies, urban design practice and detailing of buildings according to their appropriateness to the context, either relating to landscape and settlement type, or according to site situation within the settlement. In relation to suburban typologies, designers would be encouraged to demonstrate how they represent an appropriate response to the context if they believe this to be so.</p>
<p>Pages 23-24 – No examples are shown of on-plot parking in driveways which is the most convenient and desirable arrangement from the perspective of the occupier of the homes. As drafted the guidance is unrealistic and is likely to cause confusion and frustration in the delivery of the homes that people want (20 – Redrow Homes c/o Walsingham Planning).</p>	<p>The process of developing the design guide has not included any district wide surveying of preferences for car parking among home owners. However sales of a variety of houses types, those including and those not including the parking described have occurred throughout the district during the time over which the Design Guide has been prepared. Evidencing ‘what people want’ would be a complex and possibly unachievable aim. The Design Guide has therefore concentrated on the observable and evidence able character of the district in so far as how settlements have formed within the landscape and the role sites have in contributing to this settlement form. In doing so it provides the basis upon which other market demand intelligence can be applied. The Design Guide makes no prejudice as to the appropriate parking solution in different circumstances. It also avoids favouring any particular product or house type on offer from a particular developer or house builder. The Design Guide provides the basis upon which designs which demonstrate the application of a variety of typologies and approaches are able to contribute to settlement form are welcome.</p>
<p>It would be good to have something broader with regards to place making components: from movement to Block structure to street typologies. there are some good images and suggestions on details, but no strategy in</p>	<p>This contradicts a previous comment regarding the ‘prescriptiveness’ of the Guide. The Design Guide aims not to be prescriptive of a particular block or building typology. Rather it provides the basis upon which block layout and building typologies of a</p>

general (24 – Taylor Wimpey)	variety of types, where demonstrated to contribute to the settlement form in the way the Guide outlines, can be beneficial.
Diagrams – it is hard to read the text and understand what it relates to, Using the same 3d images over and over is good but would be good to vary illustrations (24 – Taylor Wimpey)	Noted.
<b>Volume 4: Special Topic Guides</b>	
Topic Sheets – It might be helpful to number these (14 – Crediton NP Steering Group).	Completed.
Page 4 – Designing for Community – Strongly endorse the guidance. We would particularly like to see a very strong steer towards designing a greater amount of open amenity space in new developments (14 – Crediton NP Steering Group).	Support noted. An additional topic guide has been incorporated which includes guidance on green infrastructure and biodiversity.
Disappointing that the guide does not follow on from its consideration of the Council’s climate emergency declaration and consider the opportunities to design new communities around existing public transport infrastructure and the overall benefits to the environment, economy and health and wellbeing of such development. J27, Tiverton Parkway is uniquely placed to support growth in Mid Devon and the wider Exeter area (13 – Barratt Homes c/o Origin 3).	Not agreed. Climate change is a core principle and central tenet running through the guide which seeks to support through design the Council’s commitment to ambitious targets for carbon reduction.
The connection between good placemaking and financial value and deliverability of new development is recognised but the reference to slower build out rates on larger sites being as a result of the homogeneity of house types limiting market absorption rates is disputed. Larger sites often have complex infrastructure issues which delay commencement (13 – Barratt Homes c/o Origin 3).	Comments noted. It is recognised that larger sites often have complex infrastructure issues which delay commencement. These are principally matters for local plan policy. However, the purpose of this topic guide is to communicate that there is a strong connection between good place making and financial value and deliverability of new development in order to incentivise such approaches and facilitate usability of the guidance.
The Design Guide should set out how New Settlement Design could incorporate a range of facilities within a neighbourhood via mixed use centres or neighbourhood hubs (13 –	Comments noted. The Design Guide is not intended as standalone masterplan exercise, but provides a basis for the further attention which may be given to each settlement. These matters would be considered as part of a site-specific

Barratt Homes c/o Origin 3).	masterplanning process.
Themes of Sustainability and Biodiversity should have been included (24 – Taylor Wimpey)	Comments noted. An additional special topic guide has been incorporated in relation to green infrastructure and biodiversity.

<b>SEA and HRA Screening Report Comments</b>	
On the basis that the SPD is not a plan that is required by legislative, regulatory or administrative provisions; that it will provide additional guidance on existing policies contained within an adopted Development Plan Document that has already been subject to a Sustainability Appraisal/SEA; and that it is not likely to result in significant effects upon the historic environment, Historic England would concur with your assessment that SEA is not required.	Comments noted.
On the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan. (12 – Natural England)	Comments noted.



## **Planning and Compulsory Purchase Act 2004**

### **The Town and Country Planning (Local Planning) (England) Regulations 2012**

#### **Notice of adoption of the Mid Devon Design Guide Supplementary Planning Document**

In accordance with Regulations 11, 14 and 35 of the Town and Country Planning (Local Planning) (England) regulations 2012, notice is given that Mid Devon District Council adopted its Mid Devon Design Guide on **DATE**.

Under Section 23(1) of the Planning and Compulsory Purchase Act 2004 the Council has modified the SPD to take account of representations made in relation to the document, and any other relevant matters (which are set out in the statement of consultation).

#### **Mid Devon Design Guide Supplementary Planning Document**

The purpose of the SPD will be to guide planning applications and decisions made on these towards the successful implementation of Policy DM1 (High Quality Design) of the Local Plan Review 2013 – 2033. The SPD includes guidance on the design of new buildings in Mid Devon and helps to raise awareness and standards throughout the planning process.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for a judicial review of that decision. Any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

The adopted SPD and its adoption statement, statement of consultation, Strategic Environmental Assessment screening statement and Habitats Regulations Assessment screening statement can be viewed on the Council's website at:

<https://www.middevon.gov.uk/residents/planning-policy/supplementary-planning-documents/mid-devon-design-guide/>

For further information please contact the Forward Planning Team:

Email: [planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk)

Telephone: 01884 255255

This page is intentionally left blank

**CABINET**  
**29 OCTOBER 2020**

**PART I**

## **Measured Term Minor Structural Works Contract 2020 - 2024, Award**

**Cabinet Member:** Cllr Bob Evans  
**Responsible Officer:** Mike Lowman Repairs Manager

**Reason for Report and Recommendations:** To advise Members on the results for the tendering of the Measured Term Minor Structural Works Contract 2020 – 2024 to Council houses and confirm the award of the contract.

**RECOMMENDATION: It is recommended that the new three-year five month Minor Structural Works Contract is awarded to Contractor 4**

**Financial Implications:** The budget for the works is £100,000.00 per annum. Capital investment in the MDDC stock will result in a lower revenue cost in the coming years, which will enable the Repairs Service to operate more effectively and manage future maintenance costs.

**Legal Implications:** We have a legal duty to maintain the stock and meet the Decent Homes Standard. The contract is a JCT Measured Term Contract 2016, combined with the specific contractual requirements.

**Risk Assessment:** The principal risk is failing to limit costs due to additional works. The performance of the contract shall be monitored monthly; corrective action will be taken where performance falls below Key Performance Indicator Targets. These include: 1) Customer satisfaction; 2) Variations and extras; 3) Number of defects; 4) Managing Health and Safety.

**Equality Impact Assessment:** All staff have received Equality and Diversity awareness training. MDDC discuss equality and diversity at the progress meetings and encourage the contractor to carry out awareness training.

**Relationship to Corporate Plan:** To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

**Impact on Climate Change:** Investment in the MDDC stock will lower the amount of fossil fuels used to run and maintain the homes.

### **1.0 Introduction**

1.1 The term of this contract is three years and five months, with the option to terminate the contract at the end of each year subject to performance.

1.2 Due to the nature and value of this procurement, the appropriate procedure was an open tender process. This means that anyone who expressed an interest in the contract would be invited to tender.

1.3 To ensure quality of contractors, a number of minimum requirements were set out within the ITT. Any contractor failing to meet these would be disqualified.

## 2.0 Procurement Process

2.1 Expressions of interest were invited via a notice in the Supplying the Southwest Procurement Portal published on the 6 July 2020.

2.2 Evaluation criteria set out in the ITT:

2.3	<b>Quality</b>	<b>60%</b>
	Mobilisation of the works	20%
	Communication	20%
	Equality, Diversity and Complaints	20%
	<b>Price</b>	<b>40%</b>

2.4 Responses were required by midday on 7 August 2020.

2.5 There were a total of 39 expressions of interest of which 6 submitted their tenders on time, 4 opted out and 29 did not respond. Among the reasons for opting out included, being unable to meet the requirements, insufficient resources, being unable to and cannot supply in this area.

2.6 Evaluations were carried out during August 2020, by representatives from Mid Devon District Council's Building Service.

2.7 The price was based on the contractor's percentage above or below the schedule of rates within the tender. The lowest percentage was awarded 40% and the highest percentage was awarded 0%.

2.8 The outcome of the evaluation is shown below:

CONTRACTOR	SCORE		TOTAL
	PRICE	QUALITY	
Contractor 1	28%	27%	55%
Contractor 2	0%	39%	39%
Contractor 3	22%	41%	63%
Contractor 4	40%	33%	73%
Contractor 5	16%	8%	24%
Contractor 6	22%	25%	47%

### **3.0 Conclusion**

- 3.1 The outcome of the tender process shows Contractor 4 as the winning bidder.
- 3.2 Approval is required from Cabinet for this contract to be formally awarded.
- 3.3 Following the decision, there will be a compulsory 10 day standstill period after which the contract will be awarded.
- 3.4 The contract will not commence until 16 November 2020

**Contact for more Information:** Christopher Davey, Procurement Manager (01884) 234228 / [cdavey@middevon.gov.uk](mailto:cdavey@middevon.gov.uk)

**Circulation of the Report:** Leadership Team, Cllr Bob Evans, Cabinet

**List of Background Papers: PART II - Confidential**

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

## CABINET

**DATE: 29 OCTOBER 2020**

### **TO UPDATE CABINET ON THE SALE OF 19 HIGH STREET, CULLOMPTON (FORMER HARLEQUIN VALET SITE).**

**Cabinet Member(s):** Cllr Bob Evans Deputy Leader of the Council & Cabinet Member for Housing and Property Services and Cllr Andrew Moore Cabinet Member for Finance

**Responsible Officer:** Andrew Busby Group, Manager for Corporate Property and Commercial Assets

**Reason for Report:** For Cabinet to receive an update on the sale of Harlequin Valet, 19 High Street, Cullompton and to agree how the sale might be progressed

**RECOMMENDATION:** To delegate authority to the Deputy Chief Executive (S151), in consultation with Cllr Bob Evans (Cabinet Member for Housing and Property Services) and Cllr Andrew Moore (Cabinet Member for Finance) to secure the sale on terms which provide best value to the Council.

**Relationship to Corporate Plan:** The Council has a number of aims and objectives in its Corporate Plan 2020-24 and will need financial resources to deliver them at a time when financial resources are going to be stretched.

**Financial Implications:** The Council has a statutory charge registered as a local land charge and an outstanding invoice in that amount. Costs have been incurred in taking the necessary legal steps to get to this position of being able to exercise a power of sale of the property, as well as valuation and agency fees. There will be further fees, including legal fees, arising from any sale that will need to be deducted from the proceeds.

**Budget and Policy Framework:** This is not a council asset. The Council does not own it, but has a power to sell it.

**Legal Implications:** Please refer to previous report (Appendix 1 – exempt information).

**Risk Assessment:** The risks to the Council of not proceeding with the sale now are that (1) the outstanding debt will not be recovered and may need to be written off (2) the loss of buyer interest on the latest offers received.

**Equality Impact Assessment:** Please refer to previous report.

**Impact on Climate Change:** There is no impact on Climate Change.

## **1.0 Introduction**

1.1 On 23 April 2020, the Cabinet resolved to sell the property to accept a particular offer (offer one). Unfortunately, due to a change in circumstances that buyer could not proceed with the sale. The same is true for offer two. The other two offers were considerably below the Council's expectations of a sale price in order to recover the charge over the property. Marketing of the site has continued.

## **2.0 Current position and next steps**

2.1 There are four current offers for the property at the time of preparing this report and these are set out in confidential appendix 2. Further due diligence on those offers (in particular where conditions are attached) will be carried out. However, during the course of that process, further offers may be made – and, indeed, some may be withdrawn.

2.2 If the Cabinet approves a particular offer only to again find that it is withdrawn, there will be no decision which can be implemented. The result is a further report back and delay and the cycle goes on. Rather, it is proposed that delegated authority be given (as set out in the recommendation) to ensure that swift progress can now be made with a sale which provides the best value for the Council. Value will be assessed primarily on the basis of the offer price, but the conditions on which it is made will also be a factor.

2.3 A decision recording form would be prepared at the appropriate time, although consideration would need to be given to the confidential nature of any information within it.

**Contact for more Information:** Andrew Busby Group Manager Corporate Property and Commercial Assets – (01884 234948)

**Circulation of the Report:** Cabinet, Leadership Team, CMT.

**List of Background Papers:** Exempt Part 2 Cabinet Report dated 16 April 2020

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

**CABINET**  
**29 OCTOBER 2020**

**3 Rivers Developments – Options Report; Interim Funding Request and Update**

**Cabinet Member:** Councillor Bob Evans - Housing & Property  
Councillor Andrew Moore – Finance

**Responsible Officer:** Chief Executive – Stephen Walford

**Reason for Report:** To provide Cabinet with the usual monthly update report and a summary of the options explored regarding the future direction of 3 Rivers developments and to consider an interim funding request made by the company.

**RECOMMENDATION:**

1. That Cabinet notes the update from 3 Rivers Developments Ltd
2. That Cabinet agrees the funding request for £1.41m, in accordance with the approved capital programme, subject to these (and all subsequent) transactions utilising the newly-commissioned loan agreement templates.
3. That Cabinet agrees the proposed expenditure to secure legal advice on exploring the advantages of new governance arrangements to include a holding company and Teckal-compliant subsidiary, in order to deliver the most benefits for Mid Devon. This advice to be brought back to Cabinet as soon as practicable for future consideration.

**Financial Implications:** The Council has a duty to obtain value for money. All financial interactions between the Council and 3Rivers are carried out at commercially evidenced rates and subject to individual loan agreements.

**Budget and Policy Framework:** All funding made to 3 Rivers Developments is approved as part of the Council's budget setting process and is therefore included in the; Revenue and Capital Programme budgets and is also integrated in the Treasury Management Strategy.

**Legal Implications:** None to this report, however this report is prepared in accordance with the Shareholder Agreement, Company's Memorandum and Articles of Association and currently Approved Business Plan.

**Risk Assessment:** Detailed within the report.

**Equality impact assessment:** No equality issues identified for this report.

**Impact on climate change:** 3 Rivers is a commercial organisation and where it is practicable to deliver Carbon zero or equivalent sustainable options these will be considered. However, as a commercial organisation it is acknowledged that where there is a significant cost differential and what the market will sustain, that this plays heavily in the choices made.

## 1.0 Introduction

- 1.1 This is the second in a series of monthly updates on the progress of 3 Rivers since the recommendations made by the Cabinet at its meeting on the 13 July 2020. The report also includes a brief overview of the options that were considered prior to the previous Cabinet recommendations to support the company and require a range of transactional and governance-related improvements to address any issues with perceived and actual transparency. Finally, in light of the long-term commitment to supporting the company in achieving its ambitions, the company has been asked to provide a six month interim funding request to clearly indicate the level of required funding needed to move forward with the 4 projects that were effectively put on hold whilst the Council undertook 2 external commissions as part of a strategic review earlier this year.
- 1.2 Since the previous meeting of Cabinet on the 1 October 2020, the two new Cabinet ambassadors continue to provide key support and oversight of the company and encourage all Members to contact them regarding any issues or information they want regarding company business. A number of members have also made direct contact with the company raising operational queries and it was reported at the council's Scrutiny committee on 12 October that responses were always swift. This is to be welcomed and further encouraged, since continued openness in communication has been a priority for the new Cabinet members, who have been keen to underline the importance of wider understanding in relation to this area.

## 2.0 Company Project Update

- 2.1 Below shows a brief overview of project progress since the previous report and any associated issues as at the end of September, which is the last full financial month of company accounting information. Detailed financial information is not included in the below in order to ensure that this report can be considered in open session (part 1).

### 2.1.1 Current Projects

**Threwstones, Tiverton** – project completed. The development generated a positive financial return while creating an additional 3 high quality units in the heart of Tiverton.

**The Orchard, Halberton** – This development consists of 4 semi-detached market houses and a barn conversion - the 4 semis are now substantially completed and offers are being considered. There have been planning issues in relation to the barn following some structural issues that required resolution, however these have now been dealt with (via the planning committee) and we expect full project completion in May or June 2021. The project will deliver a positive financial return in addition to creating additional high quality homes in the village.

**St George's Court, Tiverton** – 39 market flats/houses – unfortunately work on site was suspended on 25/3/20 due to Covid19 and the site saw a soft re-opening on 14/9/20 with a small number of contractors back on site. Full scheme reopening commenced from 21/9/20 and a revised project timetable was received on 9/10/20. This revised timetable is currently subject to review by the company.

As per previous updates, it should be noted that this development remains on track to deliver the award-winning scheme design that was approved by the council. However, the cost overruns on this scheme mean that the overall company breakeven point has been delayed despite profitable activity elsewhere.

### 2.1.2 Rental properties

**Banksia Close/Cemetery Lodge, Tiverton** – all rental payments up to date.

### 2.1.3 Future Schemes

This issue is discussed in detail in the company's attached interim funding request. As noted above, it is important to accelerate new development opportunities where these are forecast to generate returns in order to bring forward the date in which positive cash flows are being returned to the council, offsetting cuts in government funding and protecting vital services for residents.

## 3.0 **Progress on Cabinet Recommendations**

3.1 Since the last Cabinet report the council has:

- Finalised all of the necessary loan agreements from Anthony Collins Solicitors, which includes the associated securities.
- Adverts for the 2 Director roles went live on the 12 October 2020. It is envisaged that a company recommendation for appointment will be put before the Cabinet at its meeting on the 1 December 2020.
- First draft of revised Shareholder agreement is being worked on.

3.2 Most if not all of the other recommendations are either a work in progress or are conditional upon a prior action being completed. Further progress will be provided at future Cabinet meetings.

## **4.0 Company Options**

- 4.1 The current policy position of the council is to support 3RDL, address any perceived or actual governance shortfalls, and to consider the new business plan once additional Directors are in place. At the current point in time, and subject to best endeavours on the modelling front of a business case that has yet to be approved, this is forecast to deliver a breakeven date at the end of the 22/23 financial year.
- 4.2 The options in the short-term relate to what action to take over the remaining six months of this financial year prior to the new business plan being approved by Cabinet in the normal way.
- 4.3 In February 2020 council approved its budget including funding provision for a range of projects that have not yet been progressed as further funding drawdowns were not undertaken while the council conducted its strategic review. Following the conclusion of this, the options for the company have been limited (by design) until the additional Directors are in place, hence the options for progressing work during the remainder of this financial year are set out in the attached 3RDL report and form the basis of the interim funding request as detailed in the following section.

## **5.0 3 Rivers Interim Funding Request**

- 5.1 The company has been asked to provide 2 key strategic planning documents. Firstly, and on the basis that no formal business plan was agreed by the Council as per normal arrangements in February 2020, to provide an interim funding request for the 6 months ending 31 March 2021 to maximise value for the shareholder during this interim period. And then secondly revert to the provision of an updated annual Business Plan for Cabinet to consider in February 2021 in the normal way.
- 5.2 The company has provided (see attached 3 Rivers report) an interim funding request for £1.4m in order to progress work on 4 key projects that have estimated gross returns of just over £3.9m. This interim funding effectively enables the company to recommence and move forward with planning and enabling work and potentially (subject to a financial viability assessment) the purchase of a site.
- 5.3 In addition to the more general development work the company is also looking to explore the opportunity that would be derived from having an additional Teckal subsidiary, sitting beneath the parent company. This would allow it to undertake work directly on behalf of the Council, which could be either housing or commercial developments. If the recommendation to undertake

this work is approved, then a future report will be brought to cabinet for its consideration.

## **6.0 Conclusion**

- 6.1 By providing ongoing financial support to 3 Rivers the Council will see the potential of significant returns, both in the way of interest receipts in the short term and dividends in the medium term. The Council has already received £584k in interest receipts and it is currently estimated that the company will break even in the latter part of 2022/23. Thereafter it is expected that annual dividends will be transferred, providing an income to the council and protecting vital services as a way to replace other sources of direct funding.
- 6.2 Clearly, as with any commercial venture there are risks attached. But with effective management, developing across a range/portfolio of projects, seeking professional advice (when required), improving governance arrangements and appointing additional expertise, coupled to renewed Council support, the company should have the opportunity to thrive - accelerating housing delivery, focusing on quality developments and returning profits back to its Shareholder, which was the original rationale behind setting the company up in the first instance.

Contact for more information: Stephen Walford, Chief Executive ([swalford@middevon.gov.uk](mailto:swalford@middevon.gov.uk))

Circulation of the report: Cabinet and Leadership Team

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

**MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS**

**November 2020**

**The Forward Plan containing Key Decisions is published 28 days prior to each Cabinet meeting**

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Refuse Waste Options</b> To consider a report with regard to waste options	Environment Policy Development Group	3 Nov 2020	Darren Beer, Operations Manager	Cabinet Member for the Environment (Councillor Colin Slade)	Open
	Cabinet	3 Dec 2020			
<b>Utilising Community Payback Service Users in Mid Devon.</b>	Environment Policy Development Group	3 Nov 2020	Darren Beer, Operations Manager	Cabinet Member for the Environment (Councillor Colin Slade)	
	Cabinet	3 Dec 2020			
<b>Use of CCTV Policy and Guidance</b> To receive and approve the Use of CCTV Policy and Guidance	Community Policy Development Group	17 Nov 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
	Cabinet	7 Jan 2021			
	Council	24 Feb 2021			

Page 11

Agenda Item 15.

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Regulation of Investigatory Powers</b> To receive the annual update of Regulation of Investigatory Powers	Community Policy Development Group  Scrutiny Committee  Cabinet	17 Nov 2020  14 Dec 2020  7 Jan 2021	Kathryn Tebbey, Head of Legal (Monitoring Officer)	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Medium Term Financial Plan</b> To consider the Medium Term Financial Plan	Cabinet	3 Dec 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Crediton NHS Hub Phase 2</b> To consider a funding request.	Cabinet	3 Dec 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Executive Finance Director - 3 Rivers Developments Ltd</b> To consider the appointment for an Executive Finance Director for 3 Rivers Developments Ltd	Cabinet	3 Dec 2020	Nick Sanderson, Acting Managing Director of 3 Rivers Developments Ltd Tel: 01884 234960	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Land at Post Hill, to consider development options</b> To consider the options for the land at Post Hill Tiverton.</p>	Cabinet	3 Dec 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt
<p><b>Schedule of Meetings 2021-22</b> To consider the schedule of meetings for 2021/22</p>	Cabinet Council	3 Dec 2020 6 Jan 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
<p><b>Tiverton Town Centre Masterplan</b> To consider a draft masterplan for public consultation</p>	Cabinet	3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p><b>Asbestos Surveying and Licensed Removal 2021 - 2024</b> To consider the outcome of the tender process</p>	Cabinet	3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<p><b>Asbestos Surveying and Unlicensed Removal 2021-2024</b></p>	Cabinet	3 Dec 2020	Jill May, Director of Corporate Affairs and Business	Cabinet Member for Housing and Property Services	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
To consider the outcome of the tender process			Transformation Tel: 01884 234381	(Councillor Bob Evans)	
<b>Community Infrastructure Levy</b> To consider a report on the Community Infrastructure Levy in Mid Devon	Cabinet	3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Infrastructure Funding Statement</b> To consider the Infrastructure Funding Statement prior to publication by 31 December 2020	Cabinet	3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Strategic Planning</b> To consider the approach to strategic planning matters	Cabinet Council	3 Dec 2020 6 Jan 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Single Equalities Policy and Equality Objectives</b> To receive the Annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group  Cabinet	8 Dec 2020  7 Jan 2021	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Corporate Recovery Policy</b> To receive the Corporate Recovery Policy from the Group Manager for Revenues and Benefits	Community Policy Development Group  Cabinet	8 Dec 2020  7 Jan 2021	Dean Emery, Group Manager for Revenues and Benefits	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Gullompton Railway Station</b> To provide a project update and next steps	Cabinet	7 Jan 2021	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Beech Road, Tiverton - Design and Build Tender</b> To consider the award of the tender	Cabinet	7 Jan 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Bereavement Services Fees &amp; Charges</b> To receive the annual review of Bereavement Services Fees &amp; Charges from the Group Manager for Corporate Property and Commercial Assets</p>	<p>Environment Policy Development Group  Cabinet</p>	<p>12 Jan 2021  4 Feb 2021</p>	<p>Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948</p>	<p>Cabinet Member for the Environment (Councillor Colin Slade)</p>	<p>Open</p>
<p><b>Draft Interim Devon Carbon Plan</b> Group to discuss and review the draft plan with a view to recommend to Cabinet any minor amendments on behalf of the Council.</p>	<p>Environment Policy Development Group  Cabinet</p>	<p>12 Jan 2021  4 Feb 2021</p>	<p>Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948</p>	<p>Cabinet Member for Climate Change (Councillor Elizabeth Wainwright)</p>	<p>Open</p>
<p><b>Economic Development Strategy</b> To consider a revised strategies</p>	<p>Economy Policy Development Group  Cabinet</p>	<p>14 Jan 2021  4 Feb 2021</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)</p>	<p>Open</p>
<p><b>Options for Accelerating Affordable Housing Delivery in the District</b> To consider additional governance arrangements</p>	<p>Scrutiny Committee  Cabinet</p>	<p>18 Jan 2021  4 Feb 2021</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>	<p>Cabinet Member for Housing and Property Services (Councillor Bob Evans)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
for housing delivery					
<b>Grass Verges on HRA land Working Group report</b>	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Claire Fry, Group Manager for Housing Services Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites)</b> To receive a report reviewing the Housing Enabling SPD Document	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Housing Strategy</b> To receive a report reviewing the Housing Strategy	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Decant Policy</b> To receive a report reviewing the Decant Policy.	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>HRA Medium Term Financial Plan</b> To consider a MTFP for the HRA.	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	J P McLachlan, Principal Accountant	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Corporate Health and Safety Policy</b> To receive the annual review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation	Community Policy Development Group  Cabinet	26 Jan 2021  4 Mar 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Community Engagement Strategy (Including Action Plan)</b> To receive the 2 yearly review of the Community Engagement Strategy and Action Plan	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Lisa Lewis, Group Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Grant payments to external organisations (the strategic grants review process)</b> To receive the 4 yearly review of Grant Payments to external organisations from	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

Page 624

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
the Group Manager for Growth, Economy & Delivery					
<b>Corporate Anti Social Behaviour Policy</b> To receive the 3 yearly review of the Corporate Anti Social Behaviour Policy	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Town and Parish Charter</b> To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Budget</b> To receive proposals for the General Fund and Housing Revenue Account for 2021/22	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Capital Programme</b> To seek approval of the 2021/22 Capital Programme and to note the draft 2022/23, 2023/24 and 2024/25 programmes	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Review of Mid Devon Local Plan</b> To consider issues and options for the next review of the Local Plan in Mid Devon	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Local Development Scheme</b> To update the Local Development Scheme	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Capital Strategy</b> To request agreement of the proposed Capital Strategy for 2021/22.	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Treasury Management Strategy and Annual Investment Strategy</b> To seek agreement of the proposed Treasury Management Strategy and Annual Investment Strategy for 2021/22.	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Policy Framework</b> To consider the Policy Framework	Cabinet  Council	4 Feb 2021  24 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
<b>The Establishment</b> Report of the Group Manager for Human Resources informing Members of the overall structure of the Council showing the management and deployment of officers.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Pay Policy</b> To consider a report relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Tree Policy</b> 5 yearly review	Environment Policy Development Group  Cabinet	  9 Mar 2021  8 Apr 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Housing Revenue Account Asset Management Strategy</b> To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group  Cabinet	16 Mar 2021  8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Vulnerability Policy</b> To receive a report reviewing the Vulnerability Policy	Homes Policy Development Group  Cabinet	16 Mar 2021  8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Telecare Policy</b> To receive a report reviewing the Telecare Policy	Homes Policy Development Group  Cabinet	16 Mar 2021  8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Debt Collection Policy (recommendation from the Audit Committee to the Cabinet)</b>	Audit Committee  Cabinet	23 Mar 2021  8 Apr 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Outturn report 2020/21</b> To receive the outturn for the financial year 2020/21	Cabinet	Not before 10th Jun 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
--	-----------------------	-------------------------	------------------------	-----------------------	--

This page is intentionally left blank