

Public Document Pack

Mid Devon District Council

Cabinet

Tuesday, 8 June 2021 at 10.00 am
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 6 July 2021 at 10.00 am

Important - this meeting will take place at Phoenix House, but members of the Public and Press can and should attend via Zoom only. Please do not attend Phoenix House without prior agreement. The attached Protocol for Hybrid Meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/96888007518?pwd=cE8rMTA2VnVqbDhmN2F0M1IRUkFoUT09>

Meeting ID: 968 8800 7518

Passcode: 631746

One tap mobile

08000315717,,96888007518#,,,,*631746# United Kingdom Toll-free

08002605801,,96888007518#,,,,*631746# United Kingdom Toll-free

Dial by your location

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

Meeting ID: 968 8800 7518

Passcode: 631746

Membership

Cllr R M Deed

Cllr R J Chesterton

Cllr Mrs C P Daw

Cllr R Evans

Cllr D J Knowles

Cllr B A Moore

Cllr C R Slade

Cllr Mrs N Woollatt

AGENDA

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 Hybrid Meetings** (Pages 5 - 12)
To note the protocol for hybrid 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 13 - 24)
Members to consider whether to approve the minutes as a correct record of the meeting held on 13 May 2021.
6. **Joint Strategy for Strategic Planning** (Pages 25 - 38)
To consider a report of the Head of Planning, Economy and Regeneration seeking formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.
7. **Cullompton Neighbourhood Plan adoption** (Pages 39 - 176)
To consider a report of the Head of Planning, Economy and Regeneration requesting the making (adopting) of the the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.
8. **3 Rivers Developments Limited - Company Documents** (Pages 177 - 272)
To consider a report of the Head of Legal (Monitoring Officer). In June 2020, the Cabinet requested a review of the shareholder agreement and articles of association. This report setting out options would provide the conclusion to that review. This report now provides information about the review, an explanation of certain options and the draft documentation for formal review by the Cabinet prior to signature.
9. **Notification of Key Decisions** (Pages 273 - 280)
To note the contents of the Forward Plan.

10. **3 Rivers Developments Limited Update Report**
To consider an update report – to follow.

Stephen Walford
Chief Executive
Friday 28 May 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. For a short period – probably until 30 June – the Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You **must not** attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You **must** follow any directions you are given.

Please read the new meeting protocol which is available here:
<https://democracy.middevon.gov.uk/documents/s21866/aaaaHybridMeetingProtocolMay2021.pdf>

If you want to ask a question or speak, email your full name to **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.

For assistance please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

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Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 to (and including) 30 June 2021, unless the Council decides to change, curtail or extend them. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. 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.

4. 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 meeting.

If any other Member wishes to have a paper copy, they must notify 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.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are exceptional circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

The meeting risk assessment may need to be updated. Member Services will liaise with the Chief Executive, Monitoring Officer and the Chairman of the meeting. A decision will be taken on whether attendance in person can be safely accommodated.

(b) Public Participation (speaking):

Public questions 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. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. 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 may not be called to speak, except at the discretion of the Chairman.

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 as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room, so that the meeting risk assessment can be updated.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Wear a mask at all times except when invited to speak by the Chairman of the meeting. If you have a medical exemption for wearing a mask, please attend via Zoom unless you are a Member who must attend to vote.
- (d) Use the hand sanitiser which is available in the building.
- (e) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (f) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (g) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (h) Bring your own water/refreshments, as these will not be available for the time being.
- (i) Maintain social distancing throughout – this is 2 metres apart, or 1 metre with additional safeguards (e.g. face masks).

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present 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 attending via Zoom that **all microphones must be 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.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

(b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- 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.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting 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 Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, 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 (if attending via Zoom) 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 Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman 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, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter 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.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public 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.

- 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.)
- Have to hand the telephone number of someone attending 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)

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 13 May 2021 at 6.00 pm

Present

Councillors

R M Deed (Leader)
R J Chesterton, Mrs C P Daw, R Evans,
D J Knowles, B A Moore, C R Slade and
Mrs N Woollatt

Also Present

Councillor(s)

Mrs F J Colthorpe, L J Cruwys, R J Dolley, P J Heal,
Mrs E J Slade and B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Darren Beer (Operations Manager for Street Scene), John Bodley-Scott (Economic Development Team Leader), Philip Langdon (Solicitor), Vicky Lowman (Environment and Enforcement Manager), Tina Maryan (Area Planning Officer), Christie McCombe (Area Planning Officer), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Deborah Sharpley (Solicitor), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Jason Ball (Climate and Sustainability Specialist), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1. APOLOGIES (00-03-20)

There were no apologies.

2. PROTOCOL FOR HYBRID MEETINGS (00-03-26)

The protocol for hybrid meetings was noted.

3. PUBLIC QUESTION TIME (00-03-56)

The Chairman read a set of questions on behalf of Mr Burrett:

Referring to item 6 on the agenda - Public Spaces Protection Order

How is the PSPO going to be enforced when Council Officers cannot gather evidence by:

- a) demanding names and addresses, and
- b) making contemporaneous video recordings?

Referring to Item 8 on the agenda - Cullompton Town Centre Masterplan

The Cullompton Masterplan shows that the most important criteria for those who responded to the consultation was the protection of green, open space, yet, as we know, this Council is planning to impair the wellbeing amenity value of the only large area of public, green open space in Cullompton by building a road alongside the edge of it and drastically reducing the ability of the public to roam across that open space. Respondents also said that the CCA Fields should be enhanced, but not how.

The CCA Fields were bought and paid for by the residents of Cullompton and are looked after by charity volunteers. Unlike other parks in the District it does not get any Council funding, despite the massive wellbeing benefits the green, open space provides to a significant number of people.

What 'enhancements' to the green space can be envisaged by this Council, when the Council is not the owner of the land, nor a contributor towards its upkeep, and the charity has very limited access to funds?

And, what financial help will be forthcoming to the Cullompton Community Association, on an ongoing basis, to enhance the environmental offering and to maintain this valuable community asset?

The Chairman indicated that answers to the questions would be provided when the item was debated.

4. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-37)

Cabinet Members made the following declarations:

Cllr Mrs Woollatt - Item 8 – Cullompton Town Centre Masterplan (Consultation Draft) - declared a personal interest as she lived within the area of the masterplan and that her property was mentioned in the document.

Cllr C R Slade - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr D J Knowles - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr Mrs C P Daw - - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council and a member of the Tiverton Town Centre Partnership.

5. MINUTES OF THE PREVIOUS MEETING (00-07-45)

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

6. **PUBLIC SPACES PROTECTION ORDER (00-09-46)**

Arising from a report of the Environment and Enforcement Manager, the Environment Policy Development Group had made the following recommendations:

- 1) Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
- 2) The fixed penalty for breach of the PSPO be set at the maximum permitted of £100

The Cabinet Member for the Environment and Climate Change outlined the contents of the report informing the meeting that this had been discussed towards the end of the previous year where some perceived inaccuracies had been identified, further work had taken place and the order had now been redrafted and the maps updated. He highlighted the appropriate areas where dogs could be let off leads, those areas excluded and the number of dogs that could be walked by one person; he also confirmed the fixed penalty charge.

In response to the question raised in Public Question Time, he stated that with regard to:

- a) Demanding names and addresses - although we have never had this issue as far as I am aware, if this was to occur the officers would contact the police who would attend and request that the individual provides such details. The District Officers caution individuals before requesting this information.
- b) Making contemporaneous video recordings - video cameras or recordings would only support the above offence if the individual refusing to give the information could be formally identified by Police or another officer.

Consideration was given to:

- Whether land at Cotteybrook, Tiverton was appropriate for dogs to be left off leads
- The above could be identified as part of the consultation process
- Whether a fixed penalty would be reduced if paid within a set period
- The thorough consideration of the document by the Policy Development Group

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

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

Reason for the Decision: to enable further consultation with a view to widening enforcement powers in order to deliver a cleaner and more sustainable environment across the Mid Devon District.

7. **TIVERTON TOWN CENTRE REGENERATION MASTERPLAN PROJECTS (00-15-45)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking to both update members on work to date, but also critically, to provide feedback on consultation meetings held with Ward Members, Tiverton Town Council and Tiverton Town Centre Partnership that were focused around the key intervention projects to be included in the masterplan. Due to current bid opportunities and the need to ensure readiness for submissions, this report focussed on potential projects.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to update members on project work associated with masterplanning for the regeneration and investment into Tiverton town centre. The report explained the work undertaken to date as well as providing feedback on consultation meetings which focused on key sites and projects to be included in the masterplan.

Following the Cabinet report in August of last year that set out a long-term town centre recovery plan officers had continued to work on a list of key sites and projects. As part of it, officers had held a ward member briefing, a Town Council briefing and a Tiverton Town Centre Partnership meeting. Following feedback from those meetings the key sites and projects to be included in the Tiverton Town Centre Masterplan have been updated as outlined in Section 4 of the report.

It was recognised though, that within the list of sites identified, there was an emphasis on Council owned assets and there would be a need for on-going engagement with private land owners to better understand their ambitions so a more meaningful and comprehensive regeneration of the town centre could be achieved.

Consideration was given to:

- Consultation that had taken place with various stakeholders
- The improvements to the plan and the proposal for opening up of the Pannier Market entrance from Fore Street
- How members of the Town Council were very pleased with the proposals

RESOLVED that authority be given for:

1. Officers to explore the opportunities to bring forward the projects and initiatives as outlined and prioritised in this report.
2. Property Services to seek funding opportunities to be in a position to proceed with feasibility appraisal of:
 - a) The opening connecting the Pannier Market and Fore Street (as detailed in para 4.3), and
 - b) Design, scope and cost a future redevelopment of the Phoenix Lane area in association with public and private investment, should funding become available in the future.

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

Reason for the decision – to identify projects to be included in the Tiverton Town Centre Masterplan and consider funding opportunities that may arise.

Notes:

- i) Cllrs: C R Slade and D J Knowles declared personal interests as members of Tiverton Town Council;
- ii) Cllr Mrs C P Daw declared a personal interest as a member of Tiverton Town Council and a member of the Town Centre Partnership;
- iii) *Report previously circulated and attached to the minutes.

8. CULLOMPTON TOWN CENTRE MASTERPLAN (CONSULTATION DRAFT) (00-23-00)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting approval of the draft Cullompton Town Centre Masterplan for Stage 2 Public Consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to seek approval to take the Draft Cullompton Town Centre Masterplan to stage 2 public consultation. A stage 1 public consultation had been held early last year and following that, the Draft Masterplan had been produced. It took into account the comments received at stage 1 public consultation and the strategic projects happening in and around Cullompton. Those include the urban extensions, the relief road, the railway station and the High Street Heritage Action Zone project.

The Draft Masterplan was structured around 6 themes or objectives that focussed on:

- i) Historic buildings and landscape;
- ii) the town centre as a place to work;
- iii) the visitor experience;
- iv) how spaces and places in the town centre might support community activities;
- v) growth that encourages 'shop local', healthy living and community activities; and finally
- vi) the ability to move around without reliance on the private car.

Chapter 4 of the plan introduces 8 key opportunity sites for development. The masterplan provided the details specific to each site. To bring them forward further discussion will be required with landowners. The eight sites identified included:

1. Alexandria Industrial Estate
2. Railway Station
3. Tannery Site
4. Higher Bull Ring
5. Improvements to cycling between proposed new rail station and the town centre.

6. Fore Street enhancement
7. Leat footbridge
8. The Old Cinema Site.

The next stage (if approved for consultation) was to commence the stage 2 public consultation this month with adoption of the Draft Masterplan in August of this year.

Answering the questions posed in public question time, the Cabinet Member stated that: The alignment of the relief road chosen seeks to reduce impact upon the CCA Fields and was the route favoured during the public consultation. Issues around the impact of the road scheme, its relationship with the CCA Fields, compensatory land and other mitigation measures were all considered and found acceptable as part of the planning application process. Planning permission has been granted and the project now moves to implementation. The emerging masterplan does not affect that grant of permission or the ability to implement it.

Masterplan stage 1 consultation responses also expressed a strong wish to alleviate traffic within the town centre. This reflects previous consultations where the community has expressed strong support for the delivery of the scheme. In respect of CCA Field land acquisition to deliver the road, the principle of equivalent reinstatement will be followed and hence maintenance implications would be similar to those existing.

Once adopted, the masterplan will help support any bids should opportunities arise to seek funding sources for the enhancement of the CCA Fields. It is expected that the masterplan delivery process will inevitably involve external funding and bid submissions.

Consideration was given to:

- The possible use of S106 funding from development near to the CCA fields to be used to enhance the area and the need to engage with Ward members with regard to this
- The level of responses to consultations and the need to use digital engagement platforms

RESOLVED that:

1. The draft Cullompton Town Centre Masterplan for stage 2 public consultation be approved;
2. The associated Strategic Environmental Screening Report and the Habitats Regulations Assessment Screening Report for consultation be approved; and
3. Delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the material and arrangements for consultation.

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

Reason for the decision – There is a need for a second consultation period to take place.

Notes:

- i) Cllr Mrs N Woollatt declared a personal interest as she lived within the masterplanning area and that her property was mentioned in the plan;
- ii) *Report previously circulated and attached to the minutes.

9. LEVELLING UP FUND SUBMISSION (00-35-22)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy informing Members about the fund and setting out the criteria and timescales with regard to bid submission and to establish and agree the proposed basis and timing for bids.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the levelling up fund, including the criteria and timescales with regard to bid submission. It also sought to establish and agree the proposed basis and timing for bids taking into account the two parliamentary constituencies with which the Mid Devon geography was divided. The report identified potential projects for bids for both Tiverton and Honiton Constituency and the Central Devon Constituency including the various stages of advancement of project development. In compiling the report, officers had regard to a wide range of factors including investment criteria, discussions with other relevant Councils and greatest chance of bid success. Endorsements from the MPs was vital to this bid process and contact has been made with both MPs.

In the Tiverton and Honiton Constituency, it was felt that the Cullompton Town Centre relief road was an ideal project to focus on as it was also being supported by the Housing Infrastructure Fund and it was hoped that such a bid would be supported by the MP and the County Council.

He also highlighted projects that could take place in the Central Devon constituency (with other authorities) to support rural enterprise and enhance digital connectivity and that officers would continue to progress ideas for the second round of bidding.

Discussion took place with regard to if the round 1 bid was unsuccessful subsequent bids should have more local member involvement.

RESOLVED that the following be **AGREED**:

- i) To submit a levelling up fund bid in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road and grant delegated authority to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration over:
 - a) departure from a round 1 bid in the event that it becomes evident that there is a greater chance of success in a later round, and

- b) the extent of the inclusion within the bid of additional cycle, pedestrian and vehicular access content in relation to the Station Road corridor.
- ii) To investigate the potential to work up a bid in partnership with neighbouring authorities within the Central Devon Constituency on the themes of rural enterprise and digital connectivity for submission to a future round of the fund.

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

Reason for the decision – To agree the proposed basis and timing of bids.

Note: *Report previously circulated and attached to the minutes

10. **UK COMMUNITY RENEWAL FUND (00-43-00)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration informing Members about the UK Community Renewal Fund ; setting out the criteria and timescales identified in the fund prospectus; and seeking agreement as to the preferred course of action.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the Community Renewal Fund, its criteria and timescales as identified in the fund prospectus and sought agreement as to the preferred course of action. Local organisations could apply for up to £3 million of revenue funding for projects that invested in skills, helped people into employment, supported local businesses grow and develop, and helped local communities become more resilient and sustainable. Applications must be for a minimum bid value of £500,000. Devon County Council had a key role in assessing, prioritising and submitting local bids to Government.

The key criteria for assessment were:

- Deliverability by 31st March 2022.
- Strategic Fit
- Value for Money
- Targeting people and areas most in need - Although weighting would be given to projects that included delivery in the two priority areas of West Devon and Torridge.

The minimum bid value of £500k to be spent in the current financial year, limited the scope of the available projects and it was felt that the Tiverton Town Centre projects would fit into the scheme.

Consideration was given to:

- The need to grasp the opportunity for funding
- How relevant projects could fit
- The fact that other local organisations could also bid for funding for projects

RESOLVED that: delegated authority be given to the Portfolio Holder(s) for Planning and Economic Regeneration and Housing and Property Services to develop and

submit a bid to Devon County Council as set out in sections 6.0 and 7.0 for the regeneration projects within Tiverton.

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

Reason for the decision – To agree the preferred course of action over bid submission.

Note: *Report previously circulated and attached to the minutes

11. CULLOMPTON HERITAGE ACTION ZONE

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting the Cabinet to consider delegating decision making responsibility with regard to the Cullompton High Street Heritage Action Zone Grants Scheme to the Head of Planning, Economy & Regeneration.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Historic England had awarded a High Street Heritage Action Zone to Cullompton, following a successful bid by this Council. The administration of the HAZ programme of works rested with this Council through to March 2024 and included:

- Public realm improvements around the Higher Bullring (with Devon County Council);
- A grants scheme for building repairs and historic reinstatement work;
- A cultural programme of activities in the town centre to align with the town's heritage; and
- A comprehensive update to the Cullompton Conservation Area and Management Plan (CAMP), as well as a new Mid Devon District Council Shopfront Design Guide;
- A package of community engagement activities.

The grants scheme would see property owners and repairing leaseholders invited to apply for building grants to support structural, historic reinstatement and shopfront improvement work in the town centre. Guidance to support the grants scheme was available and help would be provided by the Project and Conservation officers.

He outlined the mechanism for approving grant funding and the involvement of the Cullompton Town Centre Regeneration Partnership Group.

It was noted that the Cullompton Town Centre Regeneration Partnership Group were in agreement with the proposals for granting funding.

RESOLVED that: delegated authority be given to make decisions over the award of grants under the Cullompton High Street Heritage Action Zone to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for the decision – to allow for funding decisions to be made in consultation with the Cullompton Town Centre Regeneration Partnership Group

Note: *Report previously circulated and attached to the minutes

12. **APPOINTMENT OF CONSULTANTS TO PRODUCE A CULM GARDEN VILLAGE STRATEGIC FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. (00-52-17)**

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to prepare a strategic flood risk assessment and drainage strategy as evidence base for the Culm Garden Village masterplanning process.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that at the meeting on 1 October 2020, Cabinet approved the appointment of consultants to progress a Masterplan SPD for the East Cullompton Local Plan allocation and a Framework Masterplan for the wider garden village. Flooding and hydrology was a very important consideration for the garden village, there being numerous small watercourses crossing the site, as well as the River Culm to the west of the garden village and areas of flood zones 2 and 3 in the wider garden village area. The flood risk and hydrology work was a key component of the evidence base for the garden village masterplan.

He outlined the work that was being commissioned in detail and how it would be funded via the Homes England garden communities capacity funding. Consideration was given to the importance of the work to be undertaken to mitigate flooding in the area.

RESOLVED that: delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to produce a strategic flood risk assessment and drainage strategy.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for the decision – There is a need for a strategic flood risk assessment and drainage strategy to be obtained as part of the Culm Garden Village masterplanning process.

Note: *Report previously circulated and attached to the minutes

13. **OPTIONS FOR THE PROCUREMENT OF ELECTRIC CAR CHARGING UNITS (00-55-39)**

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change providing Cabinet with an overview of options available to the Council to facilitate an increased provision of electric vehicle (EV) charging points across the district.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that charging points were available at the leisure centres and within the multi-storey car park in Tiverton and that other sites within council owned land had been identified in line with the work taking place on the climate emergency and reducing the carbon footprint across the district

Consideration was given to the information available on the various options for the next wave of EV rapid chargers and possible encouragement for car sharing which was highlighted within one of the options.

It was therefore:

RESOLVED that: delegated authority be given to the Deputy Chief Executive (151) and the Portfolio Holder(s) for the Environment & Climate Change and Finance, in consultation with Property Services to facilitate the installation of additional electric vehicle charging points on Council land and across the District.

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

Reason for the decision – the Council has identified the provision of electric vehicle charger points as a priority action in its Climate Strategy, this decision will progress the installation of these units.

Note: *Report previously circulated and attached to the minutes.

14. **NOTIFICATION OF KEY DECISIONS (00-59-42)**

The Cabinet had before it and **NOTED** its *rolling plan for June 2021 containing future key decisions.

The committee clerk updated the meeting on movements within the plan.

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

15. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-1-42)**

The Cabinet had before it a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

During consideration of the report and following some discussion the Chairman **MOVED** that the meeting go into private session to consider the update in more detail.

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

Upon a vote being taken, this was **AGREED**.

Following discussion, the meeting returned to open session and it was:

RESOLVED that the Audit Committee be requested to undertake a lessons learned review, providing a report to Cabinet on the financial and other impacts from the process followed for the sale of Park Road Nursery and recommending what improvements might be made in future.

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

Reason for decision – so that improvements can be made to the process.

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

(The meeting ended at 7.25 pm)

CHAIRMAN

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

EAST DEVON, EXETER, MID DEVON AND TEIGNBRIDGE JOINT STRATEGY: SCOPE, RESOURCING, TIMETABLE AND GOVERNANCE

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

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

Reason for Report: To seek formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

RECOMMENDATION:

That Cabinet recommends to Council to:

Support the scope, resourcing, timetable and governance arrangements set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

Financial Implications: The resources required for preparing the Joint Strategy will be less than were previously committed for the discontinued Greater Exeter Strategic Plan (GESP). This is because a non-statutory plan:

- will not be subject to statutory consultation arrangements or a public examination;
- will not include development allocations, which require extensive site investigation work and master planning;
- can draw on the significant amount of evidence already collected for the GESP. Additional evidence may be required to support the Joint Strategy, but it will not be above what would have been required for the GESP; and
- will require less staff resource than the preparation of a statutory plan.

Sufficient funds are available in the GESP budget to cover the proposed approach to preparing the Joint Strategy set out in this report.

Legal Implications: The need for Mid Devon District Council to work collaboratively with neighbouring authorities on strategic planning matters is established by the 2011 Localism Act and the NPPF, which set out that local authorities have a legal Duty to Cooperate with other local authorities and organisations to seek to address strategic planning matters that are driven by larger-than-local issues and are likely to have an impact beyond the immediate District. Section 33A of the Planning and Compulsory Purchase Act 2004 sets out that to maximise effective working on

strategic matters throughout the preparation of plans, authorities have a duty to engage constructively, actively and on an ongoing basis.

Risk Assessment: The Joint Strategy will be jointly prepared by four authorities, with support from Devon County Council. This means that Committee decisions will be required from the four authorities at similar times to enable milestones to be reached. There is a risk that one or more of the authorities does not approve the Joint Strategy, in either its draft or final form. To help avoid this eventuality, the proposed governance arrangements set out in this report will help to ensure that Members from each authority are given significant opportunities to shape the plan as it is prepared.

Budget and Policy Framework: No direct budget implications as the funds already exist as part of the budget agreed for the GESP which is no longer being progressed. The non-statutory Joint Strategy will form part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: Under the Equality Act 2010's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

In order to comply with the general duty the Council must assess the impact on equality of decisions, policies and practices. These duties do not prevent the Council from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community. In making decisions the Council must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision. As the detailed content of the Joint Strategy is still to be determined, the equalities impacts of the recommendation on people with protected characteristics as determined by the Act are assessed at this stage as neutral. An impact assessment of the Joint Strategy will be undertaken when it is brought to the Cabinet for approval at draft stage.

Relationship to Corporate Plan: Agreement of the proposed scope, timetable, resourcing and governance arrangements for the Joint Strategy will enable the document to be progressed in a timely manner. The Joint Strategy will provide a co-ordinated response to the sub-region's strategic economic, climate, housing, environmental and infrastructure issues and help to secure central government investment. The recommended decision will therefore help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: Climate change mitigation and adaptation should form a key part of joint planning work. By its nature, climate change cannot be addressed by one authority working in isolation. Measures to tackle climate change also need to

acknowledge cross-boundary transport movements and other strategic matters. The arrangements proposed in this report will enable the Joint Strategy to be prepared in a timely manner, providing an opportunity to adopt at the earliest opportunity a non-statutory plan that supports the emerging Devon Carbon Plan and considers the carbon emissions and climate change impacts of development and transport over a wider area than just Mid Devon. Because of this, the Joint Strategy is likely to be more beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district, albeit that the implications will depend to an extent upon the specific joint planning strategy that is chosen.

1.0 Introduction/Background

- 1.1 On 6th January 2021 the Council resolved (Minute 111) to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter City Council, East Devon and Teignbridge District Councils and with the support of Devon County Council. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date. The Joint Strategy will be prepared in place of the statutory Greater Exeter Strategic Plan (GESP), on which all of the authorities were working in partnership until the end of 2020. The same resolution was made by the relevant committees of each authority during December 2020 / January 2021.
- 1.2 The reasons for recommending the preparation of the Joint Strategy in place of the GESP are set out in full in the 6th January report and are not reiterated in detail here. In summary, in place of the statutory GESP, a non-statutory Joint Strategy covering strategy and infrastructure matters:
 - is considered to be the most effective way of addressing the shared and inter-linked planning concerns that affect the four authorities;
 - will help to fulfil legal Duty to Cooperate requirements, thereby assisting with the preparation of each authority's Local Plan;
 - will demonstrate continued joint-working by the authorities on planning matters, which is vital to help lever in funding to the area to support delivery, particularly for critical strategic infrastructure;
 - will help to establish a recognisable 'brand' for the area, which may assist when making bids for Government (or other) infrastructure and delivery funding; and
 - will enable the local authorities to continue to share expertise and jointly commission relevant evidence to support their Local Plans, with potential cost saving and consistency benefits.
- 1.3 The 6th January report advised that proposals for the Joint Strategy's scope, resourcing, timetable and governance would be brought to the Council at the earliest opportunity. This report seeks the Council's agreement of those details. The relevant committees of Exeter City, East Devon and Teignbridge District Councils have, or will shortly be, considering the same recommendations, with the aim of achieving an agreed approach to joint planning in the sub-region.

2.0 Scope of the Joint Strategy

2.1 In order to achieve the benefits of preparing the Joint Strategy set out in paragraph 1.2 above, the proposed scope of the Joint Strategy is to:

- provide an opportunity for the authorities to jointly identify a clear, ambitious future for the area;
- demonstrate a commitment to joint working on strategic matters;
- distil the key strategic issues facing the area, to enable each of the authorities' Local Plans to respond in a way that reflects local conditions and support joint evidence preparation where appropriate;
- act as a prospectus to lever in external funding to overcome strategic issues and unlock development;
- Be a non-statutory living document which can be easily kept up to date to reflect evolving priorities and local conditions.

2.2 As regards the bullet points two and three, the Joint Strategy will not be a statutory plan and therefore will not set the planning policies of the four authorities. This will be the role of Local Plans. Instead, the Joint Strategy will provide an overarching framework that allows strategic planning and delivery matters to be considered collaboratively.

2.3 As regards the final bullet point above, it is proposed that the Joint Strategy should not be a one-off document. Instead it can be updated over time and as necessary to reflect the content of Local Plans as they are adopted, or new strategic infrastructure priorities and projects as they emerge.

3.0 Resourcing

3.1 A range of options for resourcing progress on the Joint Strategy have been considered:

- Divide the work equally between officers from the four authorities;
- Re-establish a dedicated team of officers from available resources within the authorities;
- Externally recruit a Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a limited time capacity);
- Complete an initial draft of the Joint Strategy in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers;
- Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers.

3.2 **Appendix A** provides some high-level commentary on the pros and cons of the five resourcing options.

3.3 In considering the options, it has been clear that the Joint Strategy should be prepared promptly, so that its aforementioned benefits can be realised as soon as possible. At the same time, following the change in direction from preparing the GESP, the four local planning authorities are prioritising work on

their individual statutory Local Plans. Collectively, the authorities do not have the in-house resources available to prepare the Joint Strategy alongside Local Plans.

- 3.4 For these reasons, it is proposed to engage a consultant to prepare the Joint Strategy on behalf of the authorities (option 5). In doing so, the consultant will be expected to make use of the considerable body of joint planning evidence that was prepared for the GESP. Details of how the consultant's work will be managed are provided in paragraphs 5.1 and 5.2 below. The consultant will be required to demonstrate the skills and knowledge needed to ensure the effectiveness of the Joint Strategy as a significant proposition to the Government and be able to present and undertake consultation on the Joint Strategy in creative ways.
- 3.5 Sufficient funds are available in the GESP budget to cover the proposed approach to resourcing.

4.0 Timetable

- 4.1 The proposed timetable for preparing the first version of the Joint Strategy is as follows:

Jun-Jul 2021:	Formal agreement by relevant authority committees of scope, timetable, resourcing and governance of the Joint Strategy
Jul-Aug 2021:	Engage a consultant to prepare the Joint Strategy
Sept-Dec 2021:	Review previous joint planning work and prepare the draft Joint Strategy
Jan-Feb 2022:	Undertake Member and stakeholder engagement – including all Mid Devon Members including through the Council's Planning Policy Advisory Group meetings
Mar-Apr 2022:	Finalise draft Joint Strategy
May-June 2022:	Seek formal agreement from relevant authority committees of the draft Joint Strategy
Jul-Aug 2022:	Publicly consult on the draft Joint Strategy
Aug-Sept 2022:	Finalise the Joint Strategy
Sept-Oct 2022:	Seek formal agreement from relevant authority committees to adopt the Joint Strategy

- 4.2 The proposed timetable to achieve adoption of the first version of the Joint Strategy is reasonably swift, in order that the benefits set out in paragraph 1.2 of this report can be realised as soon as possible. The Strategy will not be a

statutory planning document and therefore will not be subject to the same statutory requirements for stages of public consultation and Examination as a Local Plan. This means that it can be prepared more speedily than a Local Plan. However, given the proposed scope of the Joint Strategy, it is important that Members, stakeholders and local communities are given an opportunity to have their say on the content of the document. Time for such consultation is therefore included in the proposed timetable.

- 4.3 There are sufficient funds available in the GESP budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.
- 4.4 Since the Joint Strategy will not be a statutory document, Members should note that the proposed timetable is not a Local Development Scheme and may therefore be subject to change. However, there is a clear intention to adopt the Joint Strategy no later than October 2022.
- 4.5 The stages of preparation needed for any future iterations of the Joint Strategy will depend upon the nature of revisions to the document. It should not be necessary to publically consult on revisions that arise from the adoption of Local Plans, as these will already have been subject to statutory public consultation through the Local Plan adoption process.

5.0 Governance

Governance arrangements

- 5.1 The diagram at **Appendix B** summarises the proposed governance structure for the Joint Strategy.
- 5.2 In summary, the proposed governance arrangements will see the Joint Strategy prepared by a Project Lead (the appointed consultant), supported in a limited capacity by a small working group of experienced planning and/or delivery officers from each of the authorities. The work of the Project Lead will be managed by a Project Assurance Group (PAG) comprising the planning or delivery leads from each authority. The PAG will in turn report to a Principals group comprising the Chief Executives or Directors from each authority and representatives from Homes England and the LEP acting in an advisory capacity. The involvement of Homes England and the LEP in the Principals group is vitally important in respect of a key role of the Joint Strategy – i.e. its use as a prospectus to help lever in funding to support development delivery.

Member engagement

- 5.3 As set out in paragraph 4.1, the timetable includes Member consultation on the draft Joint Strategy in January and February 2022. The nature of this consultation is yet to be determined in detail. Final decision-making powers to agree the draft and final versions of the Joint Strategy will rest with the relevant committees of the four local planning authorities.

- 5.4 There will be an opportunity for all Mid Devon Members to engage with the Joint Strategy, including through the Council's Planning Policy Advisory Group. It is envisaged that at least one all Member meeting and at least one of the Planning Policy Advisory Group will be arranged to allow Members to review, discuss and comment on the content of the draft Joint Strategy, so that these comments can be taken into consideration and the draft Joint Strategy can be amended, before it is approved by the Cabinet (and by the relevant committees of the other Council's) for publication and public consultation. There will be further opportunity for all Mid Devon Members to attend at least one meeting of the Planning Policy Advisory Group following the public consultation, to consider a finalised Joint Strategy and to inform a recommendation to the Cabinet regarding a decision for the Council that the Joint Strategy is approved as part of the Council's policy framework.

6.0 Conclusions

- 6.1 This report sets out the proposed scope, resourcing, timetable and governance arrangements for preparing a Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge. The proposed arrangements are considered to offer the most appropriate means to deliver a non-statutory Joint Strategy in a timely manner, thereby helping to demonstrate and ensure continued successful joint planning across the sub-region.
- 6.2 The Joint Strategy could be prepared with an alternative scope and different timetable, resourcing and governance arrangements from those set out in this report. However, in each case, the proposals are considered to offer the best option for demonstrating and delivering a shared approach to strategic planning matters such as economic and housing development, carbon reduction, digital connectivity, infrastructure delivery and habitats mitigation across the sub-region, whilst enabling each local planning authority to retain control over the scope and timetable of statutory Local Plans.

7.0 Planning Policy Advisory Group

- 7.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix A – Assessment of options to resource the Joint Strategy

Appendix B – Governance proposals

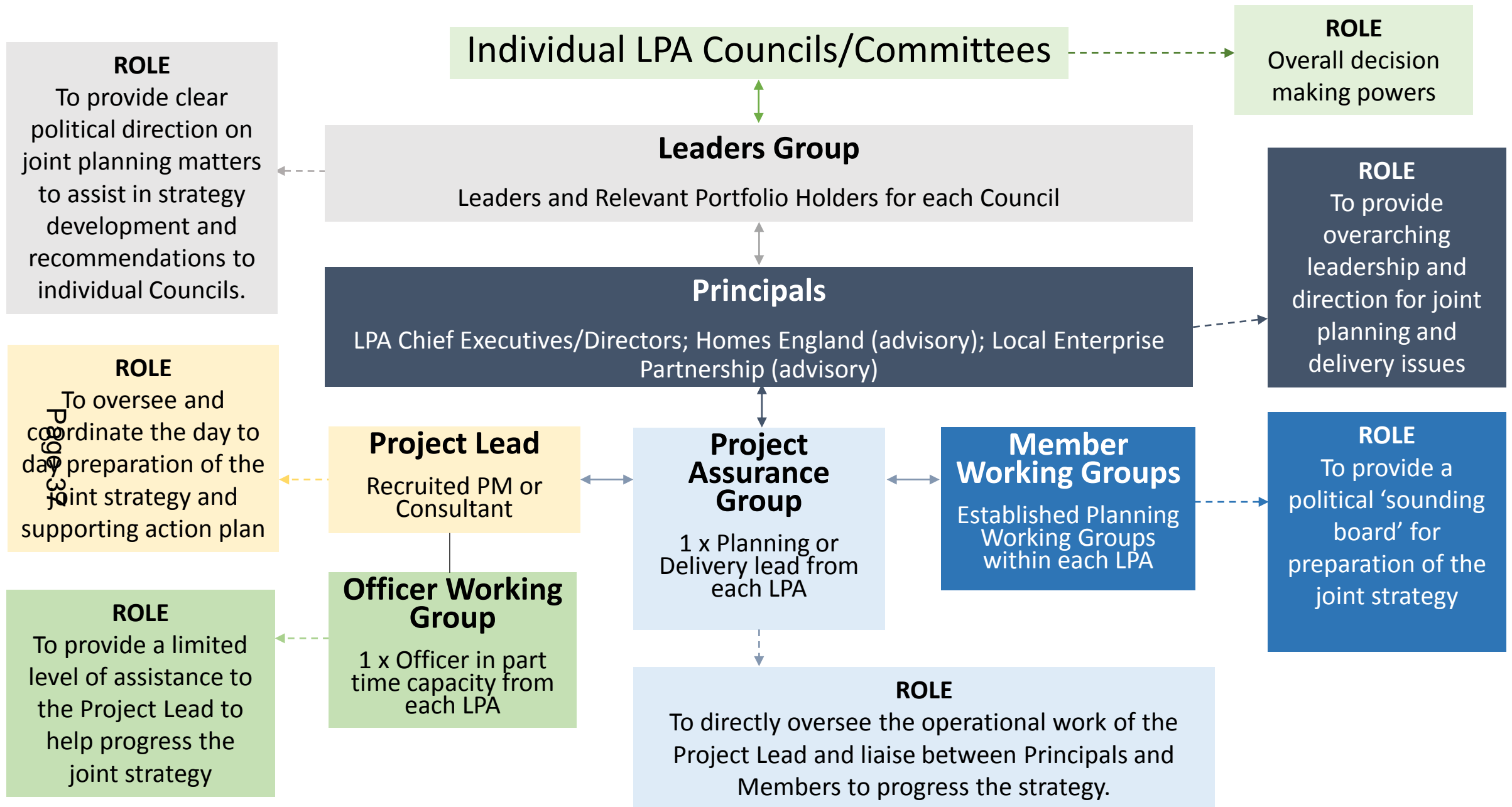
Assessment of options to resource the Joint Strategy

Option	Pros	Cons
1. Work on the joint strategy is split equally between the 4 authorities	<p>The joint strategy will start to be prepared within the shortest timeframe possible.</p> <p>Officers preparing the Joint Strategy will have the benefit of local knowledge, previous involvement in GESP and close ties with the evidence, stakeholders and Members.</p> <p>No additional cost.</p>	<p>No overall lead officer is in place to project manage the work, ensure consistency, etc.</p> <p>Due to timescales and approach to resourcing, there will be limited opportunity to explore different ways to present the Joint Strategy. It's therefore likely that the document would be prepared in a chapter format, similar to the GESP.</p> <p>It will require some authorities to pause work on their Local Plan for at least two months in order to resource the work.</p> <p>There is potential for major editorial/stylistic differences between the different sections, as they will be prepared by different authorities.</p>
2. Re-establish a dedicated team of officers from available resources.	<p>Officers preparing the Joint Strategy will have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members.</p> <p>An overall lead will be appointed to project manage the work, ensure consistency, etc.</p> <p>There will be potential to explore different/creative ways of presenting the Joint Strategy.</p> <p>No additional costs unless recruitment is required.</p>	<p>Will require the redistribution of resources within existing teams and the reprioritisation of workload/review of Local Plan timetables. This is likely to result in delays to Local Plan preparation unless additional resource is brought in.</p> <p>Could take at least a couple of months to organise the redistribution of resources and amend Local Plan timetables, and/or externally recruit additional resource.</p>
3. Externally recruit a	A dedicated lead officer will project	Will create an additional resource

<p>Project Manager to lead the project and work alongside a group of officers from the authorities (who would provide support in a part time capacity)</p>	<p>manage the work, ensure consistency, etc.</p> <p>The supporting group of officers will have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members.</p> <p>There will be potential to explore different/creative ways of presenting the information</p>	<p>cost, although funds are available in the GESP budget, The PM will need to initially be employed on a fixed term 1 year contract, but this might need to be extended if work is not completed within this timeframe.</p> <p>Will take several months to go through the process of job evaluation for a new post and recruitment.</p> <p>Still likely to require a reasonable level of resource from Local Plan teams to support the work, with potential knock-on effects for Local Plan preparation.</p>
<p>4. Completed an initial draft in-house, then engage a consultant to progress the work on behalf of the authorities, supported in a limited capacity by a group of officers</p>	<p>The supporting group of officers will have the benefit of local knowledge, previous involvement in GESP and close ties with the evidence, stakeholders and Members.</p> <p>The consultant could coordinate consultation, which is resource intensive.</p>	<p>Will create an additional resource cost, although funds are available in the GESP budget (Planning Delivery Fund).</p> <p>Will take a couple of months to go through competitive tender recruitment process – but could be done alongside a draft being prepared.</p> <p>There is potential for confused project management between the early and latter stages. Also, there is no dedicated project manager in place in the early stages (see options 1 and 2).</p> <p>There is potential for conflict between the initial draft and final versions, due to different people working on the Joint Strategy.</p> <p>Use of officer time in preparing the first draft will result in delays to Local Plan preparation.</p> <p>Consultants may not have the benefit of local knowledge, and will not have previous involvement in GESP or close ties with the evidence,</p>

		stakeholders and Members. This can be managed to a large degree by ensuring that all Member-facing work is undertaken by officers and that PAG carefully steer the work of the consultant.
5. Engage a consultant to prepare the Joint Strategy on behalf of the authorities, supported in a limited capacity by a group of officers	<p>There will be a dedicated project management to oversee the work.</p> <p>A consultant is likely to have additional skills and knowledge to improve the effectiveness of the Joint Strategy as a significant national proposition to government.</p> <p>It offers the potential to explore different/creative ways of presenting the Joint Strategy.</p> <p>Having a small group of officers supporting in a limited capacity should not affect Local Plan preparation.</p>	<p>Will create an additional cost resource, although funds available within the GESP budget (Planning Delivery Fund).</p> <p>Will take a couple of months to go through competitive tender recruitment process.</p> <p>Consultants may not have the benefit of local knowledge, previous involvement in GESP, and close ties with the evidence, stakeholders and Members. This could be managed to a large degree by ensuring that all Member-facing work is undertaken by officers and that PAG carefully steer the work of the consultant.</p>

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Leaders Group

Who?

Leaders and Relevant Portfolio Holders for each Council

Role

To provide clear political direction on joint planning matters to assist in strategy development and recommendations to individual Councils.

Key responsibilities

- Provide political leadership, governance and direction for decision making;
- Actively work with nominated Leaders of the other authorities to deliver an agreed approach to joint planning matters;
- Ensure full engagement of elected members for their authority in joint planning matters.

Principals

Who?

LPA Chief Executives/Directors; Homes England; Local Enterprise Partnership

Role

To provide overarching leadership and direction for joint planning and delivery issues

Key responsibilities

- Advise and agree at a strategic level on priorities and risks associated with joint planning matters;
- Have overall accountability for joint planning work;
- Ensure that adequate resources are available and provide direction between conflicting work priorities
- Review status reports.

Project Assurance Group

Who?

1 x Planning or Delivery lead from each LPA

Role

To directly oversee the operational work of the Project Lead and liaise between Principals and Members to progress the strategy.

Key responsibilities

- Ensure work is implemented to agreed timelines and deliverables;
- Anticipate and manage business related issues that may affect work progress;
- Manage budget;
- Manage procurement of evidence as required;
- Manage resources.

Project Lead

Who?

Recruited Project Manager or Consultant

Role

To oversee and coordinate the day to day preparation of the joint strategy and supporting action plan

Key responsibilities

- Project management of the production of the joint strategy;
- Reporting to the Project Assurance Group and other governance groups as required on progress;
- Liaison with external partners where required;
- Reporting to relevant Member Working Groups of the 4 Councils as required on progress achieved;
- Co-ordination of external communications in association with public consultation.

Officer Working Group

Who?

1 x Officer in part time capacity from each LPA

Role

To provide a limited level of assistance to the Project Lead to help progress the joint strategy

Key responsibilities

- Supply Project lead with relevant evidence and information;
- Undertake data collation exercises;
- Assist in consultation arrangements and liaison with communications teams.

Member Working Groups

Who?

Established Planning Working Groups within each LPA

Role

To provide a political 'sounding board' for joint planning and delivery issues

Key responsibilities

- Provide local context, political advice and guidance on planning matters being progressed through joint planning channels;
- Provide views on proposed consultation and engagement arrangements.

CABINET

8TH JUNE 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULLOMPTON NEIGHBOURHOOD PLAN

Cabinet Member(s): Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

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

Reason for Report: To make (adopt) the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

RECOMMENDATION:

That Cabinet recommends to Council that:

the Cullompton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the area.

Financial Implications: There are no direct financial implications from adopting the Cullompton Neighbourhood Plan. However, the process leading to the adoption of a Neighbourhood Plan has financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received burdens payments from the Government to help meet these costs to the sum of £5,000 for the area designation process and £20,000 to cover costs associated with the Examination and Referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Cullompton Town Council.

Legal Implications: Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these.

Risk Assessment: None identified.

Budget and Policy Framework: No direct budget implications. Now that the Neighbourhood Plan has been approved by referendum, it forms part of the Council's policy framework for decision-making purposes on land use planning matters.

Equality Impact Assessment: The Decision Statement for the Cullompton Neighbourhood Plan (see **Appendix 3**) concludes that 'the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990'. Therefore, the Council has concluded that the 'making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Cullompton Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the "protected characteristics") over and above those considered and addressed through the Local Plan Equalities Impact Assessment.

Relationship to Corporate Plan: now that it has been approved by referendum, the Cullompton Neighbourhood Plan forms part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district, allocate sites for housing and economic development, the provision of infrastructure, as well as policies for the protection of the environment and managing development. The plan will help meet the Corporate Plan priorities: 'Homes', 'Environment', 'Community' and 'Economy'.

Impact on Climate Change: The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy.

1.0 Introduction/Background

About neighbourhood plans

- 1.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) introduced powers to allowing qualifying bodies (parish councils, or neighbourhood forums in areas without parish councils) to produce neighbourhood plans and Neighbourhood Development Orders. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Stages in production of a neighbourhood plan

- 1.2 There are a number of key stage in the production of a neighbourhood plan and these can be summarised as:

- Designating a neighbourhood area
- Preparing a draft neighbourhood plan
- Pre-submission publicity and consultation
- Submission of a neighbourhood plan to the local planning authority
- Independent examination
- Referendum
- Bringing the neighbourhood plan into force

The role of the Council

- 1.3 The Council, as the Local Planning Authority must take decisions at key stages in the neighbourhood planning process and within specified time limits, and has a duty to provide advice or assistance to a parish council as it considers appropriate for the purpose or, or in connection with, facilitating the making of proposals in relation to the neighbourhood plan. This includes providing comments on 'general conformity' of the neighbourhood plan policies with the strategic policies of the Local Plan, advising on neighbourhood plan requirements (including Strategic Environmental Assessment 'SEA' and Habitat Regulations Assessment 'HRA'), undertaking post-submission consultation on the neighbourhood plan (Regulation 16 consultation), the appointment of an independent examiner, making arrangements for the referendum, and bringing the neighbourhood plan into force.

Neighbourhood planning in Mid Devon

- 1.4 Mid Devon is a fully parished district, where parish councils can choose to prepare a neighbourhood plan and can work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order.
- 1.5 Before a parish council in Mid Devon can prepare a neighbourhood plan it must apply to the Council as the local planning authority for a neighbourhood area to be designated. This must include a statement why the proposed neighbourhood area is an appropriate area.
- 1.6 There are currently four designated neighbourhood areas in Mid Devon where neighbourhood planning can take place:
- Tiverton Neighbourhood Area, designated on 12th November 2018
 - Cullompton Neighbourhood Area, designated on 30th April 2014
 - Silverton Neighbourhood Area, designated on 3rd July 2014
 - Crediton Neighbourhood Area, designated 2nd July 2014
- 1.7 Neighbourhood Plans are currently being prepared for all four designated areas and these have reached various stages of completion.

2.0 Cullompton Neighbourhood Plan

About the Plan

2.1 The Cullompton Neighbourhood Plan has been prepared by Cullompton Town Council and the period to which it relates is 2019 – 2033.

2.2 The Cullompton Neighbourhood Plan includes:

- A vision statement for Cullompton
- 7 topics:

Sustainable Development; Highways, Travel and Transport; Housing; Natural and Rural Environment; Town Centre, Heritage and Culture; Local Economy and Jobs; Community Wellbeing and Leisure.

Each topic has aims and objectives and the neighbourhood plan includes 39 policies covering a range of planning matters. The neighbourhood plan recognises that Cullompton will be the strategic focus of new development in Mid Devon, and it is supportive of the principle of the Culm Garden Village.

Strategic Environmental Assessment and Habitat Regulations Assessment

2.3 The Cullompton Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitat Regulation Assessment screening undertaken by the Council (2015), and a subsequent Strategic Environmental Assessment by consultant AECOM in 2017 and updated in 2019.

Public consultation and submission

2.4 The Neighbourhood Plan has been subject to several rounds of public consultation providing an opportunity for residents in Cullompton parish to help shape its content.

2.5 Officers have provided comments to Cullompton Town Council on the 'general conformity' of the Neighbourhood Plan policies with the strategic policies of the Local Plan 2013 – 2033 at various stages of the plan's preparation.

2.6 The Cullompton Neighbourhood Plan was submitted to the Council on 5th April 2019. It was then subject to a 6-week post-submission consultation prior to being examined by an independent examiner. A number of representations were received during the consultation period and these were provided to an examiner together with relevant documents, including the:

- Cullompton Neighbourhood Plan
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment
- Habitat Regulations Assessment, and
- Local Green Space Report.

Examination

- 2.7 To meet the basic conditions the neighbourhood plan must have ‘regard to national policy and advice contained in guidance’, be ‘in general conformity with the strategic policies contained in the development plan for the area’, contribute to the ‘achievement of sustainable development’, have ‘special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses’, have ‘special regard to the desirability of preserving or enhancing the character or appearance of any conservation area’, ‘does not breach, and is otherwise compatible with, EU obligations’ and ‘does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017’.
- 2.8 The Examiner’s report was received on 1st July 2020. In her report the Examiner recommended a number of modifications to policies within the Cullompton Neighbourhood Plan in order that the plan and its policies met the ‘basic conditions’. The recommended modifications and reasons for these can be found in the Examiner’s Report (see **Appendix 2**).
- 2.9 The Examiner’s report has concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

Referendum

- 2.10 The referendum for the Cullompton Neighbourhood Plan was held on Thursday 6th May 2021 at the same time as local elections for Devon County Council, District Council By-Elections, Town / Parish By-Elections and elections for the Police and Crime Commissioner.
- 2.11 The referendum documents published included:
- Referendum Version of the Neighbourhood Plan (see **Appendix 1**)
 - Report of the Independent Examiner (see **Appendix 2**)
 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement) (see **Appendix 3**)

And the following documents (links to these are provided at the end of this report)

- Summary of Representations submitted to the Independent Examiner
 - Cullompton Neighbourhood Plan Referendum Information Statement
 - Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
- 2.12 In accordance with the Neighbourhood Planning regulations the referendum asked persons eligible to vote within the neighbourhood plan area (Cullompton Parish) the following question:

“Do you want Mid Devon District Council to use the neighbourhood plan for Cullompton to help it decide planning applications in the neighbourhood area?”

2.13 The result of the referendum was as follows:

	Votes Recorded
Number cast in favour of a Yes	2037 (87.3%)
Number cast in favour of a No	272 (11.7%)
Number of spoilt ballot papers	25
Total number of votes cast	2334
Electorate: 7840	Turnout: 29.77 %

2.14 Since 87.3 % of voters are in favour of the Cullompton Neighbourhood Plan the plan becomes part of the statutory development plan for the area and the Council must bring it into force.

3.0 Adoption of the Neighbourhood Plan

3.1 In accordance with Section 38(4) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 25A of The Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum is held.

3.2 However, the Council may refuse to make the Plan if it considers that making it would be a breach, or would otherwise be incompatible with, any EU obligations or any human rights obligations.

3.3 Council officers hold the view that the making of the Plan would not breach these obligations (as set out within the Council's Decision Statement). The Council must decide whether to make, or refuse to make, the Plan. It is recommended that the Plan is 'made'. There is no opportunity at this stage to seek to amend the contents of the plan or make further representations to it.

4.0 Groups Consulted

4.1 The Planning Policy Advisory Group met on 20th May. The group noted the contents of the report and has endorsed the recommendation.

5.0 Next steps

5.1 The Cullompton Neighbourhood Plan will be published on the Council's website and made available to the public, together with a statement setting out the decision and the Council's reasons for making that decision.

5.2 Cullompton Town Council will be responsible for any future review of the Cullompton Neighbourhood Plan, although there is no requirement to review or update a neighbourhood plan.

- 5.3 Requests for printed copies of the Cullompton Neighbourhood Plan should be made to Cullompton Town Council, although Mid Devon District Council will provide a copy of the Decision Statement (as per paragraph 5.1) to any person who has asked to be notified of the decision to make the neighbourhood plan.

Contact for more Information: Tristan Peat, Forward Planning Team Leader,
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Circulation of the Report: Cabinet Member

List of Background Papers and relevant links:

Appendix 1 - Cullompton Neighbourhood Plan referendum version
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Appendix 2 - Independent Examiner's Report of the Cullompton Neighbourhood Plan
<https://www.middevon.gov.uk/media/352474/ii-examiners-final-report-into-the-cullompton-neighbourhood-plan.pdf>

Appendix 3 - Statement by the local authority that the draft plan meets the basic conditions and other necessary provisions (Decision Statement)
<https://www.middevon.gov.uk/media/352476/iv-decision-statement-cullompton-neighbourhood-plan.pdf>

Summary of Representations submitted to the Independent Examiner
<https://www.middevon.gov.uk/media/352475/iii-summary-of-representations-submitted-to-the-independent-examiner.pdf>

Cullompton Neighbourhood Plan Referendum Information Statement
<https://www.middevon.gov.uk/media/352472/cullompton-np-referendum-information-statement.pdf>

Statement that sets out general information as to town and country planning including neighbourhood planning and the referendum (information for voters)
<https://www.middevon.gov.uk/media/352477/v-general-information-on-town-and-country-planning.pdf>

The Neighbourhood Planning (General) Regulations 2012
[The Neighbourhood Planning \(General\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/24/contents)

Neighbourhood Planning Act 2017
<https://www.legislation.gov.uk/ukpga/2017/20/contents>

Town and Country Planning Act 1990 (as amended) schedule 4b
<https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B>

Localism Act 2011 (see Chapter 3 Neighbourhood Planning)
<https://www.legislation.gov.uk/ukpga/2011/20/contents>

Planning and Compulsory Purchase Act 2004
<https://www.legislation.gov.uk/ukpga/2004/5/contents>

Cullompton Neighbourhood Plan 2020-2033

Referendum Version



Cullompton Town Council
August 2020



Amendment Schedule

Version 1	1st circulation draft	June 2015
Version 2	Informal consultation draft	February 2016
Version 3	Pre-submission version	October 2017
Version 4	Submission version	August 2019
Version 5	Referendum Version	August 2020

Steering Group Members:

Councillor Eileen Andrews
Councillor Karl Busch
Councillor Chaim Ebanks
Tim Duxbury (DCC)
Sue Edwards (DCC)
Councillor Claire Francis
Roy Gould
Councillor Gordon Guest (Chair)
Councillor Pauline Hammett
Steve Hellier
Ann McClements
Cathy Penharris (Vice Chair)
Jenny Penharris (Secretary)
Councillor Rachel Sinclair
Councillor Martin Smith
Michael Speirs (Vice Chair and former Chair)

Others:

Lou Maddocks - Administrator (2014 - 2020)
Steve Reardon - Administrator (2018 - 2019)
Paul Weston - Consultant

All individuals and groups involved in the production of this Neighbourhood Plan document have declared any relevant pecuniary or personal interests throughout.

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Foreword

Welcome to the Cullompton Neighbourhood Plan Referendum Version August 2020. This is a plan for the parish of Cullompton that will guide developers and planners through the next twenty years. The Submission Version of the Cullompton Neighbourhood Plan and its policies have been developed through an extensive process of community dialogue and consultation. It reflects the concerns and aspirations of the community as expressed by the many groups and individuals who engaged in the surveys, public consultations, workshops and discussions with members of the Neighbourhood Plan Steering Group or Cullompton Town Council. The Neighbourhood Plan also provides a firm foundation for continued community involvement with major planning projects such as the Garden Village, and the provision of high-class sports and recreation facilities, which will become particularly significant in Cullompton given the extensive housing development anticipated over the next decade. The Plan also provides some protection as we move forward into the sphere of influence of the Greater Exeter Plan.

Preparing the Neighbourhood Plan has occupied us for much longer than anticipated because we wished to publish after the Mid Devon Local Plan Review had taken place. This extended period of preparation has enabled us to look closely at the impact of developments such as the North West Extension and the Garden Village, as well as how the Swimming Pool Project can best be supported.

We are grateful to everybody who engaged in neighbourhood planning for Cullompton over the past few years. You have all contributed to the evolution of the Cullompton Neighbourhood Plan in some way. There are restrictions on what the Neighbourhood Plan can do. It is at heart a planning document, not a spending proposal or even a wish list. Within the constraints imposed, we have tried to incorporate the spirit of what we have been told should be the direction of future development within the parish to ensure that it is a vibrant place to live and work and meets the needs of its diverse population over the next two decades.

The policies in the Neighbourhood Plan will be Cullompton-specific additions to the national and district policies that guide planners and developers. Every policy is intended to add value to existing policies and provide locally relevant context and reasonable requirements for future development that is consistent with national planning guidelines.

A special thank-you is extended to everybody who contributed to completing the task of producing the Submission Version of the Cullompton Neighbourhood Plan, particularly the members of the Steering Committee, our consultants, the working groups and the Town Council.

Michael Speirs

Chair (2011 to 2015)
Cullompton NP Steering Group

Gordon Guest

Chair (2015 to present)
Cullompton NP Steering Group

Introduction

The Community's Plan

1.1 This Neighbourhood Plan is the community's plan. It represents the community's vision and priorities for how they would like to see the Cullompton area develop and change in the coming years and in doing so it sets out the local, neighbourhood planning policies which will be taken into account as and when any proposals for development come forward in Cullompton's parish area.

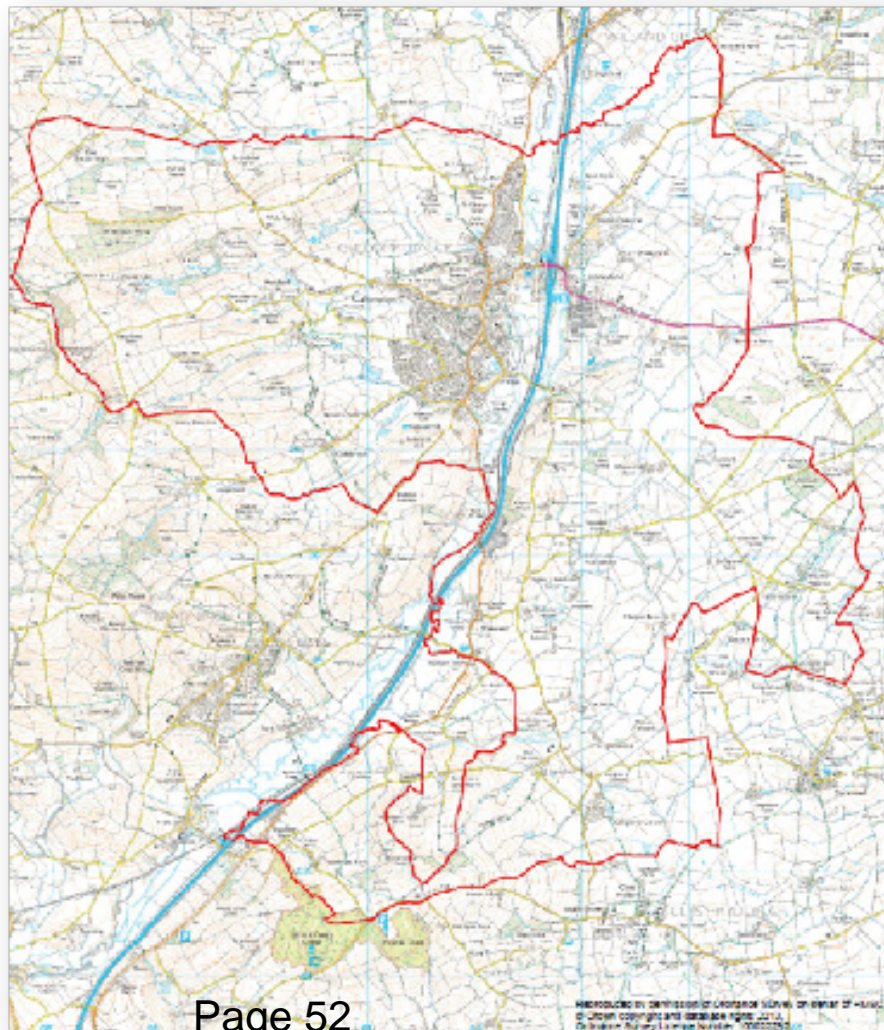
1.2 The Neighbourhood Plan is not a plan which can cover every issue identified as being important to the community: it has a focus on responding to proposals for development and the appropriate use of land. It puts us, as a community, in the driving seat when it comes to having a say over what, how and where development should take place where it requires planning permission.

1.3 The Plan covers the period up until 2033, and is therefore in line with the Local Plan produced by Mid Devon District Council as the local planning authority.

The Plan Area

1.4 The Cullompton neighbourhood plan area (the whole Parish) was designated by Mid Devon District Council on the 30 April 2014. Map 1 below shows the extent of the area that is the subject of this Neighbourhood Plan and its policies.

Map 1:
Cullompton Parish
and Designated
Neighbourhood Area



A Vision Statement for Cullompton

Cullompton is a market town with a distinct character and identity rooted in a rich history that will be conserved as the town grows into the future as a vibrant centre for its residents and the surrounding rural area.

To meet the needs of a rapidly expanding population, the town will provide an excellent mix of housing reflecting the distinctive character of the town through varied external finishes and integration of the various styles and types of housing required to meet local needs and encourage families to settle in the town and become part of the community. The housing and amenities will integrate the needs of people and nature, retaining the feel of a country town through abundant use of trees, flowering-trees, hedgerows and imaginative use of water management.

The high street will be a pedestrian-friendly economic and social centre for the community, providing a mix of shops, offices, dwellings and places to eat. Further retail will be encouraged in the smaller trading estates bordering the town centre. The leisure pursuits of all age groups will be catered for by excellent sports and activity facilities and easy access to the natural, nearby features of countryside and water.

Taking advantage of its location, the town will be a communications hub with good links by rail, road, paths and broadband to the region and beyond.

The Planning Process

2.1 The development and preparation of the Neighbourhood Plan has been undertaken by a Steering Group comprised of representatives of groups in the town along with Town Councillors and County Council officers.

2.2 It was understood from the outset that for the Plan to be truly representative of the planning issues of relevance in the area and to be the community's plan, we would need to carry out a thorough and on-going consultation process with those who live and work in the parish area of Cullompton. We also recognised that the Plan could not be properly developed without the input of organisations and agencies with a district, county, sub-regional or national remit and an interest in the area.

2.3 The process and the types of consultation exercise and discussion that we have gone through is documented in detail in a Consultation Statement, which accompanies the Submission Version of the Neighbourhood Plan. The key methods we have used have included:

- Public exhibitions, meetings and events
- Regular articles in the Cullompton Crier
- Use of social media (including website and Facebook)
- Local newspaper and noticeboards
- A community questionnaire delivered to all households
- Focus groups and workshops
- Survey and discussion with local businesses
- Directly contacting wider-than-local organisations and agencies (strategic stakeholders) which have an interest in planning issues in the area
- Consultation 'windows' during which comments have been invited on draft documents



2.4 The development of the Plan was based on a desire to be open and to welcome comments and contributions from all quarters. Our aim has been to encourage discussion and debate within the community about the issues and opportunities that face us and strive to achieve a community consensus. This Neighbourhood Plan represents the product of this process.

2.5 Having developed the Plan through this iterative and inclusive approach, the Regulations required us to carry out a formal consultation on the pre-submission version of the Plan and engage with the community, local stakeholder and strategic and statutory organisations. Having undertaken this consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations, the Plan has been readied for formal submission to the local planning authority and examination of the Plan by an independent Examiner. After that, assuming that the Plan passes through the Examination successfully, the Neighbourhood Plan will be subject to a public referendum where residents on the electoral register will be asked if they support the final version of the Plan. If the referendum answer is a "yes" from a majority of voters turning out on the day, the Plan will be "made" (or adopted) by the local planning authority, Mid Devon District Council.

Environmental Impact

2.6 The Neighbourhood Plan is also subject to sustainability testing as it is developed, to help establish the Plan's positive or negative impact on the social, environmental and economic character of the parish area. This has been done through a strategic environmental assessment (SEA). The purpose of the SEA is to identify impacts and, if necessary, propose possible amendments to policies to lessen any potential negative impacts which could arise as a result of the Plan's policies and/or proposals. The findings and the recommendations from the SEA is documented in detail in the SEA Report¹, which accompanies the Submission Version of the Neighbourhood Plan. The on-going assessment process has influenced the policy content of the Neighbourhood Plan.

2.8 The Neighbourhood Plan's policies, however, cannot guarantee that a development proposal will either be refused or be granted permission; but the policies will carry significant weight, alongside policies of the National Planning Policy Framework and the Mid Devon Local Plan when the local planning authority weighs up the appropriateness of the proposal in question.

The Neighbourhood Plan's Status

2.7 The Cullompton Neighbourhood Plan, once made, will be a statutory development plan. That means that its policies will have significant bearing when it comes to being used by the local planning authority at Mid Devon District Council to help determine proposals for development submitted through planning applications. It will form the local tier of planning policy across our parish area. It sits with the district-wide Local Plan, produced by Mid Devon District Council (also a statutory development plan) and underneath the umbrella of national planning policy in the Government's National Planning Policy Framework (NPPF) as the main planning policy documents relevant to the Cullompton area. Other important planning documents which govern specific issues are the Minerals and Waste Plans produced at the county-wide level.

¹ https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP%20SEA%20Submission%20ER_v1.0_190107-1.pdf

The Structure of the Neighbourhood Plan

3.1 Our Neighbourhood Plan has a locally determined 'framework' in the form of an overall vision for the Cullompton area and a series of aims and objectives which we have set for the Plan. These have been the subject of dialogue with the community and informed by the existing planning policies, plans and contributions of key organisations and agencies, with an interest in the area.

3.2 Having explained our rationale for these (in section 5, that follows), the Plan then sets out our local neighbourhood planning policies on a topic by topic basis, which we believe are necessary to supplement and complement to policies in the Mid Devon Local Plan to ensure the community's agenda for development and growth is achieved.

3.3 The community's agenda, derived through consultation, is reflected in the topics and their themes, and the broad aims and more specific objectives for each topic. The policies under each topic heading are those that we believe will achieve the objectives. Under each topic heading we have set out our neighbourhood policies, along with an explanation of the policy, reference to the national and local policies with which our policy aligns, and why we feel a neighbourhood plan policy is required.

3.4 It is important to note that whilst we have grouped policies under topic headings, when development proposals are being assessed, the whole plan (i.e. all policies) should be considered. Policies under one topic may also apply to proposals which naturally fit under another.

3.5 The Neighbourhood Plan finishes with an explanation of how we will monitor and review the Plan, a glossary which seeks to demystify some of the planning terminology used in our plan and a bibliography which includes the details of documents referred to and current web-links to those documents.

Community Actions

3.6 Inevitably when carrying out a community consultation, matters not directly related to the use and development of land are raised by the members of the public. Those that are not land-use-related have not been disregarded. They have been referred to the Town Council for further consideration and action.

Companion Documents

3.7 Several documents will be prepared to accompany the Plan. We are obliged to produce a:

- Consultation Statement
- Basic Conditions Statement
- A Strategic Environmental Assessment

3.8 The Consultation Statement must satisfy the requirements of the Neighbourhood Planning Regulations 2012, Part 5 section 15, and provide a document which:

- contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- explains how they were consulted;
- summarises the main issues and concerns raised by the persons consulted; and
- describes how these issues and concerns have been considered and, where relevant addressed in the proposed neighbourhood development plan.

3.9 The Basic Conditions Statement must be submitted alongside the draft Neighbourhood Plan. We are required to demonstrate how our Plan meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

3.10 The Neighbourhood Plan has been assessed by the local planning authority to consider whether it should be subject to a Strategic Environmental Assessment (SEA). In circumstances, where a neighbourhood plan is considered likely to have significant environmental effects, it may require a strategic environmental assessment. The process to determine whether this is so is commonly referred to as a 'screening assessment'. If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those regulations. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive).

3.11 After discussions with the local planning authority, a SEA was carried out on both the Pre-submission and Submission versions of the Cullompton Neighbourhood Plan. The SEA reports¹ can be seen in full on the website and are summarised in the Basic Conditions Statement.² Changes as a result of the recommendations in the SEA Reports have been incorporated in the Cullompton Neighbourhood Plan.

² <https://www.cullomptonneighbourhoodplan.co.uk/documents>

The Planning Context

National Policy and Sustainable Development

4.1 In preparing the Neighbourhood Plan we are obliged, by law, to:

- have regard to national policies and advice contained in guidance issued by the Secretary of State
- ensure the Plan is in general conformity with the strategic policies contained in the Local Plan.

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policy to which all plans and proposals for development should comply. The NPPF includes, at its heart, a "presumption in favour of sustainable development" (NPPF para. 11). It states that "neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies". The NPPF goes on to say that "strategic policies [in the Local Plan] should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans." Outside of strategic policies therefore, we are encouraged to shape and direct sustainable development in our area through our Neighbourhood Plan. "Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan" (NPPF para. 29). All references in this document are to the Revised National Planning Policy Framework³ (published February 2019).

³ <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

⁴ <https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/>

Mid Devon Local Plan

4.3 The Town Council appreciates that, in preparing a Neighbourhood Plan, it is a basic condition that the Plan should conform to the strategic policies of the development plan for the area i.e. the currently adopted Local Plan. During the preparation of the Cullompton Neighbourhood Plan we have referred to the Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013). Together these comprise the development plan for the area. We have demonstrated in the Basic Condition Statement that accompanies the submitted Neighbourhood Plan, how our Plan and its policies is in general conformity with the strategic policies contained in the adopted development plan for Mid Devon.

4.4 Throughout the period in which we have been preparing the Neighbourhood Plan the Mid Devon Local Plan has been going through a review process that has involved several periods of public consultation. The resultant Local Plan Review will guide development in the District over the next 20 years. It is approaching the final stages in its development and adoption. "It aims to make sure that new homes, jobs and services required by communities are located in the most sustainable places. It will also help deliver the infrastructure, facilities and other development needed to make this possible."⁴

4.5 The Cullompton community has been engaged with this process in as much as the local planning authority has staged several consultation events in the area and had a dialogue with Cullompton Town Council. The Town Council has striven to exert influence over the development of the new Local Plan at all stages through written submissions. We have endeavoured to ensure the Neighbourhood Plan has remained in general conformity with the strategic policies contained in the new Local Plan as well as the adopted Local

Plan. To demonstrate conformity, references to the strategic policies of the new Local Plan are included, within the supporting statements that accompany the policies in the Neighbourhood Plan.

4.6 The Local Plan Review has been through four stages of consultation since 2013. It was submitted to the Secretary of State along with other relevant documents. In September 2017, however, Mid Devon District Council requested an adjournment of the Local Plan Hearings to commission an independent report to review the Sustainability Appraisal (SA) of the proposed Local Plan, which itself was subject to a public consultation in the spring of 2018. Preliminary hearings for the examination of the Mid Devon Local Plan Review commenced on 20th and 21st September 2018. Hearings will continue into 2019.

4.7 Cullompton Town Council's position throughout the consultation process has been one of general endorsement of the strategic direction of growth proposed in the Local Plan Review. Cullompton Town Council is pleased that Cullompton will be a strategic development location.

4.8 Since 2013 the Town Council has been calling for additional land needs to be identified in the Local Plan for residential and commercial development. The second round of Local Plan consultation in 2014 left the option open; major growth in the Cullompton area was just one of four strategic development options. In response to the 2014 options document the Town Council clearly set out its position and the case for growth to be focussed on Cullompton.

4.9 Cullompton Town Council is seeking a fully cohesive, integrated vision that will self-support long term economic, environmental and employment benefits. It is the Town Council's belief that:

- i the proposed growth of Cullompton over the next 20 years is a positive move
- ii the need for a Relief Road to relieve traffic congestion within the town is an imperative
- iii most of the identified sites to the west of Cullompton will be full or nearly completed by 2026 and that the expansion along the A373 Honiton Road is a sensible and logical next step after 2026
- iv Cullompton's growth in housing must be matched by growth in infrastructure, commercial development and M5 junction 28 improvement
- v a new community east of junction 28 to allow for existing and future development of the town up to 2036 is supported provided that measures are put in place to fully integrate this community with the existing settlement area
- vi the development of the M5 corridor is critical to the economic growth and prosperity of Cullompton
- vii with a growing population, there is a need for some medium sized retail outlets to enhance the retail experience and commercial appeal of the area

We are pleased that this 'approach' has been found preferable by Mid Devon District Council and is central to the strategic growth policies of the Local Plan Review.

4.10 As an endorsement of this approach, Mid Devon District Council submitted 'East Cullompton' as a potential development area to be advanced as part of the Government's 'Garden Village Initiative' (see glossary). The Government indicated in January 2017 that it was impressed with the prospect and potential of a 'Garden Village' extension to the east of Cullompton. It has awarded

Mid Devon District Council a substantial package of support to advance the initiative.

4.11 Cullompton Town Council lent its support to the application, particularly because of its emphasis on infrastructure. The bid referred to:

- Junction 28 capacity improvements being essential to delivering the Garden Village Project
- Loan funding required for modifications to junction 28 to enable the project, swifter delivery, and continuity of delivery in association with a NW extension to Cullompton
- Brokerage with Highways England, Network Rail and the Environment Agency
- Access to new rail station's funding
- Access to starter homes funding

4.12 Garden villages are intended to be part of a new generation of locally-led development to meet local housing need, with a focus on creating attractive, well-designed places. One of the key benefits of garden village status is that it will assist in delivering urgently needed infrastructure for Cullompton. Mid Devon District Council's first public announcement after its 'award' was to say, "we propose to prioritise any government financial support to highway improvements including the town centre relief road and M5 Junction 28 improvements together with measures to reduce flood risk".

4.13 Cullompton Town Council is happy to go along with the 'Garden Village' approach to development in east Cullompton if it helps achieve the strategic policies of the Local Plan, delivers a high-quality living environment and facilitates sustainable growth of Cullompton that will offer benefits to all the parishioners of the area. However, it is the Town Council's position that this can only be achieved if the east Cullompton growth area is conceived from the outset as an integral part of the town of Cullompton and not a separate settlement; and master-planned accordingly.

4.14 The Cullompton Neighbourhood Plan is designed to be a document which will help facilitate change in the parish area. It seeks to:

- i provide support to the strategic policies in the Local Plan and the general principles behind them
- ii set out a local development strategy that reflects how the community want to see Cullompton change and improve
- iii provide an additional level of detailed planning policies or a distinct local approach to that set out in the strategic policy without undermining the policy
- iv introduce new local policies to ensure growth can be accommodated and bring net benefits to the whole area
- v protect everything that is precious to us and promote its recognition and enhancement
- vi encourage community action to ensure growth brings the significant community benefits

4.15 With a focus on sustainable development it is inevitable that the Cullompton Neighbourhood Plan concentrates on the urban area i.e. the town of Cullompton, and its fringe. In no way, should this be interpreted that the rural parts of Cullompton parish are not important. Indeed, the reason why there are so few neighbourhood plan policies relating specifically to the countryside parts of the area is because we regard them as special and unsuitable for development of any scale. We support Local Plan Review strategic policy S14 which states that: "development outside the settlements defined by Policies S10-S13⁵ will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy." Only development that is agricultural or considered "appropriate rural uses" in type and scale will be permitted.

Cullompton Today

4.16 The starting point for the Neighbourhood Plan is Cullompton today. We have undertaken research and surveys to establish the 'evidence base' for the Plan. The local social, economic and environmental conditions, issues and opportunities as we have identified and interpreted them are described in detail in an Evidence Base Report.⁶

4.17 Cullompton is a historic market town and civil parish in the district of Mid Devon and the county of Devon. The parish area extends some seven miles along the valley of the River Culm, covering nearly 8,000 acres, with over 9,200 inhabitants (in 2014) in Cullompton. Devon County Councils last estimate (2019) for the population of the hinterland (defined as the collections of towns and villages surrounding a market or coastal town) was in excess of 23,500. The town's history dates well back into Roman times and it has been a market town since the 13th century. In the past the town's economy had a large component of wool and cloth manufacture, then later leather working and paper manufacture. A large proportion of today's inhabitants are commuters, but there is still some local manufacturing, including flour and paper mills.

Natural and Rural Environment

4.18 The rural parts of the Parish fall into one of two character areas. Land to the west of Cullompton is generally rolling farmland and valley slopes. The landscape to the east and south along the river Culm is categorised as 'lowland plains'. Cullompton boasts three 'county wildlife' sites and a number of other important wildlife habitat sites and within the parish area. The CCA⁷ Fields host several notable species and habitats including:

- ponds, ditches and leats
- woodland and trees
- hedgerows and boundaries

4.19 In terms of public access, the Cullompton area has fewer public rights of way than most other Mid Devon parishes. The CCA Fields and High Banks, which runs alongside the River Culm are both popular open spaces for recreation walks and for young people to play.

4.20 Flooding is a perpetual hazard in the Culm valley. There were significant occurrences in both 2012 and 2013. In 2009, it was estimated that within the Parish there were 499 current properties in flood zone 2 (at moderate risk of flooding) and 424 in flood zone 3 (high risk).

Heritage

4.21 Cullompton Conservation Area is focussed on the town centre area. It has 50 designated heritage assets including the Grade I, St Andrew's Church (15th C); the Grade II, Trott's Almshouses (16th C) and the recently renovated Grade I, Walronds (17th C). Cullompton also boasts a range of other areas and features of local heritage significance such as Pound Square, Upper/Higher Bullring and the cobbled pathway at the side of the White Hart Public House. The Town Team, of local volunteers, has instigated a variety of projects to recognise and preserve our local heritage.

⁶ https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP_SEA%20Scoping%20Report_v1.0_080317.pdf

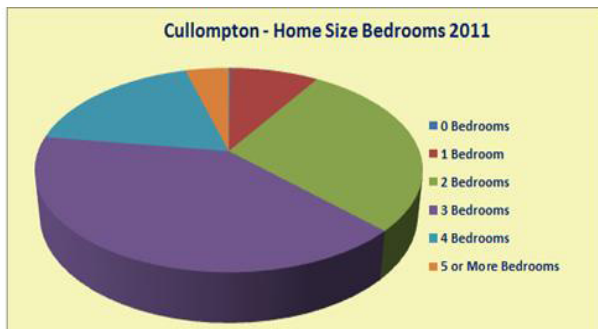
⁷ CCA = Cullompton Community Association

Housing

4.22 The parish population of over 9,000 is growing rapidly as a result of new housing developments. It is predicted to increase by 12% between 2006 and 2021. The most significant increase in population will be in the over 65 age group with a predicted increase of 52%.

4.23 A review of available housing data shows that:

- there is a relatively high level of home ownership (69%) and correspondingly low proportions of social and private rented housing
- the average house price in Cullompton in 2016 is £191,300, which is considerably lower than the Mid Devon average (£224,673)
- there is a wide range of properties, except for the 1 bedroom-type



Local Economy and Jobs

4.24 A district profile for 2011 showed that 70% of adults under the age of 75 were in employment, with unemployment relatively low (3%). The level of out-commuting in Cullompton is comparatively high for a Devon market town, with 65% of working residents of Cullompton (in 2011) travelling to destinations outside the town for work, such as Exeter (19%), Taunton and Tiverton.

4.25 The largest employers in the town are located on the Kingsmill Industrial Estate, a 24ha area to the East of Cullompton. The main employers at Kingsmill include Gregory Distribution, Milk Link, St Regis (paper manufacturers) and an industrial clothing shop. The Kingsmill Industrial Estate benefits from close links to the motorway network and local

distributor roads. Tesco is also a significant employer within the town.

Retailing and Town Centre

4.26 Cullompton's shops are focussed predominantly on the High Street. Tesco and Aldi are the two main supermarkets in the town. The 2012 household survey indicates:

- For food shopping, 32% of residents visit the town centre daily or more than once a week
- Only 13% of shoppers visited Cullompton town centre more than once a week for non-food shopping purposes
- For visits to services, 30% of visitors use the town centre once a week or more
- 74% of residents never visit Cullompton town centre in the evening

4.27 In a 2010 bench-marking survey by the County Council, 75% of town centre visitors rated the town's variety of shops as either 'poor' or 'very poor'. 61% rated the town's leisure and cultural facilities as 'poor' or 'very poor'. Town centre retailing has had a difficult time over the past 10 years. The Community Survey of 2014 showed however that local people still appreciated convenient access to the shops and put forward several ideas of how Cullompton town centre could be made more attractive and successful.

Highways, Transport and Travel

4.28 The M5, accessed via junction 28, is a major route for residents, commuters, visitors and commercial traffic. This junction is constrained and is often congested during peak hours, on all approaches - which causes further congestion and delay on other local roads.

4.29 An area of the town centre comprising the B3181 route, Station Road and a section of Tiverton Road has been designated as an Air Quality Management Area. The car still predominates travel patterns. 84% of Cullompton households have access to at least one car or van. 67% of the working population of Cullompton drive to work.

There is a lack of off-road parking spaces, which often contributes to congestion.

4.30 There are regular bus services from the town to Exeter and Tiverton. Cullompton is currently lacking in dedicated cycle routes, but several potential new routes have been identified.

4.31 Cullompton's railway station closed in 1964. Local residents have campaigned for many years to have a new railway station. Devon County Council and Mid Devon District Council are in support of this.

Community Wellbeing and Leisure

4.32 Cullompton is blessed with some very good, new, community facilities such as the health centres, the Hayridge Library, Cullompton Community Centre and the Walronds. Several have come about largely because of community action. A community campaign to provide a swimming pool in the town is the latest campaign.

4.33 There is a shortage of sports pitches in the area, which could be even more marked as the population and demand increases. There are local football, rugby, bowls and cricket clubs in Cullompton, all of whom would like to expand their facilities to cope with a growing demand. The CCA Fields provides a home for the Football Club. The Cricket Club is located on its own site nearby.

4.34 Cullompton Community College is the only secondary school in the Parish and was close to capacity with 630 students in September 2017. The two primary schools in the parish are St Andrew's and Willowbank. The John Tallack Centre, owned by the John Tallack Youth Centre Trust, provides a vital focus for young people's activities. Cullompton Community College is rapidly reaching capacity; Planned Admission Numbers (PAN) for 2018 was 150 pupils with an increase in PAN to 180 (6 classes) brought forward from 2020 to 2019. All available spaces at the school are at the upper end with Y7, Y8 and Y9 at capacity in 2019. It is anticipated that in September 2019 will be 750 pupils and this clearly demonstrates the need to provide for their needs.

Academic Year	Actual Number	Proposed Number
2014	530	
2015	537	
2016	571	
2017	629	
2018	694	
2019		750

4.35 Despite its appearance and appeal as a typical Devon market town, Cullompton is a dynamic and complex settlement area with its own unique set of challenges. These are reflected in the response we received to the Community Survey 2014⁸

4.36 We have summarised below the context for the Neighbourhood Plan, which has been derived from our analysis of the evidence base:

Highways, Transport and Travel

- i an inadequate road network that must be sorted out
- ii the need to reduce substantially the damaging effect of heavy commercial vehicles and private motor cars
- iii the need to facilitate cheap and easy movement and travel
- iv the need to improve the M5 access links

Town Centre, Heritage and Culture

- i a town centre that still has a vital role to play
- ii a historic environment that needs respecting

Housing

- i a housing market that needs more understanding
- ii a housing stock with some inadequacies

Natural and Rural Environment

- i a countryside setting that needs looking after
- ii natural resources that need more management

Local Economy and Jobs

- i a strong desire to grow the local economy
- ii a need for more and better jobs

⁸ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/A8%20Community%20Questionnaire.pdf>

Community Wellbeing and Leisure

- i a desire for the highest quality of services and facilities
- ii public spaces that can be used and enjoyed
- iii the need to ensure the town provides a safe and pleasant experience for all its citizens, users and visitors

4.37 In summary, the Cullompton area needs revitalisation. With pro-active guidance and intervention by the Town Council the process has already begun, but much more is to be done. It will be further stimulated by our commitment to a sustainable growth strategy. The Neighbourhood Plan is intended to facilitate controlled sustainable growth – of the population, the housing stock and the economy. This, we believe, will achieve the scale of revitalisation we seek and secure a bright future for one of Devon’s best towns, its surrounding area and its inhabitants.

The Neighbourhood Planning Framework

Cullompton Neighbourhood Plan Topics and Themes

5.1 The Cullompton Neighbourhood Plan has the following topics and themes:

Topic 1: **Sustainable Development**

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Topic 2: **Highways, Travel and Transport**

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Topic 3: **Housing**

Provide new dwellings to meet a wide range of needs and demands

Topic 4: **Natural & Rural Environment**

Respect and appreciate our natural environment

Topic 5: **Town Centre, Heritage and Culture**

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activities

Topic 6: **Local Economy & Jobs**

Make Cullompton more business friendly and commercially viable

Topic 7: **Community Wellbeing and Leisure**

Provide first class local community facilities and develop community-based services that meet the growing demands of the community

Deriving Our Aims and Objectives

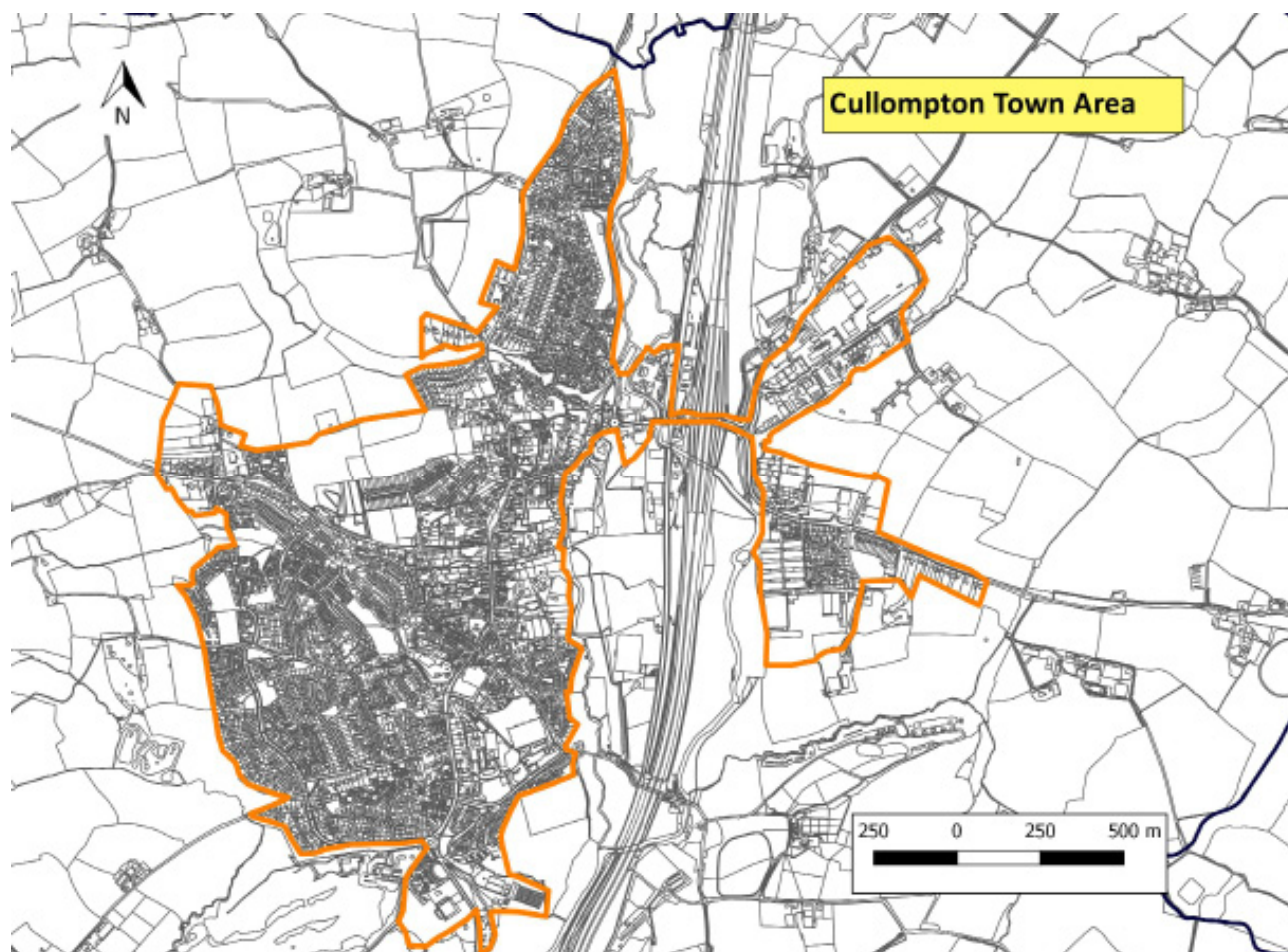
5.2 The process of arriving at an agreed set of aims and objectives started with a 'workshop' event at which the members of the Steering Group along with other interested members of the community took part in a session that examined the evidence and the response we had received to surveys and other forms of consultation. The process and outcomes can be found described fully in a Workshop Report, September 2014.⁹ A draft set of aims and objectives were subsequently refined by the Steering Group before being the focus of a community consultation in Cullompton in December 2014. The response was positive and encouraging. Details of what local people said can be found in the Cullompton Consultation Report December 2014¹⁰. As a result of the reaction and comments we reorganised the topic headings and made revisions to some of the objectives. The final set we believe reflects the community's neighbourhood planning and development agenda. It is this agenda that underpins the neighbourhood plan policies.

5.3 Several objectives and policies relate only to the town area of Cullompton. The boundary on Map 2 (page 20) delineates what is meant throughout this Plan by the "town area".

⁹ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/Cullompton%20NP%20Workshop%20Report%20Final%20Sep14.pdf>

¹⁰ The report can be viewed at: <https://www.cullomptonneighbourhoodplan.co.uk/December%20Consultation%20Report%202014-1.pdf>

Map 2:
Cullompton Town area referred to in policies H03 and EJ02



Sustainable Development

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Introduction

6.1 Sustainable development is development which meets the needs of the present while not preventing future generations meeting their own needs. The Neighbourhood Plan policies are intended to ensure that new development brings benefits to all the communities and settlement areas in the parish area whilst not worsening the lives of future generations. This includes protecting precious natural resources and increasing resilience to the short and long-term effects of climate change. Achieving sustainable development is the theme of the NPPF. Mid Devon District Council's vision and spatial strategy sets out how "the sustainable development of Mid Devon will bring positive benefits to local communities through promoting community well-being, supporting economic success, conserving and enhancing the area and respecting environmental limits"¹¹. The Cullompton Neighbourhood Plan seeks to contribute by facilitating the sustainable development that we judge is needed in a manner that minimises its negative impact on the environment.

Aims and Objectives

6.2 The following aims and objectives relating to sustainable development have emerged following a programme of community consultation. They have been used to help formulate the Neighbourhood Plan policies and inform a programme of other community actions. The policies in this section reflect a widespread concern about the adequacy of infrastructure to ensure that major growth does not threaten the overall sustainability of the town; and a determination that new development should not harm or deplete our environment or natural resources.

Planning Aims	Planning Objectives
Ensure new development has the appropriate infrastructure in place	<ul style="list-style-type: none"> • Ensure adequate infrastructure is in place before new development takes place • Plan new development road layout to help reduce vehicle use of town centre • Link new housing development to town centre facilities and amenities
Ensure new development avoids increasing the risk of flooding	<ul style="list-style-type: none"> • Ensure flood risk and drainage are built in to development agreements
Increase use of renewable energy	<ul style="list-style-type: none"> • Ensure new developments achieve high levels of energy efficiency • Control impact of renewable energy installations

¹¹ Local Plan Review 2013 – 2033 Proposed Submission, Mid Devon District Council, Feb 2015

Traffic Impact of Major Development

6.3 Cullompton has long suffered from traffic congestion, particularly in and around the town centre. The current situation is not at all satisfactory and is of major concern to the local community, as is evident from the results of the Community Survey 2014; 79% of respondents told us the motor vehicle should be far less dominant in town. Town centre congestion, and the concomitant problems it causes, is made worse whenever the M5 is closed and the town centre serves as a relief route. We want to minimise this congestion and its resulting pollution, which has an impact on air quality in the town centre.

6.4 The NPPF (para. 181) encourages us to identify “opportunities to improve air quality or mitigate impacts such as through traffic and travel management, and green infrastructure provision and enhancement.”



¹² Development prescribed under section 62A(2) of the 1990 Town and Country Planning Act as major development is any development involving one or more of the following—

- (a) the provision of dwelling houses where—
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (a) (i);
- (b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
- (c) development carried out on a site having an area of 1 hectare or more.

6.5 Policy SD01 seeks to ensure that major new development (as defined by the Town and Country Planning Act 1990¹²) does not contribute further to the problems we experience, by increasing the volume of traffic that needs to use town centre roads. Under Local Plan Policies DM3 and DM4, most large developments are required to carry out integrated transport assessment, travel plan, traffic pollution assessment and low emission assessment. The highways authorities¹³ will expect developers to assess the impact of development on the M5 and junction 28 as well as the town centre and local road network. We expect any traffic impact assessment prepared by developers to demonstrate clearly and specifically how their proposals will help minimise the need for such traffic to use the town centre roads of Cullompton before any approval for a major development is given. Reducing the volume of traffic requiring use of town centre routes is a key objective of the Neighbourhood Plan. We do not want this negated by the impact of new development.

6.6 Our policy is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which recognised the need to bring effective traffic relief to the town centre and introduce town centre traffic management measures.

Policy SD01 Traffic Impact of Major Development

Proposals for major development which are required to provide a Traffic Impact Assessment must demonstrate how the proposal will mitigate any negative impacts of the traffic generation associated with the proposed development on Cullompton town centre, including vehicular access/egress and circulation arrangements.

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the town centre in particular, as a result of the development.

Links to the Town Centre

6.7 Cullompton Town Council has made clear¹⁴ that it would like to see a coherent and extensive all-weather cycle and walking network that provides safe and accessible routes that will encourage local people to walk or cycle within the town as an alternative to using the motor vehicle; thereby realising the health benefits of doing so whilst reducing the amount of local traffic in and around the town. The Town Council is particularly keen to see all major new developments connected to the town centre and public facilities and services, such as GP surgeries and schools, and recreational venues by footpaths and cycle ways. In this way we hope too that the role of the town centre will be strengthened, as local people have asked. The NPPF (para. 91) calls for “safe and accessible developments... the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas”.

6.8 Local Plan Policies CU2 and CU8 make provision for cycle and pedestrian links to and from the town centre and the large housing extensions to North West Cullompton and East Cullompton when they are developed. Local Plan Policy CU13 provides for cycle and pedestrian links within the development at Knowle Lane and connections to the wider transport network. Policy SD02 seeks to endorse and extend this approach to new development and make provision for cycle and pedestrian links to and from all major development (as defined by the Town and Country Planning Act 1990¹⁵) to Cullompton town centre, where it is practical to do so.

6.9 Local people made it plain in the Community Survey 2014 that safety is a key concern. Policy SD02 therefore emphasises the need for safety and accessibility to be a major consideration in design and layout of new development. All new major developments should make footpath/cycleway provision that facilitates easy and safe movement around the development and establishes links to the town centre. In this way too, we aim to integrate all new developments with the rest of the town.

6.10 This policy is consistent with the approved Cullompton Multi-Use Path Cycle Path Policy Document 2013/14 which sets out the Town Council’s preferences and priorities for developing the network.

Policy SD02 Links to the Town Centre

All major developments should include provision for accessible pedestrian and cycle routes and connections that:

- i. link safely to the wider network of routes leading to and from Cullompton town centre and other essential public facilities, such as schools and health facilities; and
- ii. benefit from natural surveillance of public areas as well as satisfactory lighting.



¹⁴ Cullompton Multi-Use Path Cycle Path Policy Document 2013/14, approved by Cullompton Town Council 25 July 2013

¹⁵ See definition at footnote 11

Flood Attenuation

6.11 Cullompton Town Council is mindful of the serious flooding in 2012 and other localised flooding since. It is concerned about the changes to the watercourses, increased run-off and other factors resulting from major house building on green field sites. This could, potentially, increase the risk of flooding and all new development should pay particular attention to flood risk.

6.12 Flood risk is on the increase. We want to reduce the risk of flood and be assured that any and all new development will not only avoid heightening the flood risk in future but will actively contribute to minimising the risk of flooding in their vicinity and in the wider area. Reducing the risk of flooding is an imperative in all new development proposals. The NPPF (para. 155) calls for the avoidance of inappropriate development in areas at risk of flooding “by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”. The NPPF (para. 163) requires that any residual [flood] risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems. Consistent with this, Local Plan Policy S9 requires measures to reduce the risk of flooding and Local Plan Policy S11 is supportive of measures to reduce flood risk within Cullompton.

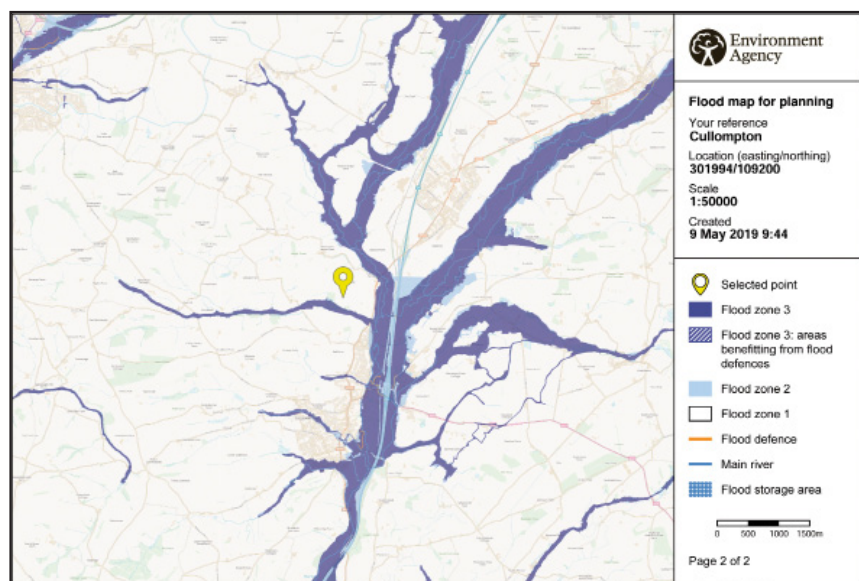
6.13 Flood attenuation, as part of a sustainable drainage system, is not only important in minimising risk. It provides an opportunity to add to the quality and variety of the local environment and contribute to improving our eco-systems. Policy SD03 requires developers to show how they will take the opportunity, whenever available, to create attractive new water features of the appropriate size to serve the main purpose that will also add positively to the local landscape and the amenity of the surrounding area. Where development proposals lie within flood risk areas or adjacent to a main river, the Environment Agency should always be consulted. Developers are encouraged to follow Devon County Council's guidance on sustainable drainage and flood risk management .¹⁶

6.14 Cullompton Town Council feels strongly that the collection and re-use of grey water in new build dwellings should be considered by developers in all new build schemes, especially the Garden Village and the North West Extension.

Policy SD03 Flood Attenuation

In addition to meeting national flood risk policy requirements, flood attenuation on major developments should, where appropriate make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

Map 3:
Flood Attenuation referred to in policy



¹⁶ <https://www.devon.gov.uk/floodriskmanagement/sustainabledrainage>

Solar Design in Housing Schemes

6.15 We want the Neighbourhood Plan to contribute to reducing greenhouse gas emissions such as carbon dioxide and minimising the impact of new development on the changing climate. The NPPF (para. 148) says the planning system should... support renewable and low carbon energy and associated infrastructure”.

6.16 We believe that every opportunity should be taken at the development stage to ensure new developments take advantage of Cullompton’s renewable local energy sources, and its sunshine in particular. We share the view expressed in the Planning Design Guide for Mid Devon “It is important that due consideration is given to energy conservation in the design and location of new buildings in accordance with principles for sustainable development, compatible with the need to harmonise the development with its surroundings.”¹⁷

6.17 Passive solar design refers to making use of the sun’s energy for the heating and cooling of living spaces. Passive solar design is the siting and design of buildings to maximise the use of the sun’s energy for heating and cooling. Passive solar design takes advantage of natural characteristics in building materials and air to help reduce the additional energy needed for heating and cooling. The PPG says that “policies can encourage sites to be planned to permit good solar access to as many buildings as possible. The potential benefits of passive solar design can only be realised by careful siting and layout... It is important that passive design considers the potential for overheating in the summer, as well as reducing need for heating in the winter.”¹⁸

6.18 Local Plan Policy CU5 requires “renewable and low carbon energy to provide a proportion of the site’s energy use” as part of the approach to major development in the ‘North West’ extension to Cullompton, in the interests of minimising “the overall carbon footprint of the development”. Policy SD04 requires the principles of passive solar design and renewable energy technologies to be central to the design and planning of all new housing areas. The policy does recognise that there is a need to achieve a balance between energy efficiency and acceptable standards of privacy and amenity. On the matter of possible noise disturbance, developers are encouraged to seek guidance from the Institute of Acoustics¹⁹.

Policy SD04 Solar Design in Housing Schemes

The use of passive solar design, renewable energy technologies and low energy systems in all new housing developments will be supported.

Wherever possible dwellings should be orientated so that principal habitable rooms can benefit from passive solar gain, maximising energy efficiency whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

¹⁷ <https://www.middevon.gov.uk/residents/planning/conservation/design-guidance/>

¹⁸ NPPG Paragraph: 013 Reference ID: 26-013-20140306, Mar 2014

¹⁹ Professional Practice Guidance on Planning & Noise New Residential Development, Institute of Acoustics, May 2017
<https://www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf>



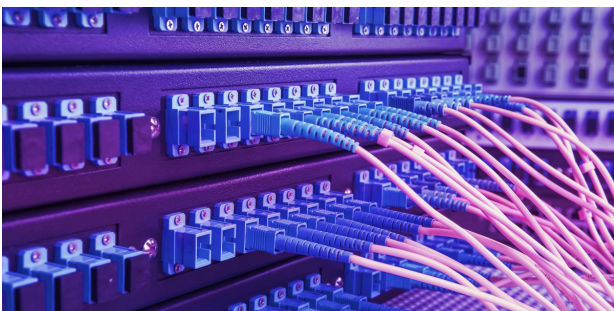
Connectivity

6.18 We want the town to be as well connected as it can possibly be and to take full advantage of future improved technologies. We want Cullompton's residents, students and businesses to have access to the latest communication technology. The quality of local connectivity could influence local business start-ups and be crucial to the success of local enterprise. We endorse the Government's view that access to superfast broadband should be a right - absolutely fundamental to life in 21st century Britain and regarded as an essential service just like gas, electricity and water.²⁰ The NPPF (para. 42) states that "Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role".

6.19 Local Plan Policy S1 states that supporting high quality communications infrastructure by supporting the expansion of telecommunications and high speed broadband throughout Mid Devon is a priority. Therefore, Policy SD05 requires new buildings to have the necessary equipment i.e. suitable ducting for fibre connectivity and/or other apparatus in place, to enable high speed broadband connections and other media/communication connections to be a simple matter.

Policy SD05 Connectivity

All new residential, educational and business premises development should endeavour to make adequate provision for high speed broadband and other communication networks.



²⁰ Expressed in Prime Minister's speech 7th November 2015
<https://www.gov.uk/government/news/government-plans-to-make-sure-no-one-is-left-behind-on-broadband-access>

Culm Garden Village

6.20 The Local Plan Review has determined Cullompton will become the strategic focus of new development in Mid Devon, “reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town’s infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period” (Local Plan Policy S11).

6.21 A site of approximately 160ha. to the east of Cullompton has been designated in the Local Plan Review as a development area to provide 1,750 dwellings within the plan period and at least 850 further dwellings beyond 2033. Local Plan Policy CU7 sets out the strategic policy requirements and conditions. These include a “comprehensive master-planning” approach. Other Local Plan policies deal with the key aspects of:

- CU8 – transport provision
- CU9 – environmental protection and green infrastructure
- CU10 – community facilities
- CU11 – carbon reduction and air quality
- CU12 - phasing

6.22 Relevant to the Local Plan’s strategic policies is the ‘expression of interest’ made by Mid Devon District Council in 2016. It responded to a Government initiative launched in March 2016 “to support locally-led garden cities and towns in places where communities want them”. Mid Devon District Council considered that not only did the East Cullompton development strategy meet the eligibility criteria; here was an opportunity, with additional support from Government, “to ‘lock-in’ and maximise Garden Village principles, expedite the delivery of the initial phase and build momentum in respect of a further phase in the context of the forthcoming Greater Exeter Area

Strategic Plan”. Mid Devon District Council’s case was summarised as follows: “Culm Garden Village presents a genuinely locally led, credible, feasible and deliverable Garden Village concept. It will emerge and mature as a new settlement of up to 5,000 homes to the east of Junction 28 of the M5 to serve the Exeter Housing Market Area (HMA) and the ‘Heart of the South West’ Local Enterprise Partnership Area”.

6.23 Cullompton Town Council and the Neighbourhood Plan Steering Group supported the Garden Village ‘bid’ in principle. However, that support was conditional upon establishing a joined-up approach that ensures the planning of a garden village at East Cullompton is properly connected to the planning framework for the rest of the parish area; and enables the community, through the Town Council and its neighbourhood planning group, to participate in a meaningful way. In that way, it will be “genuinely locally led”.

6.24 How this can be achieved was considered and discussed at a Community workshop on 22nd March 2017²¹ The workshop was attended by over 50 people, and comprised not only a wide cross-section of community and business interests, but a variety of ages from school children and those in their early twenties, to retired residents. The Workshop proved to be both harmonious and positive.

6.25 The ‘headlines’ from the Workshop are:

- The potential for financial support from the Government’s ‘flagship’ Garden Village Initiative offers a welcome opportunity to plan for and embrace growth, positively.
- There was a strong unanimity about the themes emerging.
- The workshop was willing to express ‘emphatic support’ for the Garden Village Initiative, if it is advanced and delivered in a way that accords with some important principles.

²¹ <https://www.cullomptonneighbourhoodplan.co.uk/Culm%20Garden%20Village%20neighbourhood%20plan%20report%202017.pdf>

- 6.26 The six “community principles” emphasised in the ‘bid’ are:
- a mix of homes for rent, sale, and shared ownership;
 - well-designed homes in beautiful landscaped settings;
 - development which enhances the natural environment;
 - a wide range of local jobs;
 - local leisure, cultural, shopping and community facilities; and
 - mobility for all enabling healthy living from an integrated transport system. We concur with these ‘objectives’.

6.27 Policy SD06 also reflects the community principles, we believe should underpin the approach taken to delivering growth of the town and the major development of East Cullompton. These principles mean that:

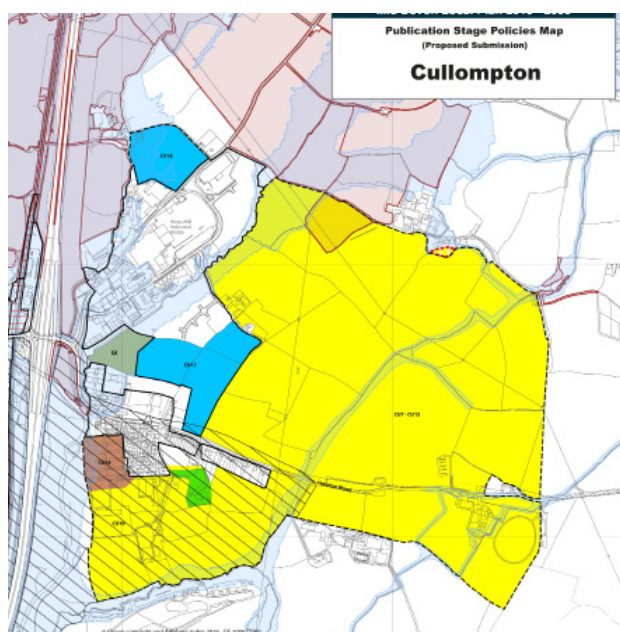
- it should be design, not developer-led;
- it should be guided by an agreed masterplan;
- every effort should be made to integrate and connect the new development to the existing community - both physically and socially; and
- Adequate infrastructure (including transport, community and environment) should, as far as possible, precede housing development.

6.28 In December 2017 Mid Devon District Council was awarded substantial monies from the Planning Delivery Fund to progress the master-planning of East Cullompton. The purpose of the Fund is to support:

- “more and better joint working, across local authority boundaries.
- a step change in the design quality of new development
- innovation to improve the efficiency and effectiveness of processes and enable the delivery of more high-quality homes²²”

We look forward to working closely with Mid Devon District Council’s planning team to realise a sustainable extension to Cullompton of the highest quality, that we can all be proud of.

6.29 The community participated in a series of workshops during 2018 to help inform the vision, principles and concept plan in respect of the whole garden village and to establish the constraints and opportunities in respect of a draft Masterplan SPD²³. The area subject to the masterplan exercise encompasses the areas of floodplain (to the north and east of land allocated in the Local Plan Policy CU7) to ensure that both the negative and positive impacts of the strategic development at East Cullompton on the floodplain can be properly assessed. The Town Council believes that the opportunity to create first class leisure provision for Cullompton, such as a country park and a ‘sports hub’, on this land should be an integral part of the masterplan.



²² <https://www.gov.uk/government/publications/planning-delivery-fund-prospectus>

²³ SPD = Supplementary Planning Document (see glossary) **Page 74**

6.30 The issue of 'integration', of the existing and new development, physically and socially, is perceived as the most challenging aspect of the East Cullompton development. We regard the Garden Village Initiative as a marvellous opportunity to deliver strategic growth at Cullompton in the public gaze. The Town Council expects the community to be a 'partner' in its planning and delivery. In this way, we can contribute to ensuring the Garden Village area becomes an integral part of the community and settlement of Cullompton, not a stand-alone settlement.

Policy SD06 Culm Garden Village

Proposals to develop a locally led garden village towards the east of Cullompton will be supported in principle. Any such development should be subject to a comprehensive masterplan that should:

- i. seek to create a new settlement area, of unique character, within an outstanding natural environment;
- ii. foster integration between the existing and new settlement areas;
- iii. secure sufficient physical connection between the proposed new development to the East and the existing town (including bridges, roads, pedestrian links, cycle paths and public transport);
- iv. plan for complementary facilities in and adjacent to the housing areas that can serve the needs of the whole community of the neighbourhood area, including sports, education, health/ wellbeing, community and faith spaces;
- v. embrace the principles of accessibility for all;
- vi. provide an appropriate range and scale of spaces for businesses to function effectively;
- vii. deliver mix of housing types, tenures and designs, that meet high standards of sustainable living; and
- viii. ensure there is a co-ordinated approach to achieving the timely delivery of infrastructure.

Infrastructure

6.31 Cullompton Town Council is very clear that the scale of development proposed for Cullompton requires major infrastructure improvements and new infrastructure projects. Housing development should only proceed if there are clear plans to improve infrastructure, including, but not limited to, green, blue and built infrastructure.

6.32 The Local Plan Review has acknowledged that the town's infrastructure will need considerable improvement, extension and enhancement to support sustainable growth to the scale that is proposed. Policy CU20 in the Local Plan is specifically about 'Cullompton Infrastructure' and states that Mid Devon District Council will make use of developer funding and planning obligations to deliver the required infrastructure. The list of 'required infrastructure' mentioned in the Local Plan includes: a town centre relief road, extra-care housing provision, green infrastructure, public transport service enhancement (including a railway station and bus interchange), additional community services and facilities. We would add the digital communication network and public utilities to the essential infrastructure list. The condition and capacity of the sewerage system is of particular concern. It has its limitations that "will require detailed investigations to assess what improvements will be required"²⁵. The Environment Agency has emphasised the need to ensure that adequate flood risk management infrastructure is in place. Kentisbeare Parish Council has told us that it is vital to include a 'recycling centre' in the growth proposals²⁶. The Garden Village Initiative will place even more demands on local infrastructure, including the means of accessing the motorway network from East Cullompton whilst not overburdening the local road network.

6.33 Local consultations continue to identify widespread concern that the town may suffer as a result of too rapid a growth. This must not occur. The phasing and timing of infrastructure provision must be a critical test as to whether major development should proceed. Devon County Council has recently warned that "it should be acknowledged that viability and funding

²⁴ Email from Development Co-ordinator, South West Water, 5th May 2017

²⁵ Reg. 14 Response, Kentisbeare Parish Council, 14th Nov 2017

availability can impact on infrastructure phasing”.

Policy SD07 is aimed at ensuring that the necessary test is applied and passed by major development proposals and the necessary infrastructure investment is assured.

6.34 The Town Council expects Mid Devon District Council to maintain a consultation-based dialogue with it, and the community at large, to ensure that the planned infrastructure is that which is needed and most likely to bring benefits to the whole of the town and parish area. The Town Council will be particularly concerned about the timing of infrastructure improvements.

Policy SD07 Timing of Infrastructure

Major development should be phased logically and in tandem with the timely and co-ordinated provision of infrastructure to help support sustainable growth and ensure that an unacceptable strain is not placed on the existing infrastructure.



Highways, Travel and Transport

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Introduction

7.1 The Neighbourhood Plan policies are intended to recognise and facilitate those, much needed, improvements to the local transport network that are required to reduce the intrusion of the motor vehicle; to increase the travel choices available locally; and the appeal of alternative forms of transport.

Aims and Objectives

7.2 The following aims and objectives relating to highways, travel and transport have emerged following a programme of community consultation. They have been used to help formulate our neighbourhood plan policies and inform a programme of other community actions. This topic features early in the Neighbourhood Plan because of the weight of concern about travel-related matters expressed at the various consultation events.

Highways, Travel and Transport	
Planning Aims	Planning Objectives
Upgrade Motorway junction 28 so as to be fit for purpose	<ul style="list-style-type: none"> • Improve junction 28 and ensure motorway connections remain adequate
Reduce vehicular traffic in Cullompton town centre	<ul style="list-style-type: none"> • Provide relief roads and traffic management plan • Control traffic flow through the town centre
Improve our public transport connections	<ul style="list-style-type: none"> • Create transport hub • Support new railway station
Extend and improve safe cycle routes	<ul style="list-style-type: none"> • Develop circular/linear cycle network with many linkages in and out of town
Improve the pedestrian experience in and around the town	<ul style="list-style-type: none"> • Ensure footpaths are of adequate width for mobility scooters and double buggies etc

Improving our Motorway Connection

7.3 The M5 motorway junction 28 that serves Cullompton and its hinterland is inadequate both in terms of capacity and safety. 72% of respondents to the Community Survey 2014 told us we needed a better motorway junction. It certainly needs improvement before substantial growth can take place in the area. Devon County Council has recently²⁶ carried out works at junction 28 to ease problems and to accommodate the already committed development in the area. It will likely prove to be inadequate on its own, when all the proposed development in the Local Plan takes place. An additional junction may well be required to ease the pressure on junction 28.

7.4 Devon County Council commissioned, in 2015, some initial modelling and design work and exploration of the options for motorway connections that would be required should development of the scale indicated in the Local Plan come forward. Mid Devon District Council has been working closely with statutory consultees to ensure emerging proposals for “junction 28 M5 improvements” are appropriately designed. However, as we were told in late 2017, Highways England has no further scheduled improvements earmarked for junction 28. It does, we are informed, continually monitor the performance of the junction.

7.5 Local Plan Policy S11 supports investment in improvements to the M5 motorway, including junction 28, to maintain highway capacity and safety. Policy CU7 of the Local Plan recognises that an essential prerequisite to major development east of Cullompton is “transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway and pedestrian and cycling links across the motorway to the existing town”.

7.6 Policy HT01 is supportive of any improvements to junction 28 of the M5 that ensure it functions properly and efficiently and is no longer a cause of complaint and much frustration to local people and businesses, nor a lasting negative memory for many who visit the town. Any

upgrading should not only aid the motorist. There are many pedestrians that also cross the motorway regularly via junction 28. They need to do so safely.

7.7 The NPPF (para. 181) encourages transport solutions “solutions which support reductions in greenhouse gas emissions and reduce congestion”. Policy HT01 is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which also prioritised the creation of additional capacity at Junction 28 of M5.

Policy HT01 Motorway Connection

Proposals to ensure that junction 28 of the M5 functions efficiently and safely as population and business activity in the Cullompton area grows, will be supported.

Improving our Public Transport Network

7.8 There is a proportion of the local community, many of whom are elderly, that will continue to be dependent on public transport. To encourage others to use public transport out of choice rather than need, we have to make public transport a more accessible and attractive option. A ‘transport interchange’ that links to parking areas, a new railway station and is easily accessible to and from the town centre by foot and connected to the cycle network, will go a significant way towards protecting the services we have and increasing demand for public transport. We would expect the interchange to be on a site near the railway station and determined as part of a master-planning exercise for the location.

7.9 The NPPF (para. 104) says that “planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development”. Local Plan Policy S7 supports traffic management measures in Cullompton including improving sustainable travel opportunities and interchange facilities to improve town centre environment and accessibility. Local

²⁶Autumn 2015

Plan Policy CU20 commits the local planning authority to seeking external funding and partners to deliver both a railway and bus interchange. During 2018 Mid Devon District Council began the process of developing a masterplan for Cullompton town centre that will result in a Supplementary Planning Document (SPD). The masterplan is intended to be wide-ranging and “seek to strengthen the economy by creating new opportunities for businesses, jobs, shops, leisure, heritage and culture, and transform public spaces to make the town a more attractive place to shop, relax and stay, strengthening the town’s role as growing market town”.²⁷ Transport options and the potential of a new transport interchange, and movement linkages with the proposed garden village, are an important part of the masterplan brief.

7.10 Policy HT02 expresses the Town Council’s support to the development of an interchange at a suitable location and seeks to facilitate a transport interchange for Cullompton, which should be connected to appropriate walking and cycling facilities and routes.

7.11 Cullompton Town Council feels very strongly that, in addition to a new railway station and bus interchange (bus station); there should be a Cullompton Park and Ride to provide an integrated local transport service. This should provide an integrated local transport network to get people from home to the bus or train station and so leave their vehicles at home when they go to work. This transport service should look to provide a route along the M5 as well as getting people to the bus/train station and other local facilities and services.

Policy HT02 Improving our Public Transport Network

Development proposals to further the provision of a transport interchange for Cullompton are supported.

Improving our Cycle Network

7.12 Cycling is on the increase and showing every sign, in 2017, that it will continue to grow in popularity. There are however, too few car-free cycle routes. 78% of respondents to the Community Survey 2014 told us we need more cycle routes. (para. 104) says “planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)”.

7.13 We want to make cycling more appealing as a regular travel and recreation option. This requires easy and safe routes being provided that create links between our neighbourhoods, existing and new, to the town centre, to employment areas and to other public facilities such as the health centre and schools. An improved network of paths for walking and cycling in Cullompton would increase the number of people walking and cycling for shorter journeys in the town. This will improve the health of the residents of Cullompton and reduce traffic levels in the town. The Town Council has adopted a Cycle Paths Plan²⁸ and expects developers to acknowledge this Plan and invest in its implementation. Cullompton Town Council would like to see an extended, coherent and extensive cycle path network, for health benefits and to reduce local traffic. This would include a new cycle route made from Cullompton that connects with the National Cycle Route 3 at Willand.



²⁷ <https://democracy.middevon.gov.uk/documents/s11478/Cabinet%205th%20April%20Cullompton%20town%20centre%20masterplan%203.pdf>

²⁸ Cullompton Multi-Use Path Cycle Path Policy Document 2013/14, Cullompton Town Council, 2013

7.14 Local Plan Policies CU2, CU8 and CU13 provide for cycle and pedestrian links to and from the town centre and within the major mixed-use urban extension areas of North West Cullompton and East Cullompton, as well as at Knowle Lane. Policy HT03 complements and extends the Local Plan's approach by supporting the development of a safe cycle network across and around the whole town and not just in and out of the new development areas.

7.15 Policy HT03 is consistent with the Cullompton Air Quality Management Area Action Plan 2009 which called for the provision of walking and cycling routes alongside all new road links.

Policy HT03 Improving our Cycle Network

Cullompton Town Council has adopted a Cycle Paths Plan. Where feasible and appropriate, developments should acknowledge the Cycle Paths Plan and make provision to assist in its implementation.

Proposals that further the development of an accessible network of cycle routes in and around Cullompton are supported. In particular, proposals should look to achieve a greater degree of safe linkage between residential areas, employment areas and public facilities.

²⁹ "In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 metres" Manual for Streets, Department for Transport, 2007 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

³⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf

Improving our Footpaths

7.16 A lot of the local footpaths are narrow and make it difficult in many places for people to pass safely. We would like all new footpaths to be of a minimum width of 2,000mm, a recognised standard²⁹ for good accessibility.

7.17 With an ageing population and mobility aids becoming more commonplace, opportunities should be taken to ensure that there is sufficient width on a footpath to allow safe passing of a mobility scooter with other pedestrians, for two mobility scooters to pass each other with ease and meet the accepted width of pavements for persons with guide dogs.³⁰ The average size of a mobility scooter is growing. We urge new developments to make full allowance for this or, where it is not practicable, to allow for 'passing places' for mobility scooters at appropriate intervals along new footpaths. Such measures will also enable safe turning for people who use mobility scooters. New footpaths in major housing development areas should at least meet the minimum standard and be laid out as an attractive and safe network that links the new neighbourhoods with the town centre, employment areas and public facilities.



7.18 The NPPF (para. 110) requires us to "give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility "create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards". Local Plan Policy S1 also calls for safe and accessible environments. Local Plan Policy DM1 states that the design of new development must be of high quality and based upon creating safe and accessible places that also encourage sustainable modes of travel such as walking and cycling.

7.19 Policy HT04 ensures that, whenever possible, new footpaths are of adequate width to accommodate mobility vehicles and with gradients and terrain that will not impair, to ensure wheelchair accessibility. The 2,000mm width is the accepted standard for footpaths “that allows two wheelchairs to pass with comfort”.³⁰ This standard, we are informed has the support of Devon County Council “for any new footpaths created, where reasonable and practicable, working in liaison with landowners and developers”.

Policy HT04 Improving Footpaths

Footpaths that are provided by new development should be a minimum of 2000mm in width where reasonable and whenever practicable.

Footpaths should link to existing networks to facilitate easy and safe pedestrian access to the town centre and public facilities and services.



Housing

Provide new dwellings to meet a wide range of needs and demands

Introduction

8.1 We expect the Local Plan to allocate sufficient land in the appropriate locations to enable Cullompton to grow in an ordered and sustainable manner. Our view on what sites should be allocated for housing is set out in the Town Council's response to the Local Plan Review³¹. The Neighbourhood Plan policies are intended to ensure that we continue to meet all our local housing needs by recognising what those needs are and by providing good quality homes that people will be proud to live in. We expect them to be designed and laid out in a way that will help foster the sense of 'one town and one community' that is so important to the future wellbeing of the Cullompton area.



Aims and Objectives

8.2 The following aims and objectives relating to housing provision in the Cullompton area have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Housing	
Planning Aims	Planning Objectives
Increase the housing stock and ensure it offers a wide range of types and choices	<ul style="list-style-type: none"> • Provide a wide range of family houses • Provide accommodation for young people, the elderly and single people
Ensure new family housing has adequate garden and parking spaces	<ul style="list-style-type: none"> • Ensure adequate parking and garden space is provided for all new dwellings
Ensure new housing developments encourage a sense of neighbourhood and community	<ul style="list-style-type: none"> • Ensure adequate local community spaces and facilities are provided for all new developments

Housing Mix

8.3 We want to ensure all types of local housing need are met. This requires new development to respond to the local demand for different types and sizes of dwelling to ensure that the supply of housing in the parish area meets the demand of the local and incoming population and households. We recognise that housing needs will change and will require regular re-assessment. We want the developer of any larger housing development to refer to an up-to-date assessment of the local housing market and needs (carried out every 12 months prior to the planning application

³¹ Local Plan Review Letter from Cullompton Town Council to Mid Devon District Council, 30th March 2015

submitted) and demonstrate, to Cullompton Town Council as well as Mid Devon District Council, how the proposed development will meet the local demand for the size and type of dwelling proposed and contribute towards improving the access of local people to new dwellings. The NPPF (para. 61) says “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”.

8.4 We want to create mixed communities. We expect all major housing developments to include both small and larger dwelling units and, if possible, provide a variety of family house sizes (two bedrooms and more) to accommodate different types and sizes of households. We want more flexibility in the housing stock. We want more houses that are big enough for a family to grow in and stay where they are, if they wish to do so. We also want to see more ‘whole life’-type housing developed i.e. homes designed to accommodate the changing needs occurring through one family’s lifetime, including small children, mobility difficulties and elderly person’s requirements.

8.5 Local Plan Policy S1 seeks to deliver a wide range of high quality homes through a diverse housing mix by meeting the housing needs of all sectors. Mid Devon’s Housing Need SPD³² requires a proportion of affordable dwellings to be built to life-time standards. Given that our demographic profile is ageing³³ and most residents wish to stay in Cullompton for the long-term (72% of respondents to the Community Survey 2014), we think it reasonable to require a proportion of all types of dwellings to be built to ‘lifetime standards’. These standards are now covered by the optional requirements for accessible and adaptable dwellings in the 2015 version of the Building Regulations 2010. To meet lifetime homes standards “reasonable provision should be made for most people to access the dwelling and incorporate features that make it potentially suitable for a range of occupiers including older people, those with reduced mobility and some wheelchair users”³⁴.

8.6 Policy HS01 requires the developer of major housing schemes³⁵ to consult with the Town Council and be aware of the up-to-date housing need situation in Cullompton and demonstrate how their proposed housing mix will help meet local need, in terms of size and type. The latest

Strategic Housing Market Assessment (SHMA) for the Exeter Housing Market and covering Mid Devon, confirmed our own conclusions that there was still a substantial need for small dwellings. SHMA states “broadly, we recommend a property size target [for market housing] 60% one and two bedrooms and 40% three/four bedroom split in the market sector to provide a better-balanced housing”. For low cost market housing, “given that household growth will be mostly from smaller households, it is considered that smaller units will play a key role in meeting future market housing requirements” and for social and affordable rented housing, “the vast majority of need across all authorities is for smaller 1 and 2 bedroom units ranging from 84.1% to 86.3% of waiting lists”³⁶.

Policy HS01 Housing Mix

Development proposals on major housing sites, of 10 or more dwellings or on sites of 0.5ha. or more, must contain an appropriate mixture of house types and sizes and show how they contribute to meeting current local housing needs of the neighbourhood area by referring to an up-to-date assessment of local housing need and evidence from Cullompton Town Council.

³² Policy MHN/4 Lifetime Homes “The Council will require that 20% or more of the affordable housing meets the Lifetime Homes Standard”

³³ “a large increase in persons of 65 years and over is projected for Mid Devon” - Evidence Base Report for the Mid Devon Local Plan Review, Devon County Council, Feb 2015

³⁴ Access to and Use of Buildings, The Building Regulations 2010, 2015 Edition, HM Government, 2015

³⁵ “major development” for housing as defined by Town and Country Planning (Development Management Procedure) (England) Order 2015 means development involving —the provision of dwelling houses where—
(i) the number of dwelling houses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more

³⁶ https://www.middevon.gov.uk/media/103519/shma_final_report__2015.pdf

Social and Affordable Housing

8.7 Policy S3 of the Local Plan sets out the district's requirements for new dwellings to meet the housing needs of today and the future. Policy S11 sets out the new housebuilding targets for the Cullompton area.

8.8 In promoting the delivery of these strategic policies, we want to help create mixed and inclusive communities and neighbourhoods. We expect a developer to achieve the required quota of affordable housing set by the Local Plan for all larger developments. However, we don't want affordable housing to be identifiable merely because of its appearance or location. Moreover, in no way do we want occupants of social housing to feel stigmatised.

8.9 Mid Devon District Council's SPD³⁷ on Affordable Housing has a section on 'Layout and Design' which also emphasises the need to ensure the "creation of inclusive, mixed communities as follows:

- a) Affordable and market housing on a site should be the same mix of sizes and visually indistinguishable from each other;
- b) Affordable and market dwellings should be intermixed within the site, avoiding any particular concentrations in any part of the site;
- c) Affordable housing should be provided broadly in step with the market housing as the development progresses."



8.10 We fully support this approach and, because a supplementary planning document does not have the status of an adopted development plan, we have therefore set Policy HS02 which requires the developer to ensure that the affordable housing is properly integrated with the rest of the development and not distinct or unnecessarily distinctive.

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately on the development.



Creating Smaller Housing Units

8.11 A current deficiency in the local housing market, relative to the composition of households and population in the parish area, appears to be the number of small units available. We anticipate that the need for small, one- and two-bedroom, dwelling units is likely to continue well into future. The last Strategic Housing Market Assessment 2014 concluded that the "future need for all authorities is concluded to be largely dominated by a need for smaller properties, mostly in the 1 and 2 bedroom size categories.³⁸" The NPPF (para. 118) says planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained".

³⁷ SPD = Supplementary Planning Document

³⁸ Exeter Housing Market Area Strategic Housing Market Assessment Final Report 2014/15, DCA,

8.12 We want to see the provision of good quality, small dwelling units around the town suitable for young people, as well as for an ageing population and the growing need for housing suitable for older people.

8.13 We also want to widen housing choice and encourage opportunities to do so partly by making good use of existing buildings that may have become redundant.

Policy HS03 Creating Smaller Housing Units

The creation of smaller dwellings through the subdivision of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) will be supported where the development:

- i. meets an identifiable need for smaller properties across all tenures;
- ii. respects the character, scale, setting and design of the existing building;
- iii. will not result in over-development of the building's curtilage; and
- iv. will protect the residential amenity of adjoining occupiers.

Parking on Housing Schemes

8.14 Cullompton Town Council feels very strongly that residential garages should be of a size suitable for modern vehicles. They should have sufficient space for the car to be parked and the door opened so that the driver can exit the vehicle inside the garage. The Town Council also feels very strongly that driveways should be of sufficient length to enable modern vehicles to park on them without obstructing the pavement. Examples of these can be seen in Burgess Hill Policy S4.³⁹

8.15 On-street parking is not only a big problem in and around the town centre; it also disrupts traffic flows and creates safety problems on the new estates and distributor roads. We do not want new development to add to the on-street parking problem or repeat recent mistakes, which have received much criticism from residents and estate users. At the recent community consultations, several people referred to the recent developments in the north and west of Cullompton as being inadequate in terms of road widths and off-road parking spaces. Too often, cars, lorries, and other heavy goods vehicles are parked up on the footpaths. Some of the initial owners of the properties have complained that they were not advised properly on the lack of parking.

8.16 On new developments, we want to ensure that there is sufficient space provided within the curtilage of individual family dwellings or nearby, for occupants and their visitors and callers, which allows adequately for current car ownership levels and usage. Garage spaces are not considered as equating to a parking space; modern lifestyle means that garages are often used for storage, rather than for parking a car.

8.17 We are aware that home-delivery vehicles are a necessary part of the modern retailing, with online shopping growing in popularity. Therefore, we encourage the provision of short-term off-road parking areas for delivery vehicles in appropriate locations on new developments. These will also serve to avoid regular utility vehicles such as refuse collection and recycling vehicles from causing obstruction.

8.18 We are also concerned that residential streets with insufficient off-road parking space can lead to more on-street parking and consequently, emergency service vehicles facing difficulties getting to houses in the case of emergencies. We want to ensure that new developments are accessible to all vehicles and reflect the realistic demand for parking spaces and that the impact of on-road parking is minimised.

8.19 We note that a recent Government Statement recognises that "the imposition of

³⁹ Burgess Hill NP Policy S4 "New housing developments that include the provision of garage space must be of the minimum size for cars - 7.0m x 3.0m (internal dimension) for this to be counted as a parking space."

maximum parking standards lead to blocked and congested streets". As a result, the advice now is that local planning authorities should "only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage the local road network"⁴⁰. We believe that Cullompton does need to set minimum standards so as not to exacerbate a recognised problem and to ensure that the road network can cope at peak flow times. This includes those times when the M5 is closed and motorway traffic must use the roads through Cullompton, which can happen at any time of the day or night.

8.20 Local Plan Policies DM5 seeks to provide for an appropriate level of parking and sets the district's space standards for new housing development including parking. Local Plan Policy DM5 requires an average of 1.7 parking spaces per dwelling and 2-4 cycle parking spaces, depending on dwelling size.

8.21 Car ownership shows no sign of decreasing. Policy HS04 modifies the space requirement of the district policy in the interests of clarity and an overall increase in the number of off-road spaces. It also seeks to ensure that off-road visitor parking is provided for in the interests of road safety and the free flow of traffic. In accordance with the NPPF (para. 105), which states that "policies should take into account...adequate provision of spaces for charging plug-in and other ultra-low emission vehicles", the policy requires developers to be mindful of the growing demand for re-charging facilities for householders' and visitors' vehicles.

Policy HS04 Parking on Housing Schemes

New residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles.

Wherever practical, permeable materials should be used for surface parking areas.



⁴⁰ Ministerial Statement, DCLG, Mar 2015

Gypsy and Traveller Sites

8.22 Traveller sites should be afforded the same degree of shelter and privacy that other residents of Cullompton would expect. Screening should be adequate to achieve this goal and add to the visual appearance of the local environment without creating separateness from the rest of the community. The NPPF (para. 127) says we should aim to ensure developments “establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.

8.23 Local Plan Policy S3 provides for a five-year supply of pitches for gypsies and travellers in the District. Local Policy CU1 requires a small site for at least five pitches at North West Cullompton (CU1-CU6); and at least 10 additional pitches are required as part of the major growth development at East Cullompton (CU7-CU12).

8.24 Local Plan Policy DM7 specifies the site requirements and the need for non-isolating boundary treatments. Policy HS05 seeks to be more positive about boundary treatments on any gypsy or traveller site provided in the Cullompton area to provide an appropriate level of privacy and make a positive contribution to the visual amenity of the neighbourhood. The Government’s advice is “the aim should be to achieve a boundary that is sympathetic to, and in keeping with, the surrounding area. Boundaries can also be used to provide shelter for more exposed sites. A balance needs to be struck between providing privacy and security for the site residents and avoiding a sense of enclosure through for example, the use of high metal railings”.⁴¹

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Development Plan should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site.

Natural and Rural Environment

Respect and appreciate our countryside

Introduction

9.1 Our Neighbourhood Plan policies are intended to confirm our intention to safeguard the environmentally sensitive parts of the parish area by recognising those areas that need to be protected and where possible enhanced. Whilst much of the Neighbourhood Plan is about the urban area, the countryside is a precious resource that cannot be disregarded.

Aims and Objectives

9.2 The following aims and objectives relating to the local countryside, its ecology and habitats, have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Natural and Rural Environment	
Planning Aims	Planning Objectives
Protect and enhance the natural environment and its bio-diversity	<ul style="list-style-type: none"> • Protect natural hedging and wildlife • Utilise public rights of way and local green spaces as biodiversity corridors
Respect, increase and protect public rights of way and access to the countryside	<ul style="list-style-type: none"> • Use 'Local Green Space' designation to protect areas of value to the community • Improve and maintain footpaths and bridleways
Enable new development where it assists the viability of farming and rural economy	<ul style="list-style-type: none"> • Allow conversion of farm buildings to increase farm viability

Protecting and Enhancing Local Wildlife

9.3 We respect the local natural environment and its biodiversity. Whilst there are no sites within the parish area that have protection through a statutory designation, there are many areas which are important to local biodiversity. 94% of respondents to the Community Survey 2014 agreed we need to protect the countryside around us. Most of the locally important sites have been identified and delineated by the Devon Biodiversity Records Centre on behalf of Cullompton Town Council (see map 3 on page 24)).

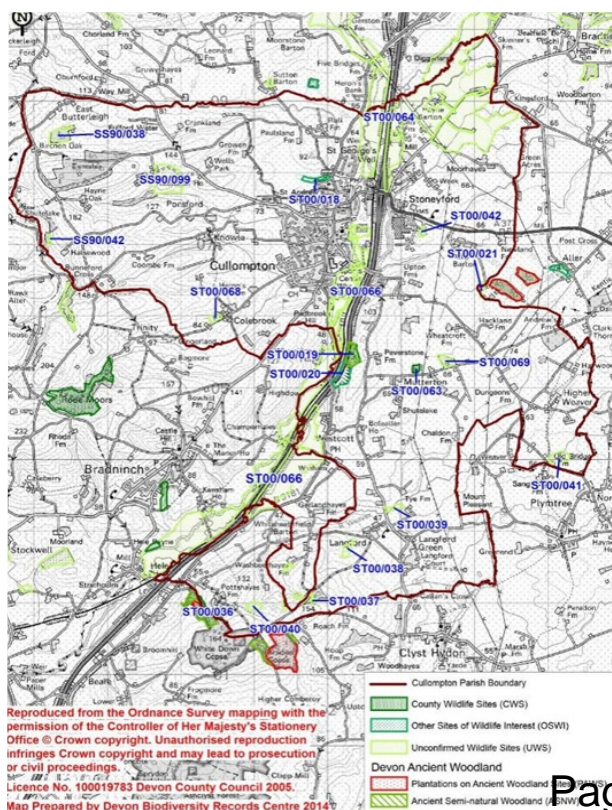
9.4 The town of Cullompton is growing. This makes the countryside and those remaining areas of natural environment even more special. We want to be assured that these sensitive sites will be protected and enhanced if possible. The areas identified on map 3 (page 24) are those regarded as sensitive and special, based on 2014 survey records. We are determined to protect the local habitats they provide and the species they host. We hope to use the development process not only to maintain but also to help increase local biodiversity. We are also reminded by the Environment Agency of the "importance of natural networks in managing water such as water quality and flood risk". The flood plain for instance coincides with several unconfirmed wildlife sites (see map 3 on page 24).



9.5 The NPPF (para 170) says “planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the intrinsic character and beauty of the countryside.....minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

9.6 Local Plan Policies S1 and S9 set out the district policy to minimise impacts on biodiversity and geodiversity; and Local Plan Policy DM28 sets the method by which the local planning authority will assess the significance of the impact of any development. Policy EN01 provides support to these Local Plan policies, as they seek to protect those sites within the parish area identified as being of ecological or geological importance. We expect major development proposals to be supported by sufficient information for the impact of the proposals on the local natural environment and its inhabitants to be fully assessed and have a significant effect on the decisions taken related to that development proposal.

Map 4:
Areas of Local Ecological Significance
referred to in Policy EN01



Policy EN01 Protecting and Enhancing the Natural Environment

Where appropriate, development proposals will be expected to protect sites of ecological and/or geological importance and protect and enhance local biodiversity and wildlife to include:

- i. the safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;
- ii. the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate in accordance with the Development Plan.
- iii. the safeguarding and preservation of ecologically sensitive areas and ecological corridors;
- iv. the safeguarding of important geological sites;
- v. the protection of trees and tree groups of arboricultural or amenity value;
- vi. the appropriate planting of new native trees and hedges;
- vii. biodiversity enhancements incorporated into the development wherever possible; and
- viii. the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of European Sites.



Improving the Public Rights of Way Network

9.7 Cullompton has some beautiful countryside, rolling hills, river and streams and an identified list of local walks. We want to ensure that the existing walking and horse riding routes in the parish area remain fit for purpose. We want to increase the appeal of walking to the local population. We feel that this can be done in part by improving access to the countryside and promoting circular walking trails around the area.

9.8 Many rights of way and bridleways are “valuable for biodiversity by providing green corridors and linear grassland and hedgerow habitats.” We support improvements and extensions to the footpath network in the countryside as long as any developments to achieve this include measures to protect local flora and fauna and serve to encourage responsible access and enjoyment of the countryside.

9.9 The NPPF (para. 98) states that “planning policies should protect and enhance public rights of way and access”. Local Plan Policy S1 recognises the value of public rights of way and Local Plan Policy DM26 seeks to incorporate existing public rights of way in major development areas.

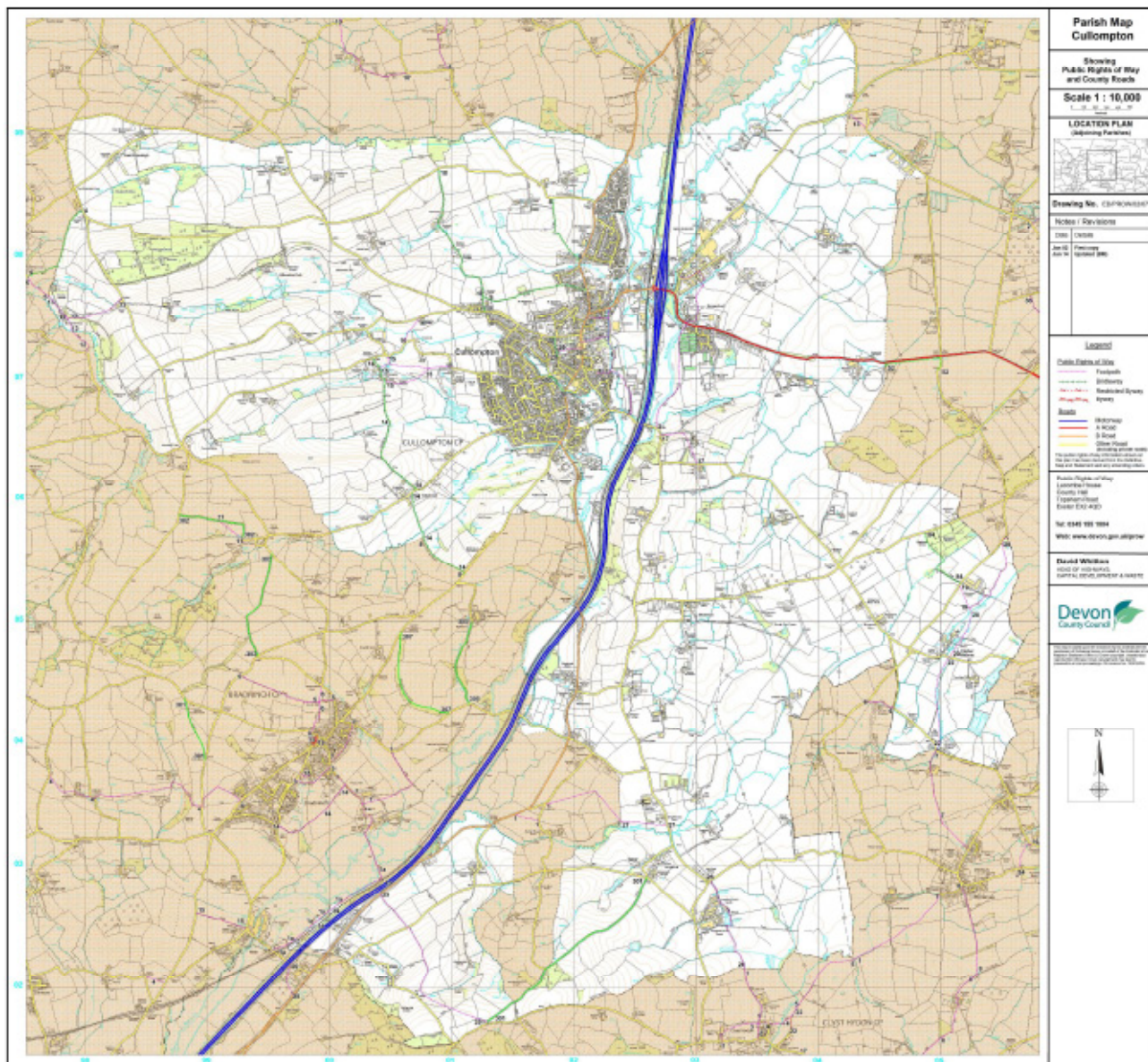
9.10 Local Plan Policy CU3 protects existing public rights of way (for the North West Cullompton development). Policy EN02 supports extensions and improvements to the network of public rights of way and bridleways across the whole parish area and endeavours to ensure that their value as biodiversity corridors is fully recognised, protected and, if possible, enhanced by any development work. In the interests of improving accessibility we are supportive of the removal of barriers (such as stiles and gates), wherever it is appropriate to do so. Map 5 shows the present network of public rights of way and bridleways in the parish area.

Policy EN02 Improving the Public Rights of Way Network

Measures to improve and extend the existing network of public rights of way and bridleways are supported so long as their value as biodiversity corridors is recognised, protected and efforts are made to enhance biodiversity as part of the ‘development’ work wherever appropriate.



Map 5:
Public Rights of Way and Bridleways referred to in Policy EN02



Local Green Space

9.11 A recent audit and assessment of local play areas and parks has been carried out on behalf of the Town Council. It looked at all local play areas and 'pocket parks' and took a view as to whether they were fit for purpose, capable of being maintained properly and worthy of protection. The conclusions from this assessment are reflected in the list of local green spaces in Policy EN03. The Local Plan through its policy DM24 recognises the value of local green space and acknowledges that "sites which are particularly important to local communities may be designated as Local Green Space, through the preparation of local or neighbourhood plans".

9.12 We are pleased to recognise that the town area has several small green areas that contribute significantly to the appearance and character of the local area and provide for a range of informal community leisure activities of the local population, not least providing somewhere safe for young children to play, as many of them do. Cullompton Town Council will be exploring how to reinforce their value as part of a network of green infrastructure throughout the town. As Natural England has reminded us, "green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement"⁴².

9.13 The areas identified in Policy EN03 meet the criteria of the NPPF (para. 100) which enables them to be designated as 'local green space' i.e.:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

9.14 A thorough assessment of potential sites was carried out by the Neighbourhood Plan Steering Group to assess whether the 'candidate' sites met the NPPF criteria, including being demonstrably special to the local community. Consistent with the approach of Local Plan policy DM24, those 'green' sites that are valued primarily for their sport and recreational purposes, are identified on map 6 (page 48) and subject to a separate Policy WL01. The sites that are subject to Policy EN03 are designated as Local Green Space because they are highly valued green areas that contribute significantly to the amenity of their neighbourhood, and the community wants to ensure they continue to do so for a very long time. A Site Assessment Report⁴³ presents our site by site analysis and conclusions.

9.15 The sites we consider 'qualify' as local green space and to which Policy EN03 should apply are:

Bilbie Close/Crow Bridge - a stretch of grass that provides for a range of informal leisure activities. It is bordered on two sides by a local brook.

Bockland Close – is a play area at the rear of dwellings that provides a safe play space for local children. It has a range of play equipment with safety surfaces.

Clover Drive – a triangular piece of grass, fringed with mature trees that contains a small children's play area, with a modern multi-play installation and a safety surface.

Cross Parks – a corner plot of amenity land at the edge of a new housing estate. It helps green the local environment and effect a transition between the urban area and the nearby countryside.

Culm Lea Play Area (recently updated) – at the end of cul-de-sac, alongside a footpath that leads to an informal walkway along the River Culm, is a fenced local children's play area with some basic play equipment.

Forcefield Road – an amenity space with mature trees that provides a car-free pedestrian route through the estate.

Haymans Close - a modern railing-enclosed play area in the middle of this modern housing estate. It offers a range of play opportunities for young children. As well as a multi-play installation for the younger children, with safety surface, there is a flat

⁴² Reg. 14 Consultation response, Natural England, 8th Nov 2017

⁴³ <http://www.cullomptonneighbourhoodplan.co.uk/CullINP%20LGS%20Assessment%20Report%20Nov17.pdf>

piece of grass that allows for a range of informal activities.

Haymans Green – also a modern railing-enclosed play area in the middle of this modern housing estate. It offers a range of play opportunities for young children. As well as a multi-play installation for the younger children, with safety surface, there is a kick-about area for the slightly older children of the locale.

Headweir Road (corner of Splatford Drive) – a fenced grass area with a large specimen oak tree. it has a children's play area with modern but traditional play equipment i.e. swings, slide and see-saw, all on safety surfaces.

Headweir Road (land between Nos. 73 & 75) – a green play and amenity space that includes a pedestrian link to Fairfax Road. Recently updated by Cullompton Town Council

Jubilee Gardens, Willand Road – an attractive gateway site that has been planted with ornamental shrubs and commemorative trees and features a flowerbed displaying the town's name.

Knightswood Play Park – a small park off Knightswood that provides a safe and sheltered play area away from the roads. It offers several pieces of play equipment and space to run around. Recently updated by Cullompton Town Council

Meadow Lane – an expanse of amenity grass that plays host to the town's skate-park.

Rivermead Play Area – a small triangular grassed area with three pieces of junior play equipment, with safety surfaces, and a bench serving the families of the local area.

Saxon Way/Windsor Close – at the junction of these two roads is an amenity area containing a fenced, modern, play area for young children serving the families of the local area.

St Andrew's Hill - the area of the Roman forts on St Andrews Hill, a scheduled ancient monument, is an important open green space in terms of its historic significance, that will impact positively on the north/north-west town expansion. Its designation was advocated by the Historic Environment Team at Devon County Council. As the planned development in North West Cullompton progresses

it will surround the site. Because of its proximity to the new community it is designated as a local green space.

Swallow Way – a green corridor crosses Swallow Way providing a well wooded pedestrian routeway across the estate leading westward into the countryside. At the eastern end with a footpath entrance off Manning Avenue is a fenced children's play area with a range of play equipment.

Tufty Park – a small, gated, play area on Shortlands Road with grass and a range of play equipment for young children, with safety surfaces. Recently updated.

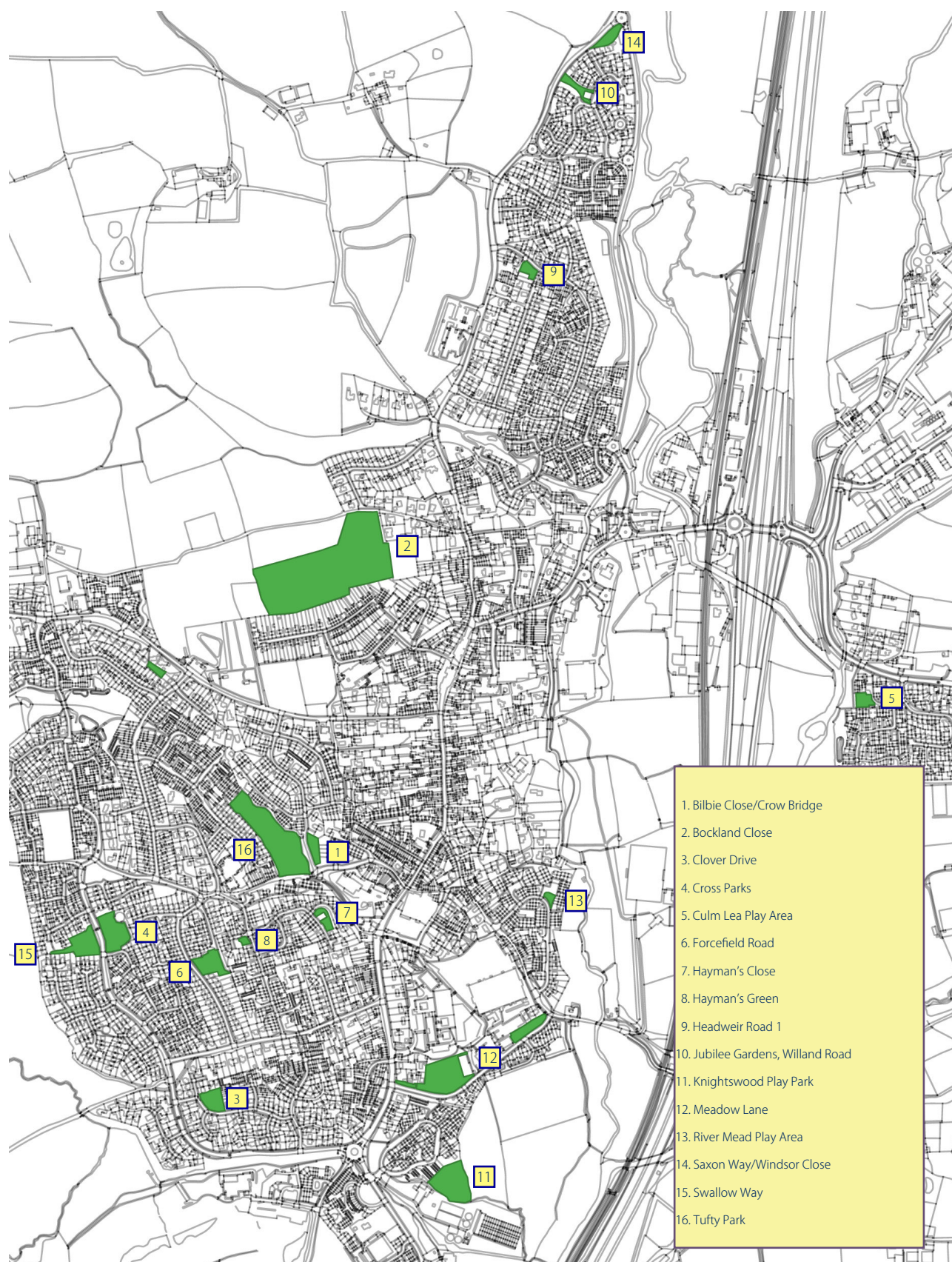
Policy EN03 Local Green Space

The following areas (listed below and identified on map 6) are designated as Local Green Spaces.

1. Bilbie Close/Crow Bridge
2. Bockland Close
3. Clover Drive
4. Cross Parks
5. Culm Lea Play Area
6. Forcefield Road
7. Hayman's Close
8. Hayman's Green
9. Headweir Road 1
10. Jubilee Gardens, Willand Road
11. Knightswood Play Park
12. Meadow Lane
13. River Mead Play Area
14. Saxon Way/Windsor Close
15. Swallow Way
16. Tufty Park

Proposals for built development on these areas will only be permitted in very special circumstances.

Map 6:
Designated Green Space referred to in Policy EN03



Town Centre, Heritage and Culture

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activity

Introduction

10.1 Our Neighbourhood Plan policies are intended to facilitate a continuous process of improvement to the historic core of the town of Cullompton to ensure it continues to serve as the centre of community life by meeting ever changing needs and demands whilst protecting and enhancing its special character and the heritage that it represents. We wish to ensure the historic buildings and spaces, some of which are currently 'at risk'⁴⁴, continue to play a worthwhile role in the life of the town.

Aims and Objectives

10.2 The following aims and objectives relating to Cullompton town centre and the area's rich heritage and culture have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.



Town Centre, Heritage and Culture	
Planning Aims	Planning Objectives
Protect and enhance our historical environment and heritage	<ul style="list-style-type: none"> • Restore and enhance High St/Fore St buildings • Facilitate the proper use of heritage buildings • Restore Cullompton cinema for community use
Make the town centre more pedestrian friendly	<ul style="list-style-type: none"> • Reduce traffic in town centre • Improve and control parking in town centre
Increase connectivity between areas of the town and beyond via network of footpaths and cycle routes	<ul style="list-style-type: none"> • Improve walking, cycling and mobility scooter routes in and around town centre
Improve the quality and appeal of the public realm	<ul style="list-style-type: none"> • Provide shared surfaces in suitable locations town centre • Define and enhance town squares • Install creative public art installations
Support a co-ordinated arts/culture agenda	<ul style="list-style-type: none"> • Develop Cullompton as a cultural hub
Encourage arts projects	<ul style="list-style-type: none"> • Develop an open art house bistro/gallery in the town
Protect the town centre's retail function	<ul style="list-style-type: none"> • Support new retail business in the town centre • Seek other activities that could enhance the town centre and attract footfall
Develop the town centre's evening economy and facilities, to cater for all ages	<ul style="list-style-type: none"> • Encourage diversity of evening entertainment provision to attract all groups • Explore the potential for a multi-use entertainment complex • Encourage businesses to take a flexible approach to opening hours

⁴⁴ According to Devon County Council in its Reg.14 Conservation Area Appraisal, these "include The Manor House Hotel, the Roman forts on St Andrew's Hill and also the Cullompton Conservation Area"

Heritage Assets

10.3 We want to ensure that our heritage is recognised and respected. 91% of respondents to the Community Survey 2014 told us we must protect old buildings and heritage. Our heritage assets are important to us for historical, cultural, urban design and 'sense of place' reasons. They help define what Cullompton, a proper Devon town, is all about. We would like to ensure they can continue to play a significant role in the life of the town. We want to ensure that uses are commensurate with the building's heritage.

10.4 The NPPF (para. 185) says "plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats." Local Plan Policy S1 recognises the need to conserve and enhance the historic environment through the identification and protection of both designated and non-designated heritage assets. Local Plan Policy DM25 sets out more detailed policy in the interest of protecting the heritage assets.

10.5 Policy TC01 emphasises the importance with which local heritage assets are regarded, by recognising the Mid Devon Register of Heritage Assets. The historic core of Cullompton is now encompassed by a Conservation Area, within which there are 46 Listed Buildings, including 42 Grade II Listed Buildings, as well as the Grade I, 15th century St Andrew's Church, the Grade I Listed 17th Century Walronds, the Grade II and II* Manor House Hotel and the Grade II Listed Merchants House. In addition, the Grade II Listed First Bridge spanning a tributary of the River Culm, is located beyond the Conservation Area boundary.

10.6 Mid Devon District Council has established a local Register of Heritage Assets⁴⁵, which includes several locations, buildings and structures in the Cullompton area that were identified in the Cullompton Conservation Area Appraisal⁴⁶. These include areas such as Queen Square and Higher Bull Ring and features such as pillar boxes, red telephone boxes and the seat and lean-to shelter at Trott's Alms Houses.

10.7 The Town Council may, from time to time, propose additional heritage features in the parish area for inclusion on the Register. We expect any development in the vicinity of a locally registered heritage asset to have a positive impact on the asset and local heritage and adhere to Local Plan Policy DM25, which requires applicants to provide a description of the significance of the heritage asset and/or its setting. We would expect a Heritage Impact Assessment to be presented in situations where development could directly affect a registered local heritage asset.

Policy TC01 Designated and Non-designated Heritage Assets

Development proposals affecting Designated and Non-Designated Heritage Assets must comply with national policy and the Development Plan.



⁴⁵ Register of Heritage Assets: Local List East, Mid Devon District Council, Jan 15
<https://www.middevon.gov.uk/media/114803/east-area-heritage-assets-part-1.pdf>

⁴⁶ Conservation Area Appraisal, Mid Devon District Council, 2009
https://new.middevon.gov.uk/media/114976/cullompton_conservation_appraisal_revised_2009.pdf

Character of the Built Environment

10.8 We want Cullompton to remain an attractive market town. We want to retain the essential character and appearance of Cullompton's built environment, which is epitomised by the variety of styles and forms on show. Adding new development to this mix is a design challenge that should not be taken lightly. We want development to complement and enhance its setting. Yet, as Cullompton Community Centre and our new Library, 'the Hayridge', have shown, there is 'room' for new forms of architecture and building. However, we do expect new buildings to fit in; to make use of local materials; and contribute positively to the character of the built environment.

10.9 The NPPF (para. 125) says that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The NPPF (para. 130) places great emphasis on the significance of good design and goes as far as saying "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

10.10 The NPPF (para. 127) wants us to ensure developments "are sympathetic to local character and history, including the surrounding built environment". Local Plan Policy H1 calls for design that respects local character, heritage, surroundings and materials. Local Plan Policies DM1 and DM14 acknowledges the need for new development proposals to take into account physical context, local character, density and land use mix and, in the town centre, retain or enhance the town centre's historic character and appearance, vitality and viability. The Conservation Area Management Plan recognises that the town has a historic core which contains "a number of high grade listed buildings, several traditional pubs, cafes, a variety of small independent shops as well as a monthly farmers' market and a weekly indoor market. There have been several small-scale enhancement schemes in the central area. Despite this the town centre generally lacks vitality and is not an attractive environment." The purpose of the Management Plan is to set development and design standards and stimulate better design within the Conservation Area.

10.11 Policy TC02 is our opportunity to endorse the Conservation Area Management Plan and put in place a locally relevant policy that reflects how local people have regard for the variety of types and styles that co-exist in Cullompton. A sensitive, yet imaginative, design approach to new development is required, especially in the town centre, that will produce a contemporary, high-quality development of merit, whilst adding to and complementing the variety and diversity that makes up the unique character of the built environment of Cullompton.



10.12 Within the Conservation Area this means “new buildings including those of contemporary design should reflect the scale, massing, height, spacing, materials and colour palette of the conservation area. Extensions and alterations to existing buildings should follow the scale, proportions, detailing and materials characteristic of the property type. Works of maintenance, repair or replacement in the public realm should comply with an agreed palette of materials, colours and textures”⁴⁷.

10.13 Outside the Conservation Area it means, for major development schemes, ensuring that design policies reflect local aspirations, and are grounded in an understanding and evaluation of the area’s defining characteristics. The NPPF (para. 125) says “design policies should be developed with local communities”. The Town Council will be happy to facilitate community engagement with the local planning authority and design experts to develop appropriate design guidance that will achieve: a harmony of design to ensure development fits in with the overall form and layout of its surroundings; an enhancement of the local character; promotes high levels of sustainability; and helps raise the standard of design more generally in an area, whilst not preventing diversity nor stifling innovation.



Policy TC02 Character of the Built Environment

Development should contribute positively to the character of the built environment in its locality by:

- i. demonstrating an understanding of the diverse qualities that contribute to this character; and
- ii. reinforcing local distinctiveness and a strong sense of place.

Development proposals in or within the setting of the Conservation Area should demonstrate how they have taken the Cullompton Conservation Area Appraisal and Management Plan into account.

⁴⁷ Conservation Area Management Plan for Cullompton, Mid Devon District Council, 2009
<https://www.middevon.gov.uk/media/114972/cullompton-conservation-area-management-plan-combined.pdf>

Pedestrian Priority in the Town Centre

10.14 The congestion and nuisance from traffic traversing the town centre is substantial. It is made even worse whenever the M5 is blocked and/or closed. We want to reduce the congestion in Cullompton town centre. We should improve the town centre for pedestrians. The community has told us that no longer should the town centre be dominated by the motor vehicle, not least because of the effect it has on air quality. We want to improve air quality⁴⁸. We have to reduce the volume of traffic using the town centre.

10.15 The Town Council aspires to see Fore Street become one-way from the Manor Hotel to the Library (the Hayridge), with short-term parking on one side of the road. Any measures that can help bring this about, which get the support of the community, will be welcomed. 80% of respondents to the consultation survey in the winter of 2016 supported the proposal to further pedestrian priority in the town centre.

10.16 The NPPF (para. 106) says in town centres we should “promote accessibility for pedestrians and cyclists”. Local Plan Policy S7 supports positive measures in the town centre including traffic management. Local Plan Policy S11 guides high quality development and other investment to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town. Policy TC03 is aimed at facilitating a pedestrian-friendly town centre and supports measures that deter through traffic.

Policy TC03 Pedestrian Priority in the Town Centre

Design and highways proposals intended to reduce through-traffic on Fore Street and High Street and make the town centre more pedestrian-friendly will be supported.

Service Arrangements in the Town Centre

10.17 94% of respondents to the Community Survey 2014 told us we need a town centre with a strong retail function. In the interests of ensuring the town centre can continue to function as a retail centre, the Town Council would like to improve and simplify planning for retail businesses within the core of the town. It has long been recognised that servicing arrangements for town centre businesses needs improvement. The lack of specific servicing arrangements to most town centre businesses is a significant contributor to the traffic congestion we suffer from.

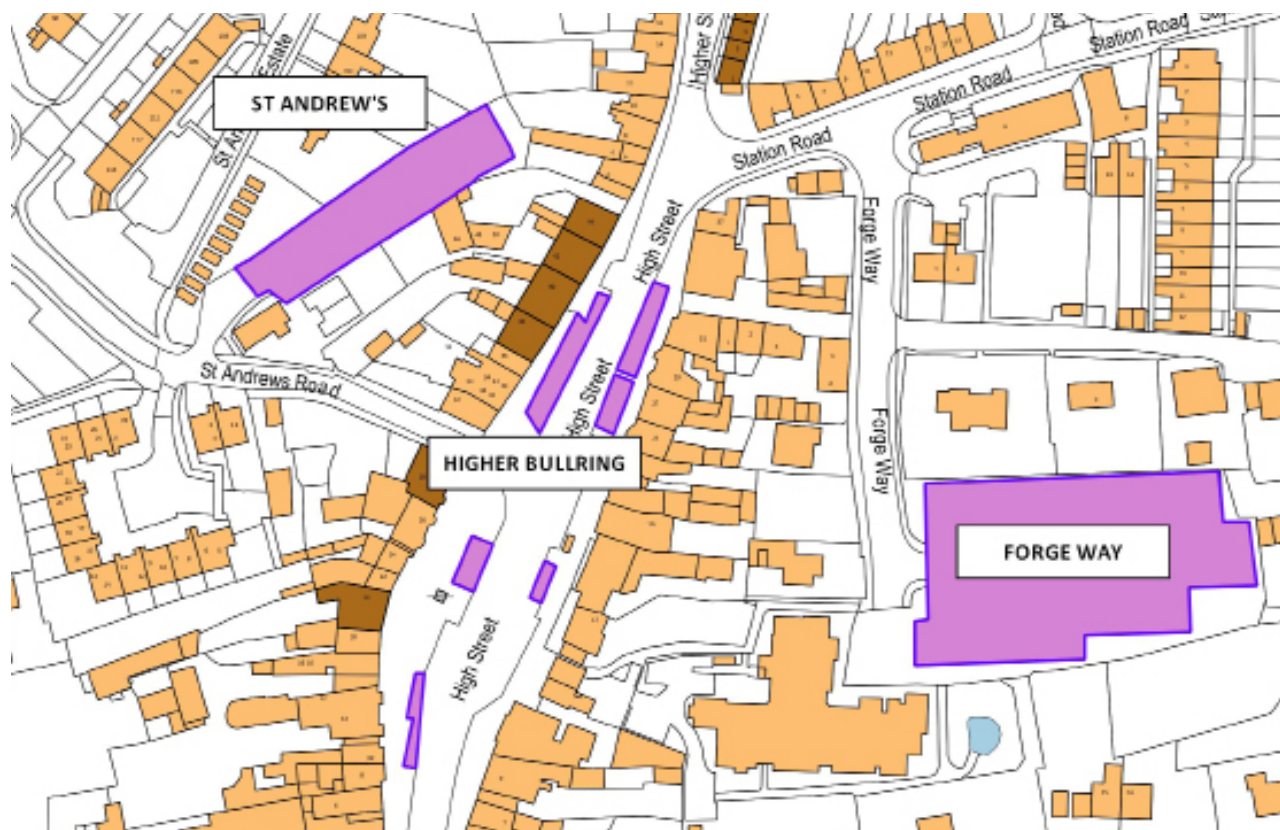
10.18 The NPPF (para. 85) requires us to “support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”. We want to see servicing made easier and not detrimental to the businesses in the town centre. The issue was highlighted with the closure of the Tiverton Road junction in 2015 due to repair work being carried out at the Manor House Hotel. During this period, restricted hours for loading and unloading was introduced along the length of Fore Street until the Tiverton Road junction was reopened. These temporary restrictions showed how much better Fore Street functions when servicing is controlled.

10.19 The current use of land in front of the Hayridge as a public car park has also demonstrated the value of additional car parking space in and around the town centre. 95% of respondents to the consultation survey in the winter of 2016 supported the proposal to safeguard existing town centre car parks. The NPPF (para. 106) states “In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure”.



⁴⁸ Cullompton has been subject of an Air Quality Management Plan since December 2006
<https://new.middevon.gov.uk/media/103608/cullompton-air-quality-action-plan-2009.pdf>

Map 7: Parking Areas referred to in Policy TC04



10.20 Policy TC04 is supportive of development proposals that would result in the provision of better servicing and customer parking arrangements in the interests of relieving congestion and obstruction on roads in and around the town centre. To that end, we have also cited the three areas of public parking that are owned by public authorities. These areas we recognise as important community assets that are used by town centre users and help keep parked cars off the road.

Policy TC04 Service Arrangements in the Town Centre

Development proposals to improve servicing arrangements and/or increase customer parking to business premises in the town centre and thereby reduce congestion on nearby roads will be supported.

The St Andrews, Forge Way and Higher Bull Ring car parking areas (as defined on map 6) are important assets to the local community and are essential to the functionality of the town centre. Their use for car parking will be safeguarded and their capacity maintained unless it can be demonstrated that they are no longer needed or suitable alternative provision is made.

Art in the Public Realm

10.21 Cullompton needs a more positive image that engenders local pride and helps attract inward investment. To these ends, further town centre environmental improvements would be welcomed. The NPPF (para. 127) says “planning policies and decisions should ensure developments establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”. In support of the positive impact that innovation in design can have it also states (para. 131) “great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”.



10.22 Along with restoring and improving buildings and making the town centre more pedestrian-friendly, we want to make visiting the town centre a more appealing and stimulating experience. We want to improve the quality of the public realm and welcome public art that has relevance and reinforces the character and individuality of public areas. Public art is art in any media that has been planned and executed with the intention of being staged in the public domain, usually outside and accessible to all. We have seen what can be achieved by recent installations such as the cemetery gates, designed by local students; the sheep noticeboards; and the mural at Station Road.

10.23 Local Plan Policy DM1 applies to new development and recognises the value of visually attractive places and the components that contribute toward this.

10.24 We want to encourage and accommodate innovative public art and design whether temporary or permanent, wherever appropriate throughout the town. In this way, we hope to stimulate a greater interest in community arts and culture, increase ‘community pride’ in the town and enhance the overall impression left on visitors. 80% of respondents to the Community Survey 2014 felt we needed to develop the town’s tourism appeal.

10.25 Policy TC05 makes the quality of the public realm the subject of the policy and recognises how we can reinforce the character and vitality of the public realm and spaces through the introduction of innovative design and high-quality public art features.

Policy TC05 Art in the Public Realm

Proposals to introduce innovative public art which enliven and add positively to the character of the public realm and which facilitate or encourage greater community use of public spaces will be supported .

Cultural and Leisure Facilities in the Town Centre

10.26 We want to strengthen and broaden the role of the town centre. The Town Council would like to attract new businesses and new shops and promote tourism/leisure. We want to encourage town centre-based arts and cultural activity. We want to make better use of buildings and spaces in the town centre for community purposes. We want to bring redundant buildings back in to use. 91% of respondents to the consultation survey in the winter of 2016 supported the proposal to improve and increase the cultural and leisure facilities in Cullompton town centre. A cinema and swimming pool were high on the 'wish-list' of new facilities that were wanted by the pupils of Cullompton Community College when they were surveyed in 2014.

10.27 The NPPF (para. 92) says we should "plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities". Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability. Local Plan Policy DM23 supports proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

10.28 Policy TC06 encourages the conversion of redundant buildings and spaces in the town centre specifically for leisure and cultural purposes.

Policy TC06 Cultural and Leisure Facilities in the Town Centre

Proposals that increase the provision of cultural and leisure facilities in the town centre through the conversion and/or better use of redundant buildings and spaces are supported.



Former Cullompton Cinema

10.29 The town lacks breadth in social/leisure facilities and opportunities. The town centre has an important role to play in community life and we also want to develop the town's tourism appeal and offer.

10.30 Local Plan Policy S7 is supportive of positive measures of enhancement and regeneration. Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton and states that within the town centre, development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development will be supported where they retain or enhance the town centre's historic character and appearance, vitality and viability. Local Plan Policy DM22 supports proposals for new or expanded tourism, visitor or leisure facilities will be supported within the town centre.

10.31 It has been suggested at several local consultation events that the former Cullompton cinema building could still play a role in community life. The building situated at No.4 High Street, Cullompton is still remembered fondly for the role it used to play in community life. 86% of respondents to the consultation survey in the winter of 2016 supported the proposal to bring the former cinema back into community use. We would welcome proposals coming forward that could bring its use for community activity about once again; particularly if it helps encourage local arts and cultural activity and improves local leisure facilities and opportunities. Such a development would increase use and the appeal of the town centre.

10.32 Policy TC07 applies specifically to a former community asset that many believe still can play a part in community life if the opportunity arises.

Policy TC07 Former Cullompton Cinema

Proposals that enable the re-use of the former Cullompton Cinema building for community leisure and or cultural purposes would be supported.

Extending the Attraction of the Town Centre

10.33 The town centre is very important to us. We want to support the town centre economy and we want to strengthen the role of the town centre in community life and make it more appealing to visitors. We want to enable a wider range of community and social activity so as to extend the hours, particularly into the evening, when the town centre is a focus for community activity and events. The evening economy of the town centre should be broader and more family-oriented. In doing this, there is also significant tourism potential that could be exploited. 98% of respondents to the consultation survey in the winter of 2016 supported proposals to provide more and better evening leisure and social facilities.

10.34 The NPPF (para. 85) says "planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation... and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries". Local Plan Policy S7 seeks to promote positive measures of enhancement and regeneration to the town centre with new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability. Local Plan Policy S11 guides high quality development and other investment in Cullompton to promote new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability. Local Plan Policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office, tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability.

10.35 Policy TC08 is made in the interests of encouraging more family leisure uses and developing the evening economy of the town centre in the interests of the whole community.

10.36 Cullompton Town Council is very concerned about the future of the high street and town centre areas. The Council feels that the town centre reflects the heart of the town and that new development should recognise this. As well as new amenities and facilities within all the new housing developments the role of the town centre should be strengthened and developers should indicate how they contribute to the town centre.

Policy TC08 Extending the Attraction of the Town Centre

Proposals that help promote the development of a visitor and evening economy in the town centre are supported.

Improving the Town Centre Offer

10.37 We want to support the town centre economy and we want to strengthen the retail role of the town centre and make it more appealing to visitors. 80% of respondents to the Community Survey 2014 told us we need to develop the town's tourism appeal. Retailing is part of that appeal and the role and attraction of the town centre would be increased by a broader range of retail outlets. Making use of the 'side courts' and introducing new forms of retailing would also provide opportunities for new retailers and other micro-businesses to get started, or just have a go. 85% of respondents to the consultation survey in the winter of 2016 supported the idea of making use of these by-ways to enliven the town centre and increase its commercial appeal.

10.38 The NPPF (para. 85) encourages us, in town centres, to "retain and enhance existing markets and, where appropriate, re-introduce or create new ones". This is echoed in Local Plan Policy S7 which advocates "positive measures of enhancement and regeneration". Local Plan policy DM14 promotes the sustainable growth and regeneration of Cullompton through the support of development proposals for retail, leisure, commercial, office,

tourism, cultural, community and residential development where they retain or enhance the town centre's historic character and appearance, vitality and viability.

10.39 Policy TC09 seeks to take advantage of some of the 'character spaces' that exist in the town centre, e.g. the side courts, of which there are many. We seek to encourage additional and alternative types of services and facilities in appropriate locations that will contribute to its variety and enliven the town centre to help more users and visitors.

10.40 The development of various forms of small start-up business within the town area (see map 2 page 20) is to be encouraged, as long as they do not cause nuisance and conform to other policies within the Neighbourhood Plan, they are to be supported.

Policy TC09 Improving the Town Centre Offer

Proposals to provide small-scale retail units or stalls, tourist facilities, street cafes and visitor attractions in the side courts and other suitable spaces in Cullompton town centre will be supported provided they:

- i. are of an appropriate design and scale;
- ii. are temporary in nature;
- iii. do not restrict pedestrian or cycle passage;
- iv. provide free passage for those with mobility impairment; and
- v. do not cause nuisance to neighbouring uses and nearby residential areas.

Local Economy and Jobs

Make Cullompton more business friendly

Introduction

11.1 Our Neighbourhood Plan policies are intended to ease local barriers and broaden the supply of local business space so that Cullompton can continue to grow as an important business centre in Mid Devon and meet more of its local employment needs.



Aims and Objectives

11.2 The following aims and objectives relating to jobs and our local economy have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

Local Economy and Jobs	
Planning Aims	Planning Objectives
Encourage businesses to move to Cullompton	<ul style="list-style-type: none"> • Improve access to and from industrial estates
Foster a positive attitude towards promoting local economic development and attracting inward investment	<ul style="list-style-type: none"> • Increase the supply of flexible, easy in and out business spaces • Accommodate new forms of retailing such as click and collect

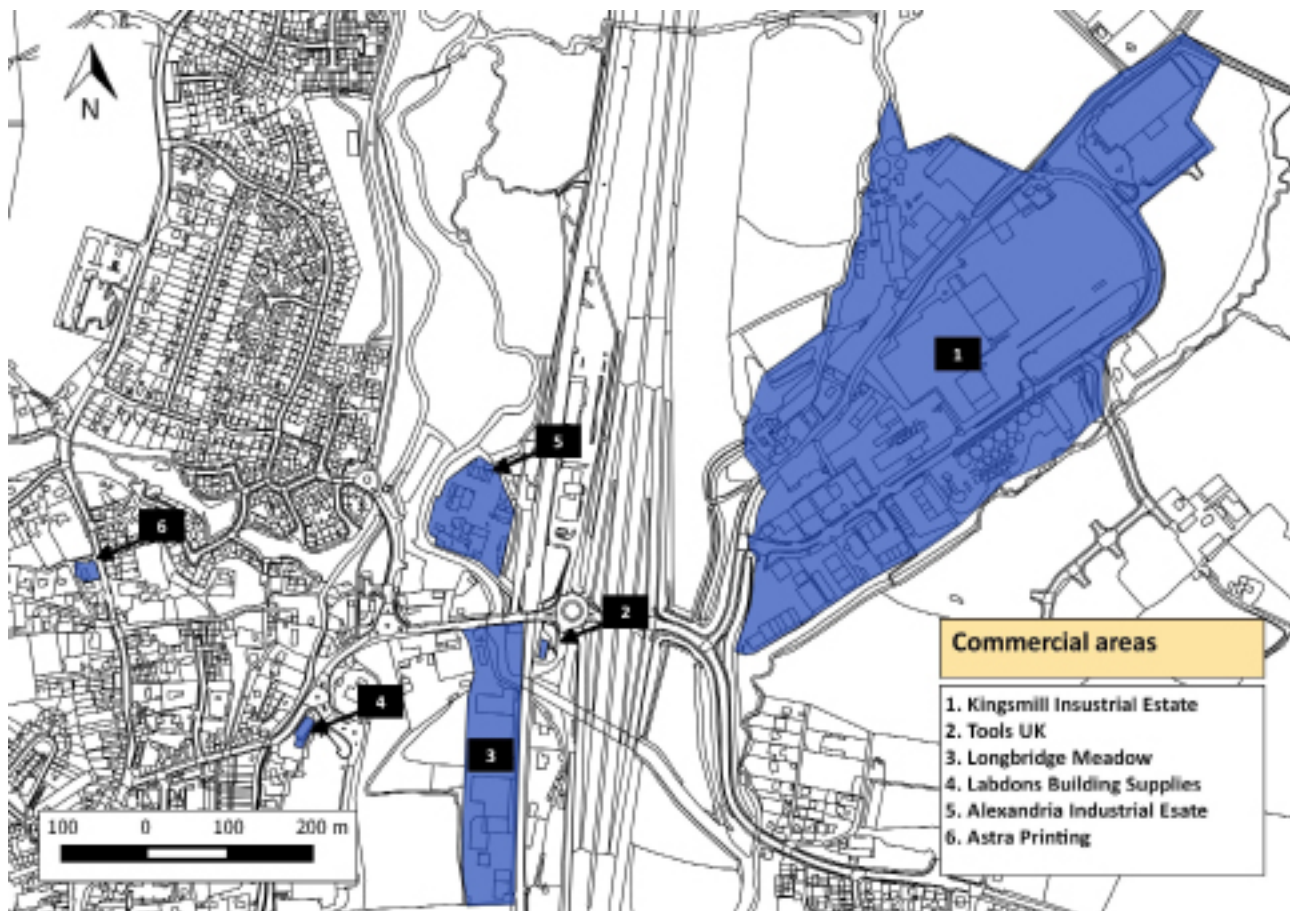
Improving Access to Commercial Areas

11.3 Access and egress to several of the commercial areas is a matter of concern, not least because of safety considerations. It is raised regularly with town councillors. Access and egress from the Kingsmill Estate is particularly hazardous because of the volume of traffic and the lack of separation between pedestrians, motor vehicles and cycles; but arrangements at the other busy commercial areas shown on map 8 (page 60) could also be improved. Improving access arrangements in the interests of safety is very important. Such measures would also help reduce one of the barriers to business development and likely to make these trading areas more attractive to new businesses as well as customers.

11.4 Local Plan Policy CU8 recognises the need to create safe and attractive pedestrian and cycle links between the new East Cullompton development, when it takes place, and the Kingsmill Industrial Estate (the area's main area of commercial activity).



Map 8: Commercial/Industrial Areas referred to in Policy EJ01



11.5 In the meantime, Policy EJ01 supports all development proposals that serve to improve safety and access to commercial areas for both pedestrian and road users.

Policy EJ01 Improving Access to Commercial Areas

Measures that improve access to and from the commercial areas (as identified on map 8) and increase safety of pedestrians and road users are necessary and will be supported.

Development of Small Business Units

11.6 There is a need for more and better quality local employment opportunities. 87% of respondents to the Community Survey 2014 told us that we should encourage more business and commercial development. Cullompton Community College tells us that the town “needs to attract business and a strong local economy in order to retain the excellent skill base of young people on its doorstep”⁴⁹ We want to encourage new business and enterprise of all kinds. The NPPF (para. 80) says “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt” and “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances” (para. 81).

11.7 The strategic policies of the Local Plan focus on providing larger employment sites in association with the new housing on the major development areas of North West Cullompton (21,000 square metres commercial floorspace), East Cullompton (20,000 square metres commercial floorspace within the plan period and a further 12,000 post-2033), Week Farm (15,000 square metres of employment floorspace) and Venn Farm (9,000 square metres of employment floorspace). Local Plan Policy DM19 provides for the protection of existing employment land and premises.

11.8 The Mid Devon Employment Land Review of 2013 considered that “there is a case to argue that the portfolio of employment sites could be ‘rebalanced’ to include a number of smaller employment land allocations which are not dependent on provision of significant additional infrastructure, and could be easier to deliver in the short-to-medium term”⁵⁰. We want to help new small enterprises to get established and to engage with local markets. Providing for more small business units in the town may also reduce the need to commute out of Cullompton.

11.9 Policy EJ02 aims to be pro-active in the development of local enterprise and jobs at the micro-scale. It provides support to the development of various forms of small start-up business units within the town area (as defined on map 2, page 20) as long as they do not cause nuisance and conform to other policies in the Neighbourhood Plan.

Policy EJ02 Development of Small Business Units

Proposals that provide for the development of small-scale business units, including live-work units, in the town area (as defined on map 2) will be supported, provided that the proposals:

- i. contribute positively to the character and vitality of the local area;
- ii. are well integrated into, and complement, existing clusters of activity;
- iii. do not have an adverse impact on residential amenity; and
- iv. do not adversely impact upon road safety.



⁴⁹ Reg.14 Consultation response, Cullompton Community College, 12th Nov 201

⁵⁰ <https://www.middevon.gov.uk/media/85326/employment-land-review-nw-cullompton.pdf>

Community Wellbeing and Leisure

Provide first class local community facilities and develop community-based services that meet the growing demands of the community

Introduction

12.1 Our Neighbourhood Plan policies are intended to protect the social, community, leisure and recreation spaces and facilities we have and ensure that such facilities increase to meet the future demands of our growing community and help us become more involved, active and healthier.



Aims and Objectives

12.2 The aims and objectives relating to community wellbeing and leisure provision have emerged following a programme of community consultation. They have been used to help formulate the neighbourhood plan policies and inform a programme of other community actions.

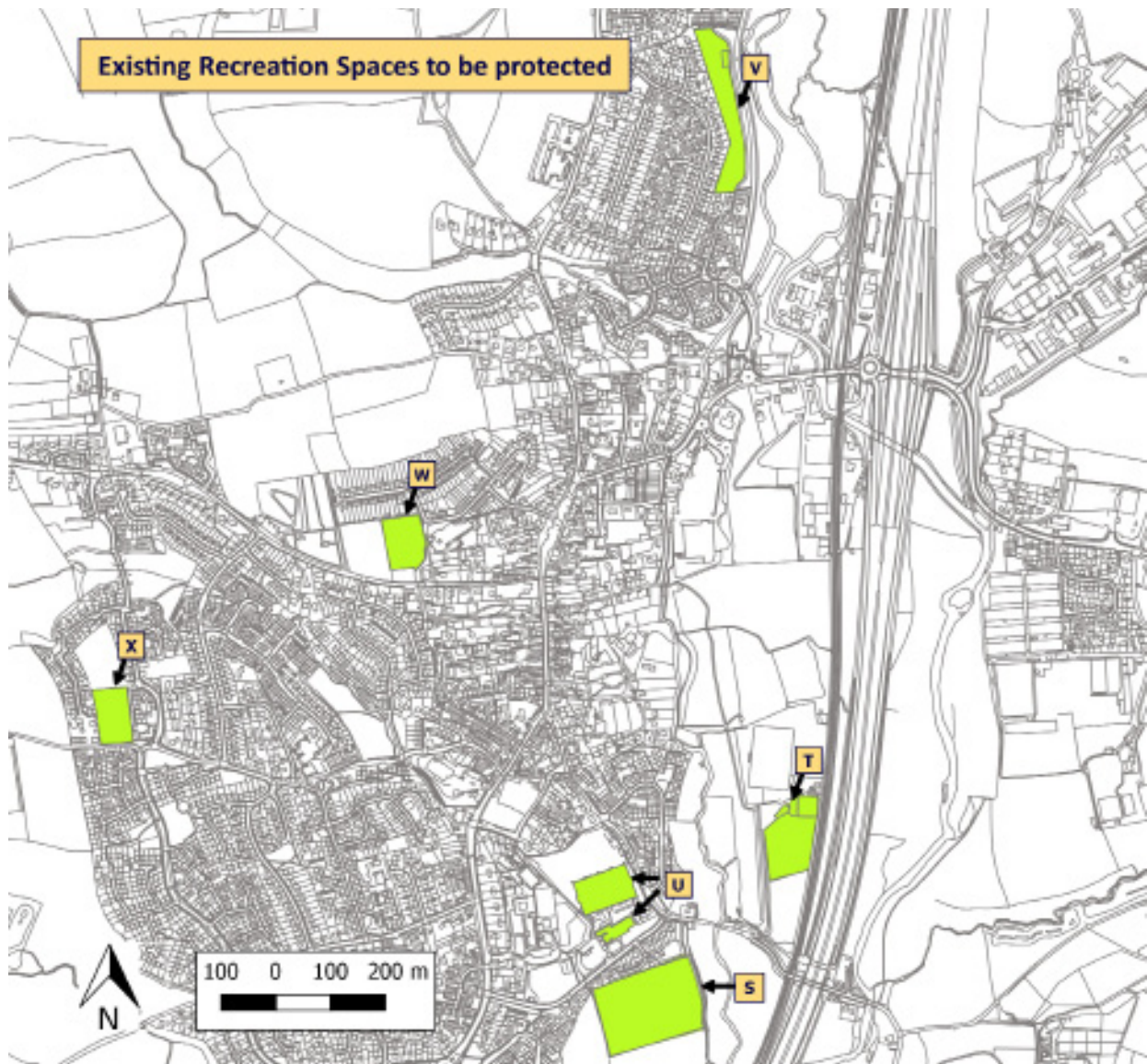
Community Wellbeing and Leisure	
Planning Aims	• Planning Objectives
Improve access to and the quality of public open spaces	• Plan footpaths, cycle routes and parking for open spaces
Ensure adequate indoor and outdoor facilities are available in local neighbourhoods	<ul style="list-style-type: none"> • Develop new larger scale open spaces to provide for a wide range of activities • Provide tennis courts and several multi-use games areas • Support the development of a swimming pool and other new indoor facilities
Develop sustainable community facilities	• Provide more allotments
Continue to improve community resilience	• Cullompton to become a dementia friendly town and community
Encourage the involvement of young people as part of the community	• Expand provision of youth facilities

Existing Recreation Spaces

12.3 The NPPF (para. 96) says “access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.” and says (para. 97) “existing open space, sports and recreational buildings and land, including playing fields, should not be built on”

108 it is certain that they are no longer needed.

Map 9: Existing Recreation Spaces in Cullompton to be Protected referred to in Policy WL01



12.4 The parish area has a limited number of sports and recreation areas. The ones we have are well used and serve an important role in community life. We want to encourage people to enjoy healthy leisure pursuits. We want to protect the recreation areas we have and ensure they are easily accessible and fit for modern purposes.

12.5 Local Plan Policy DM24 seeks to protect existing open space, sports and recreational buildings and land, including playing fields, unless they are deemed surplus to requirements or can be replaced by better.

12.6 The areas listed in Policy WL01 are those that are available for public use or serve the recreation needs of local schools. The Town Council has agreed that these should be afforded the protection of Local Plan Policy DM24.

Policy WL01 Existing Recreation Spaces

The following sports and recreational land and buildings (identified on map 9) are very important to the local community and should be protected in accordance with the relevant policies in the Development Plan.

- S Cullompton Community College sports pitches, Meadow Lane
- T Cullompton Cricket Club
- U Culm Valley Sports Centre
- V Linear Park, Millennium Way
- W Upcott Field
- X Willowbank School Field, Knowle Lane

CCA Fields

12.7 Both the adopted Local Plan and the emerging Local Plan identifies the CCA Fields as the potential route for a town centre relief road. It is shown on the policy maps and referred to in policies AL/CU/14 and Policy CU19 respectively. It is not a 'solution' that is easy to accept by the community, as consultation after consultation has shown, but we do acknowledge that a road to relieve congestion and air pollution in and around the town centre is very necessary, and even more so in the context of an expanding town and population; and it may help facilitate improvements to the motorway connection as per Policy HT01 (Motorway Connection).

12.8 The CCA Fields is a 13 hectares site that once belonged to two different farms. In many ways, it still has the appearance of open countryside yet it is close to the town centre of Cullompton. It has become a much loved, readily accessible leisure and recreation resource for the community. It is the home of several sports clubs, it includes formal play areas and it plays host to a range of town events such as the annual circus, dog shows and the Cullompton Town Fayre.

12.9 The CCA Fields is owned by the people of the town. It is managed on their behalf by Cullompton Community Association, which is a Registered Charity (no. 270312) formed in the 1970s following a public meeting, by a group of Cullompton residents to improve the life of the residents of Cullompton. The extent of the CCA Fields and the ownership of its various parts is shown on Map 9.

12.10 The CCA Fields were purchased for the community in the 1970s, using monies from dormant club and charity bank accounts with the permission of the Charity Commissioners. Much of the work to make it usable as public open space and recreation area was done by volunteers, with some help from the contractors that were constructing the nearby M5.

12.11 The Cricket Club (established 1891) owns the freehold of its own site excluding the car park. The 1.01ha. site comprises a cricket pitch, a club house with changing facilities, a bar and function rooms, modern cricket practice nets, an artificial wicket and storage facilities for mowers and other equipment. The Cricket Club has

indicated a desire to relocate. The Club has out-grown its current location and, recognising that a growth in population should lead to an increase in participants, it wishes to find space sufficient for two cricket pitches plus a club house and all the ancillary facilities a club of its stature needs. The England and Wales Cricket Board has advised that a site with a footprint of 4.85ha. is required to accommodate this size facility. The Bowling Club also owns the freehold of its site (see map 9).

12.12 The Local Plan Review Policy CU19 deals with displacement and replacement of open space and sporting facilities and the protection of archaeology, habitats and environmental features as a result of the construction of a relief road for Cullompton. The Local Plan also states that "the aim will be to cause minimum impact on the CCA Fields and acceptability in terms of flood risk and flood flows." Flood prevention proposals should be attentive to the current issues of flooding and drainage in the vicinity and along the Culm Valley. No doubt the planning of the final route will be guided by these important considerations.

12.13 Policy WL02 introduces additional safeguards and considerations. These have been informed by the representations of the Cullompton Community Association, which is taking seriously its role as a charity set up to advance education and to provide facilities in the interests of social welfare, recreation and leisure. The Association has debated the issue on several occasions over the past few years. At its meeting in March 2017 it considered the purpose and efficacy of a draft version of policy WL02 and made several suggestions, which the Neighbourhood Plan Steering Group has sought to accommodate within the policy.

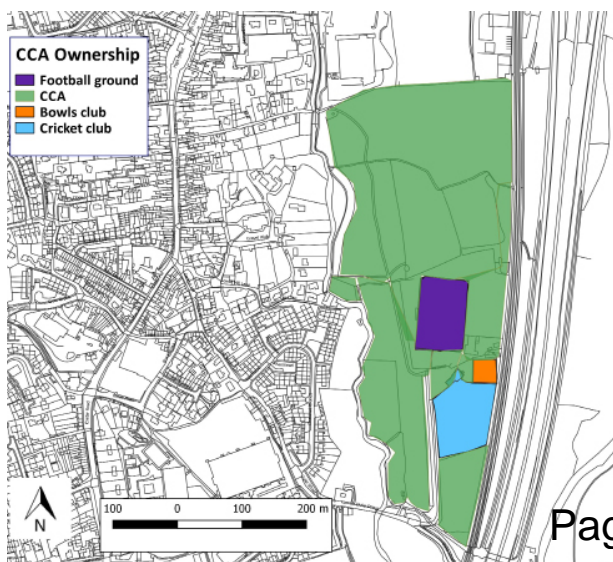


12.14 Our purpose is to minimise the permanent loss of most of the CCA Fields and retain most of their uses, if they are to be dissected by a relief road. Policy WL02 reflects this ambition and sets criteria to ensure:

- much of the CCA Fields would remain in use during a prolonged period of construction
- the community is compensated for the disturbance and any loss of precious recreation space
- there is no net loss in community recreation opportunities because of the construction of a relief road through the CCA Fields
- the CCA Fields can continue to provide for a variety of different recreational activities
- safety is a prime consideration and the CCA Fields remain a safe and secure environment for users
- any potential conflict between users of the CCA Fields and adjoining roads is avoided

12.15 Cullompton Town Council wishes it noted that in the autumn of 2018 and spring 2019 Mid Devon District Council and Devon County Council voted to approve a relief road through the CCA Fields and to progress detailed design work. MDDC and DCC voted for the relief road to run parallel with the railway line, including any additional design work. This would form part of a phased infrastructure plan to include an upgrade to Junction 28 of the M5.

Map 10: CCA Fields Ownership Pattern



Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop part of the CCA Fields to provide a relief road for Cullompton should:

- seek to maximise the single uninterrupted area of recreational land to be retained as the CCA Fields in their current location, ensuring that the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner.
- replace any recreation space lost with equivalent or better provision elsewhere in Cullompton, to be vested in the community.
- maintain as far as possible the continued use of sports facilities and recreation spaces during construction.
- ensure the relief road is suitably landscaped and screened to minimise disturbance to users of the CCA Fields.
- have regard to the most sensitive ecological areas and habitats, including proposals to mitigate any loss of or harm to the natural environment.
- maintain as far as possible current access routes to the fields to facilitate safe pedestrian access to the CCA Fields and prevent any unauthorized vehicular access to the CCA Fields from the relief road.
- ensure the provision of adequate car parking
- ensure that the development of the relief road does not increase flood risk.

Usable Public Open Space

12.16 The NPPF (para. 69) encourages us to create “opportunities for meetings between members of the community and ... safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space”. It also states (para. 73) that “planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision”.

12.17 We want to encourage people to enjoy the outdoor environment. 81% of respondents to the Community Survey 2014 told us we need better parks and open spaces in Cullompton. We want open space that is provided in new developments to be usable for a variety of recreational and leisure purposes and have the access and facilities that are required to enable their enjoyment by the local community. We want to encourage community activity on the open spaces. We want open space to be easily accessible by foot or bicycle. We want good quality play areas for younger children to be located close to family homes.

12.18 The Town Council has recently carried out an audit of local public open spaces⁵¹ to better understand their use and value. It was agreed that a few small park areas were underused and in a poor state of repair. The conclusion from the audit was that some of the smaller parks and play spaces in the town should be closed and replaced by bigger and better facilities nearby.

12.19 The Town Council will continue to monitor use of open space and the town’s recreation requirements and liaise with Mid Devon District Council in the interests of providing spaces that are needed, usable and fit for purpose.

12.20 We accept that the standards used in the Mid Devon Open Space Strategy of 300m distance for amenity space, allotments and children’s play areas and 600m for other forms of public open space are appropriate in establishing limits to what is reasonable in accessibility terms. These are the standards adopted in Local Plan Policy S5 of the new Mid Devon Local Plan, which sets standards of provision for open space. We would like to see these standards improved upon in new housing developments whenever possible.

12.21 Local Plan Policies CU3 and CU9 specifies the hectares of open space required in the North West Cullompton development for East Cullompton. Local Plan Policy CU13 does the same for Knowle Lane.

12.22 Policy WL03 requires new open space proposals to be based on an up-to-date assessment of the need for different activities and appropriate size requirements and ensure it is part of a joined-up strategy of provision for the whole town. It also emphasises the importance of location, to maximize visibility, and accessibility as well as size. It requires developers to consult with the Town Council in the interests of ensuring the open space provision is part of an overall approach, which ensures that all open space on housing schemes is more than adequate in scale and size, contributes to meeting local needs for leisure and recreation and, importantly, has satisfactory arrangements in place to secure the long-term maintenance of the public open space.

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities.

Developers should seek to ensure that children’s play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

Developers are encouraged to involve Cullompton Town Council, at an early stage in the preparation of proposals for public open space provision.

⁵¹ Report on Cullompton Parks to Cullompton Town Council, Buczkowski and Guest, Feb 2015

Outdoor Sports Facilities

12.23 We are a sporting community. The importance of good quality sports facilities to the people of Cullompton is understood by the Town Council and reflected in the goals of the Provision of Leisure Facilities Report⁵¹, accepted by the Town Council in 2013. Cullompton Town Council would like a substantial expansion of sports/leisure facilities in Cullompton. The NPPF (para 73) recognises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

12.24 Some sports areas may need up-dating or replacing. We need to ensure facilities are accessible to disabled persons. We need to ensure that there are a wide variety of indoor and outdoor facilities and a variety of different playing surfaces to facilitate the greatest variety of different sports. We want to increase the number and range of sports facilities that serve the whole community and meet the growing demand we anticipate, not least because of the intended new developments. Currently Cullompton Community College has an arrangement for shared use of sports facilities at the MDDC Leisure Centre. The College tells us that “as pupil numbers grow between 2018 – 2021, the need for greater use of the leisure centre during the daytime and after school clubs for larger numbers will increase. The Leisure Centre may not prove to be adequate for the rising 1,200 [pupil] capacity that the School requires”.⁵³

12.25 Whilst carrying out consultations for the Neighbourhood Plan we have been reminded that the current site and facilities enjoyed by Cullompton Rugby Club are a significant constraint on its growth and development. “As a Club we are in desperate need of more pitches for all our players to be able to use”⁵⁴ was the position in 2015 and remains the same in 2017. The Cricket Club too has made it clear that the capacity of its current site is constrained “our ground is now too small to support the levels of cricket demand that we are seeing even at this stage of Cullompton’s growth curve, with us literally not having any

further pitch capacity to support further growth in player numbers”.⁵⁵ Sport England (having consulted several sports governing bodies) has advocated that Mid Devon District Council should prepare a comprehensive “playing pitch strategy (PPS) as well as assessing the needs and opportunities for sporting provision. Sport England provides comprehensive guidance on how to undertake both pieces of work”.⁵⁶ Cullompton Town Council is wholly supportive of such a strategic approach, which takes account of the growth in population that is envisaged over the next 15 years and well beyond. It will be a willing participant.

12.26 We expect sufficient land to be allocated and safeguarded in appropriate locations by the policies in the Local Plan so as ensure there is sufficient space for the growth of outdoor sports provision in the area throughout the Plan period. A view on which land should be allocated for sports and recreation was set out in the Town Council’s response to the Local Plan Review.⁵⁷

12.27 Local Plan Policy CU3 sets down the required area of sports and recreation space to be provided in the North West Cullompton development and Local Plan Policy CU9 states the requirements for East Cullompton. Local Plan Policy CU20 lists community facilities, including sports and leisure facilities, amongst the required infrastructure for Cullompton.



⁵² Provision of Leisure Facilities, G. Guest for Cullompton Town Council, May 2013

⁵³ Reg.14 Consultation response, Cullompton Community College, 12th Nov 2017

⁵⁴ Letter to MDDC from Cullompton Rugby Club Project Manager, 16th Sep 2015

⁵⁵ Letter to NPSG from Chair, Cullompton Cricket Club, 6th Aug 2017

⁵⁶ Email to MDDC regarding NW Cullompton applications, Sport England, 14th Sep 2017

⁵⁷ Local Plan Review Letter from Cullompton Town Council to Mid Devon District Council, 30th March 2015

Indoor Sports Facilities

12.28 Policy WL04 provides support for flexible, accessible, sports facilities that are designed to serve the whole area and not just for new development areas. In some cases, this may mean considering a site outside of the settlement area. In these instances, the proposals should be assessed as being able to blend in and not cause harm to the countryside or ecology in the vicinity; nor having an unacceptably adverse effect by way of noise and light pollution, for instance, on neighbouring uses.

Policy WL04 Outdoor Sports Facilities

Proposals to provide more tennis courts, MUGAs and other outdoor sports facilities and pitches are supported provided they will:

- i. have no significant adverse impact on the character and ecology of the area;
- ii. not have an adverse effect on other land uses in the vicinity;
- iii. be capable of being integrated into the surrounding landscape, through landform and appropriate planting; and
- iv. have satisfactory arrangements put in place for their long-term maintenance.



12.29 The indoor sport and recreation provision we have in Cullompton in 2017 requires significant improvement just to bring the town up to a similar standard as Tiverton and CREDITON. 84% of respondents to the Community Survey 2014 told us we need more leisure facilities. Cullompton Town Council's desire to see a substantial expansion of leisure facilities in Cullompton includes an indoor swimming facility.

12.30 If we adhere to the advice in the NPPF (para. 70) of planning "positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities...". The shortage of good quality public indoor sport and recreation space should be remedied when the major new developments take place.

12.31 Local Plan Policy DM23 supports the development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement.

12.32 Policy WL05 supports the provision of additional indoor sports and recreation facilities that serve the whole area in accordance with the latest standards of provision.

Policy WL05 Indoor Sports Facilities

Proposals to provide improved and additional indoor sports and recreation facilities in or adjacent to settlement areas will be supported.

Cullompton Swimming Pool Complex

12.33 A swimming pool campaign for Cullompton can be traced back as far as 1922. In 2005, a feasibility study by Mid Devon District Council acknowledged residents' support for and frustration over the lack of a local swimming pool. It accepted that there was an unmet demand locally, which unfortunately the District Council was unable to satisfy. There is an active community campaign and planning group in Cullompton, which has been raising project development funds since 2011. This has enabled progress to be made on proposals for a 'state of the art' swimming pool complex that includes:

- indoor swimming pool
- learner pool
- hydrotherapy pool
- dance studio/hall
- health and fitness suite
- ten pin bowling area (3 – 4 lanes)

12.34 The demand for a local swimming pool was confirmed by a very positive response to the Cullompton Swimming Pool Campaign Questionnaire 2014 and to subsequent neighbourhood planning consultations. Cullompton Town Council acknowledges that the benefits of a modern swimming pool complex to a growing town like Cullompton would be substantial. Policy WL06 reflects the town's continuing support for the development of a Swimming Pool Complex in the neighbourhood area with ancillary facilities, which could include appropriate (A1 and A3) commercial uses, that will ensure the Complex is a viable and sustainable community enterprise.



12.35 A community-based project to provide the Swimming Pool Complex should attract substantial grant funding towards its construction. It is likely however that additional and match-funding will be required to ensure that the multi-million-pound project is developed. To this end, the Swimming Pool 'Campaign' Group has been engaged in negotiations with local land-owners and developers.

12.36 To ensure that development proposals are in the best interest of the community, Cullompton Town Council is mindful to work with the partners in the Swimming Pool Complex during 2019/20 to prepare a Neighbourhood Development Order⁵⁸. This will engage the community in the preparation of plans for the swimming pool and associated development; and would vest the decision with the community, as to whether the package of development proposals should be granted outline planning permission.

Policy WL06 Cullompton Swimming Pool Complex

The development of a swimming pool complex with appropriate ancillary facilities will be supported provided:

- i. it does not have an unacceptable environmental impact;
- ii. the scale of the facility is related to the needs of the area; and
- iii. there is safe and convenient access for potential users.

⁵⁸<https://neighbourhoodplanning.org/toolkits-and-guidance/neighbourhood-development-orders-community-right-build-orders/>

Community Allotments, Orchards and Composting

12.37 The Town Council supports the further provision of allotments, community orchards and composting in development areas as part of planning to “enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” (NPPF para. 91).

12.38 Cullompton Town Council maintains a register of those interested in having an allotment. There is a waiting list for allotments. Such facilities should encourage healthier lifestyle and healthy leisure pursuits. Opportunities to provide more allotments, community orchards and community composting sites and encourage more local food growing should be realised as a direct result of the major new developments that will take place. If the trend of providing smaller gardens on new developments continues, this exacerbates the need for an increased supply of allotment or community gardening space. 88% of respondents to the consultation survey in the winter of 2016 supported the provision of more allotments.

12.39 All the larger housing proposals within the Cullompton area should allow for the provision of allotments, a composting site and a community orchard, as long as the demand is there.



12.40 Local Plan Strategic Policy S5 sets standards of provision for allotments in the Cullompton areas as 0.25 hectares per 1,000 persons, which should be within 300 metres or six to seven minutes’ walk time (presumably of those that use the allotments). Local Plan Policy CU3 sets down a required area of allotment space to be provided in the North West Cullompton development. Local Plan Policy CU9 states the requirement for East Cullompton.

12.41 Policy WL07 relates not just to the provision of allotments but to other forms of community horticulture and supports the Town Council’s policy of not only meeting local need but also encouraging more community-based horticulture and recycling activity. This starts with the availability of sites and, we believe that previously redundant land could be a focus for such activity.

Policy WL07 Community Allotments, Orchards and Composting

Proposals for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand will be supported.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations will be supported.

Dementia Friendly Town



12.42 “A dementia-friendly community is one in which people with dementia are empowered to have high aspirations and feel confident, knowing they can contribute and participate in activities that are meaningful to them. To achieve this, communities working to become dementia friendly should focus on ...Ensuring that the physical environment is accessible and easy to navigate for people with dementia.⁵⁷”

12.43 It is a core planning principle embodied in the NPPF that planning should “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”.

12.44 Environments that are easy for people to access, understand, use and enjoy are beneficial to everyone (all ages and to the able bodied and disabled). Good accessibility is becoming increasingly important as we experience an ageing population. While that population is generally staying more active for longer, a greater number of people living into old age means that we need an accessible town and an urban environment that is responsive to their needs.

12.45 Dementia is on the increase nationally (and locally). Dementia-friendly neighbourhoods are places that are familiar, legible, distinctive, accessible, comfortable and safe. By supporting change and development that helps make Cullompton a more dementia-friendly town shows that we care for all age groups and the more vulnerable amongst us. We want them to continue to enjoy being a part of the community. 98% of respondents to the consultation survey in the winter of 2016 supported the proposed initiative.

12.46 Cullompton Town Council will adopt a Dementia Strategy that will include a form of checklist that can be used to assess whether a development proposal is achieving the kind of dementia-friendly outdoor environment that is required. When in place, this checklist will be based on the principles of familiarity, legibility and distinctiveness that are considered important in helping persons with dementia to continue to cope alone.

12.47 There is no Local Plan policy on this matter.

12.48 In addition to dementia, Cullompton town council would like new development to consider the full spectrum of all physical and mental health disabilities. Developers should also consider physical disabilities requiring uses of walking aids or wheelchairs or mobility scooters, and old age in general to access properties. In addition, the local medical practices can provide evidence that Cullompton’s new housing development is attracting a high proportion of retired, older people into the area (note ref Dr Dixon’s letter). This means that Cullompton has a high need for support services and access facilities.

12.49 Policy WL08 reflects a desire to introduce and embed the concept of dementia-friendly to the development process in Cullompton and encourage developers to recognise the issue and opportunity. Land use planning in support of a dementia strategy is relatively new. Examples of good practice are limited. Oxford Brookes University has produced a useful checklist⁵⁷ of things to consider in the interest of creating a familiar, legible, distinctive, accessible, comfortable and safe environment. Developers will be encouraged to consult with the Town Council and the Devon Dementia Partnership and show how their development proposals have been influenced by local strategies, current guidance and good practice in planning to create a dementia-friendly environment.

Policy WL08 Dementia FriendlyTown

Proposals that contribute towards making Cullompton more dementia-friendly and an accessible town to disabled people will be supported.

Development proposals will be expected to show how they incorporate the principles of dementia-friendly and fully accessible environments by reference to the Cullompton Dementia Strategy and other relevant Town Council strategies.

12.50 We need more positive things for young people to be involved with. We recognise that many young people feel the town lacks facilities and the opportunities they want. 93% of respondents to the Community Survey 2014 told us we need to improve facilities for teenagers. Two thirds of respondents to the survey carried out at July 2014 amongst the students of Cullompton Community College said the same. However, we feel that the needs of young people need to be better understood and planned for. In the 2014 Survey, the most commonly suggested activities the students would like to see in Cullompton were a swimming pool (70%) and a cinema (12%). Many other activities were suggested including tennis courts, bigger parks, football pitches and bowling; but the preferences and priorities amongst young people were difficult to discern.

12.51 We need to find ways to engage with young people further to understand what they really want and involve them in its delivery. Cullompton Town Council would also like to involve young people in civic affairs and planning for the future. Over 87% of respondents to the Town Council's 2019 Budget Survey, of residents, regard investment on youth services as being important. In terms of the requirement to provide for young people,

12.52 Local Plan Policy S5 sets standards for outdoor space for youths and Local Plan Policy S8 refers to the need for "community halls" as part of the additional infrastructure requirements of the major new developments. Local Plan Policy CU10 goes as far as providing for new youth facilities in the long-term as part of a multi-purpose community building for youth, children and other community uses as part of the major development at East Cullompton.

12.53 We want to ensure that local young people are given a proper say in what is provided for them. Policy WL09 is framed around the principle that the end users should have a major say in what is being provided for them. This is particularly important for young people in helping establish a sense of ownership and responsibility towards the facilities. Bodies such as 'Youth Voice', or whatever representative bodies are active at the time, should be involved in the design and planning process.

12.54 Cullompton Town Council strongly believes in supporting young people. The Town Council has regular meetings with Cullompton Community College and the John Tallack Youth and Community Centre. It supports the Youth Council and liaises with the youth service providers. The council has taken on responsibility, from Mid Devon District Council, and is refurbishing a growing number of play parks. The Town Council believes that major new housing development should contribute to supporting amenities for young people. This should include a full range of services and amenities for children and young people.

Policy WL09 Providing for Young People

Proposals that provide additional facilities for the direct benefit of young people are supported where it is demonstrated, through direct engagement with recognised local youth organisations, that local young people have been consulted and involved in developing the proposal.



How We Will Monitor and Review the Plan

13.1 There is no statutory requirement for the impact of this Neighbourhood Plan and its policies to be monitored. Cullompton Town Council recognises that it is entering a period of unprecedented growth that will necessitate the monitoring of the impact of neighbourhood plan policies on the planning application decision-making process. The Town Council will do this in part by referring to this Neighbourhood Plan when reviewing the emerging planning proposals and planning applications. The Town Council will keep a record of its response to major planning proposals and the outcome, as a way of monitoring the impact and efficacy of the Neighbourhood Plan. Based on this monitoring, a full or partial review of this Plan will be undertaken after five years.

13.2 A full or partial review may also be triggered by changes to legislation, changes to national or district-wide planning policies or significant planning issues being raised by the local community which cannot be dealt with effectively by a combination of national, district and/or existing neighbourhood plan policies.

Glossary of relevant terms

Affordable Housing	Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined by local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
Air Quality Management Area (AQMA)	If a Local Authority identifies any locations within its boundaries where the Air Quality Objectives are not likely to be achieved, it must declare the area as an Air Quality Management Area(AQMA). The area may encompass just one or two streets, or it could be much bigger. The Local Authority is subsequently required to put together a plan to improve air quality in that area - a Local Air Quality Action Plan.
Biodiversity	The variety of life in all forms e.g. wildlife, plants, etc.
Conservation Area	An area of special architectural or historic interest, designated under the Planning (Listed Buildings & Conservation Areas) Act 1991, whose character and appearance it is desirable to preserve and enhance. There are special rules on some development in conservation areas.
Dementia Friendly Community	A dementia-friendly community is one in which people with dementia are empowered to have high aspirations and feel confident, knowing they can contribute and participate in activities that are meaningful to them.
Design and Access Statement	A design and access (DAS) statement is a short report accompanying and supporting a planning application. It provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.
Design Guide	A document providing guidance on how development can be carried out in accordance with good design practice often produced by a local authority with a view to retaining local distinctiveness.
Design Statement	A Design Statement [DS] is a practical tool to help influence decisions on design and development. Prepared correctly, it will provide a clear statement of the character of a village or town against which planning applications may be assessed.
Flood Risk Assessment	An assessment of the likelihood of flooding in an area so that development needs and mitigation measures can be carefully considered
Garden Village Initiative	A Government scheme to promote 'garden village' type developments of between 1,500 and 10,000. Government support to approved schemes could include a <i>"limited amount of funding"</i> until 2018 and advice from the Homes and Communities Agency. The prospectus said there is not a <i>"single template"</i> for garden villages, towns and cities but added the Government will not support places <i>"which merely use 'garden' as a convenient label"</i> . It said: <i>"We will want to see evidence of attractive, well-designed places with local support"</i> .
Green Infrastructure	A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage Asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Heritage Impact Assessment	An Assessment Report with enough information to understand the impact of development proposals on the significance of any heritage assets affected.
Lifetime Home Standards	Criteria developed by a group convened by the Joseph Rowntree Foundation in 1991 to help house builders produce new homes flexible enough to deal with changes in life situations of occupants e.g. caring for young children, temporary injuries, declining mobility with age.
Local Development Scheme	Sets out the programme for the preparation of the local development documents.
Local Education Authority	The public body whose duty it is to carry out specific functions relating to education for a defined area. All references to local education authority apply in this Plan to Devon County Council.
Local Green Space	Green areas of importance to local communities designated to provide special protection against development.
Local Plan	A portfolio or folder of documents (Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs), setting out the planning strategy for a local planning authority area.
Local Planning Authority	The public body whose duty it is to carry out specific planning functions for a defined area. All references to local planning authority apply in this Plan to Mid Devon District Council
Minerals Plan	A statutory development plan prepared by a minerals' planning authority (Devon CC) setting out policies for the control of development constituting of the winning and working of minerals or the deposit of mineral waste
Neighbourhood Plan	A plan prepared by a Town or Parish Council or Neighbourhood Forum for a neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).
NPPF	The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities.
NPPG	The National Planning Practice Guidance is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of most of the Government Circulars which had previously given guidance on many aspects of planning.
Passive Solar Heating	A solar heating system using a simple solar collector, building materials, or an architectural design to capture and store the sun's heat. Very simple examples include a garden greenhouse, or a south-facing window in a dwelling
Permitted Development	Permission to carry out certain limited forms of development without the need to make an application to a local planning authority, as granted under the terms of the Town and Country Planning (General Permitted Development) Order.
Public Arts	Permanent or temporary physical works of art visible to the public, whether part of a building or free-standing. For example, sculpture, lighting effects, street furniture, paving, railings and signs.

Public Realm	Those parts of a village, town or city (whether publicly or privately owned) available, for everyone to use. This includes streets, squares and parks.
Public Right of Way	A public right of way is a highway over which the public have a right of access along the route.
SHMA	A Strategic housing market assessment is a study of the way the housing market works in an area. It considers the type of households living in the area, where they work and what sort of housing they live in. It attempts to estimate future housing needs across the area, broken down by tenure and size of housing.
Spatial Strategy	Sets out long-term spatial vision for the area and the strategic policies and proposals to deliver that vision. Broad locations for development are set out in a key diagram.
Strategic Environmental Assessment	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
SUDS	Sustainable drainage is a concept that makes environmental quality and people a priority in drainage design, construction and maintenance. The sustainable drainage system (SUDS) approach includes measures to prevent pollution, reduce surface water runoff at source and provide a range of physical structures designed to receive the runoff.
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites or issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainability Appraisal	The consideration of policies and proposals to assess their impact on sustainable development objectives.
Transport Impact Assessment	A Transport Impact Assessment considers the impact of a proposed development on all modes of transport and requires developers to consider ways to reduce the number of private car journeys and increase the use of more sustainable modes, to their development.



TOWN PLAN, 1633

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Independent Examiner's Report of the
Cullompton Neighbourhood Plan

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1st July 2020

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SECTION 2

Summary

As the Independent Examiner appointed by Mid Devon District Council to examine the Cullompton Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Cullompton Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Cullompton Neighbourhood Plan go to Referendum.*
- 3. I have read the Cullompton Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Cullompton Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Cullompton Neighbourhood Plan Area is within the area covered by Mid Devon District Council. At the time of my examination, the development plan for the area is the Mid Devon District Council Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013.)*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Cullompton Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Cullompton Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Cullompton Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Cullompton Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus

of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Cullompton Neighbourhood Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development;*
- and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Mid Devon District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Mid Devon District Council appointed me as the Independent Examiner for the Cullompton Neighbourhood Plan with the agreement of the Cullompton Neighbourhood Plan Group

2. Qualifying body

I am satisfied that Cullompton Town Council is the Qualifying Body.

3. Neighbourhood Plan Area

The application to designate the Neighbourhood Plan Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to Mid Devon District Council as the local planning authority in October 2013. Following a 6-week public consultation, the Neighbourhood Plan Area was formally approved by Mid Devon District Council in May 2014. The area covers the administrative boundaries of the Parish of Cullompton, the Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The Plan identifies the period to which it relates as 2019 to 2033.

5. Mid Devon District Council Regulation 15 Assessment of the Plan.

Cullompton Town Council, the Qualifying Body, submitted the plan to Mid Devon District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on the 5th April 2019. The Council has made an initial assessment of the submitted Cullompton Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. The Consultation Process

The Cullompton Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012 (as amended):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted;

(c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was robust, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

7.Regulation 16 consultation by Mid Devon District Council and record of responses.

Mid Devon District Council placed the Cullompton Neighbourhood Plan out for the 6 week consultation period under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ending on the on Friday 15th November 2019.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations,

have taken them into account in my examination of the plan and referred to them where appropriate.

8.Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29th January 2020.

9. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Cullompton Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
- 5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the Borough Council for my examination included:

- *Cullompton Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- *Basic Conditions Statement - sets out how the plan meets the Basic Conditions*
- *Consultation Statement- – sets out how the community, and other stakeholders, have been involved in preparing the Plan.*
- *Strategic Environmental Assessment*
- *Local Green Space Report*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Cullompton Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF)February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to

deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.4 The Cullompton Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

4.10.5 I have examined the and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

4.11 Local Planning Policy- The Development Plan

The Cullompton Neighbourhood Plan Area is within the area covered by Mid Devon District Council. At the time of my examination, the development plan for the area is the Mid Devon District Council Core Strategy 2026 (WCS) which was adopted July 2007. I acknowledge that the emerging local plan is well progressed however at the time of my examination references to emerging policy etc. do not meet the Basic Conditions and should be removed from the plan.

To meet the Basic Conditions, the Cullompton Neighbourhood Plan Neighbourhood Plan must be in “general conformity” with the strategic policies of the Development Plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change*

management, and the provision of minerals and energy (including heat);

*c) community facilities (such as health, education and cultural infrastructure);
and*

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the

development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective*
- whether the policy seeks to shape the broad characteristics of development*
- the scale at which the policy is intended to operate*
- whether the policy sets a framework for decisions on how competing priorities should be balanced*
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- whether the Local Plan identifies the policy as being strategic”*

I have examined the Cullompton Neighbourhood Plan and consider that, subject to modification, the plan is in general conformity with the Strategic Policies of the Development Plan and does meet the Basic Conditions in this respect.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

Strategic Environmental Assessment

As a 'local plan', the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

A screening process was carried out by Mid Devon District Council during 2016 to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 was required.

Through consultation with the statutory environmental agencies, Mid Devon District Council concluded:

"it is unlikely that there will be significant effects in relation to the SEA criteria. As such it is recommended that a full SEA is not required".

Following amendments to the draft Plan in 2015, it was decided by the Neighbourhood Plan Steering Group that a SEA should be carried out. An initial SEA was carried out by AECOM in October 2017 and its finding taken into account when preparing the Pre-submission Version of the Plan. The SEA report was 'published' at the same time as the Pre-submission Version of the Cullompton Neighbourhood Plan.

The SEA was revisited by AECOM in early 2019 after the Submission Version of the Cullompton Neighbourhood Plan had been prepared. AECOM advised:

"the current version of the CNP [Cullompton Neighbourhood Plan] is likely to lead to significant positive effects in relation to the 'population and community' and 'health and wellbeing' SEA themes. These benefits largely relate to the carefully targeted approach to housing provision proposed by the current version of the CNP, the focus on enhancing accessibility to services and employment opportunities in Cullompton by sustainable modes of transport and the CNP's impetus on protecting and enhancing open space and green infrastructure networks. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing townscape character and the setting of the historic environment in Cullompton, leading to significant positive effects in relation to the 'historic environment and landscape' theme.

The current version of the CNP will initiate a number of beneficial approaches regarding the 'air quality' 'transportation', 'land, soil and water resources' and 'climate change' sustainability themes. However, these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan, the lack of explicit housing and employment allocations, and the scale of proposals. Similarly, in relation to the 'biodiversity' SEA theme, whilst the scope and scale of the proposed policy approaches relating to the natural environment will help ensure that wide ranging benefits in relation to this theme are secured through the Neighbourhood Plan, these are not considered to be significant in the context of the SEA process."

No further changes were necessitated to the Submission Version of the Cullompton Neighbourhood Plan as a result of the final SEA.

Habitats Regulations Assessment (HRA)

A screening report was prepared by Mid Devon District Council in December 2015 to consider whether the content of the emerging Cullompton Neighbourhood Plan (NP) as at June 2015, required a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) in accordance with the appropriate EU directives and Regulations. The screening report concluded that, on the basis of the policies presented, there were unlikely to be significant effects in relation to the SEA criteria or European sites identified and therefore recommended that a full SEA and appropriate assessment HRA were not required for the NP.

Due to the initial screening taking place in 2015 and to take account of amendments to legislation Mid Devon District Council prepared an addendum to the initial screening report. This addendum addresses whether any changes to the conclusions of the original screening report are required in relation to the need for an HRA only, in light of:

- Revised Habitat Regulations published since the December 2015 screening report (Conservation of Habitats and Species Regulations 2017 (as amended)).

- Updated content in the Mid Devon Local Plan Review and associated HRA since December 2015.

- Any updated content in the draft NP since the December 2015 screening report.

The conclusion of the addendum was:

“taking account of updates to the Cullompton Neighbourhood Plan, updated content in the Mid Devon Local Plan Review and associated HRA and revised regulations since December 2015, the conclusion of the Council’s December 2015 Screening Report remains appropriate: that it is unlikely that there will be significant effects in relation to the European Sites identified.”

11.2 Sustainable development

Paragraphs 7 to 14 of the NPPF (Feb 2019 as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Cullompton Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Cullompton Neighbourhood Plan has done so.

I am therefore satisfied that the Cullompton Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Cullompton Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Cullompton Neighbourhood Plan, subject to modification covers development and land use matters.

General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Cullompton Neighbourhood Plan meet the Basic Conditions it has been necessary for me

to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION Statement

Cullompton is a market town with a distinct character and identity rooted in a rich history that will be conserved as the town grows into the future as a vibrant centre for its residents and the surrounding rural area.

To meet the needs of a rapidly expanding population, the town will provide an excellent mix of housing reflecting the distinctive character of the town through varied external finishes and integration of the various styles and types of housing required to meet local needs and encourage families to settle in the town and become part of the community. The housing and amenities will integrate the needs of people and nature, retaining the feel of a country town through abundant use of trees, flowering-trees, hedgerows and imaginative use of water management.

The high street will be a pedestrian-friendly economic and social centre for the community, providing a mix of shops, offices, dwellings and places to eat. Further retail will be encouraged in the smaller trading estates bordering the town centre. The leisure pursuits of all age groups will be catered for by excellent sports and activity facilities and easy access to the natural, nearby features of countryside and water.

Taking advantage of its location, the town will be a communications hub with good links by rail, road, paths and broadband to the region and beyond.

Cullompton Neighbourhood Plan Aims and Objectives

Sustainable Development

Ensure all new developments contribute to the overall sustainability of Cullompton as a town and a community

Highways, Travel and Transport

Improve mobility, accessibility and reduce the overall use and impact of the motor vehicle

Housing

Provide new dwellings to meet a wide range of needs and demands

Natural & Rural Environment

Respect and appreciate our natural environment

Town Centre, Heritage and Culture

Protect and enhance our historic built environment whilst broadening the appeal of the town and its cultural activities

Local Economy & Jobs

Make Cullompton more business friendly and commercially viable

Community Wellbeing and Leisure

Provide first class local community facilities and develop community- based services that meet the growing demands of the community

COMMENT

I am satisfied that the Cullompton NDP vision, aims and objectives were developed from the consultation process and that the policies within the

plan reflect the vision, aims and objectives.

CULLOMPTON NEIGHBOURHOOD PLAN POLICIES

Policy SD01 Traffic Impact of Major Development

Proposals for major developments that are required to provide impact assessments under Local Plan Policy DM3 and/or Local Plan Policy DM4 should specifically demonstrate how the development's vehicular access/egress and circulation arrangements will mitigate the negative impacts of traffic in Cullompton town centre.

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the town centre in particular, as a result of the development.

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. The Local Plan Policies referred to in policy SD01 form part of the policies of the emerging local plan. In addition, new developments can only be asked to address the impact of traffic arising from the proposed development and not preexisting traffic problems within the area. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy SD01 Traffic Impact of Major Development

Proposals for major development which are required to provide a Traffic Impact Assessment must demonstrate how the proposal will mitigate any negative impacts of the traffic generation associated with the proposed development on Cullompton town centre, including vehicular access/egress and circulation arrangements

Road infrastructure requirements should be in place in good time so as to prevent an unacceptable impact on the existing road network, and the

town centre in particular, as a result of the development.

Policy SD02 Links to the Town Centre

All major developments should include provision for accessible pedestrian and cycle routes and connections that:

- (i) link safely to the wider network of routes leading to and from Cullompton town centre and other essential public facilities, such as schools and health facilities; and*
- (ii) benefit from natural surveillance of public areas as well as satisfactory lighting.*

COMMENT

I have no comment on this policy.

Policy SD03 Flood Attenuation

Flood attenuation on major developments should make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

COMMENT

Flood risk policy is set at a national level, for clarity and to meet the Basic Conditions the policy should be modified as follows:

In addition to meeting national flood risk policy requirements, flood attenuation on major developments should, where appropriate make use of existing on- or off-site natural water features, or new onsite water features in suitable and safe locations, to contribute to the visual amenity and biodiversity of the area.

Policy SD04 Solar Design in Housing Schemes

The principles of passive solar design and the use of renewable energy technologies and low energy systems should be encouraged for all new housing developments.

Dwellings should be built whenever possible with the orientation of the principal habitable rooms taking account of passive solar gain and energy efficiency maximised whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

COMMENT

This policy lacks clarity and should be modified as follows:

The use of passive solar design, renewable energy technologies and low energy systems in all new housing developments will be supported.

Wherever possible dwellings should be orientated so that principal habitable rooms can benefit from passive solar gain, maximising energy efficiency whilst ensuring that the site layout provides acceptable standards of privacy and amenity to all residents.

Connectivity Policy SD05 Connectivity

All new residential, educational and business premises development should endeavor to make adequate provision for high speed broadband and other communication networks.

COMMENT

I have no comment on this policy.

Culm Garden Village

Policy SD06 Culm Garden Village

Proposals to develop a major extension to Cullompton based on the principles of a 'garden village' are supported in principle. Any such development should be subject to a comprehensive masterplan that should:

- (i) seek to create a new settlement area, of unique character, within an outstanding natural environment;*
- (ii) foster integration between the existing and new settlement areas;*
- (iii) secure sufficient physical connection between East and West Cullompton (including bridges, roads, pedestrian links, cycle paths and public transport);*
- (iv) plan for complementary facilities in and adjacent to the housing areas that can serve the needs of the whole community of the neighbourhood area, including sports, education, health/ wellbeing, community and faith spaces;*
- (v) embrace the principles of accessibility for all;*
- (vi) provide an appropriate range and scale of spaces for businesses to function effectively;*
- (vii) deliver a mix of housing types, tenures and designs, that meet high standards of sustainable living; and*
- (viii) ensure there is a co-ordinated approach to achieving the timely delivery of infrastructure.*

COMMENT

Mid Devon District Council have made representation on this policy suggesting that the policy should be modified to reflect the Garden Village Expression of Interest. I concur with this suggestion. For clarity the first sentence of the policy should be modified as follows:

Proposals to develop a locally led garden village towards the east of Cullompton will be supported in principle.

To avoid confusion point (iii) should be modified as follows:

(iii) secure sufficient physical connection between the proposed new development to the East and the existing town (including bridges, roads, pedestrian links, cycle paths and public transport);

Policy SD07 Timing of Infrastructure

Major development should be phased logically and in tandem with the timely and co-ordinated provision of infrastructure to help support sustainable growth and ensure that an unacceptable strain is not placed on the existing infrastructure.

COMMENT

I have no comment on this policy.

Highways, Travel and Transport

Policy HT01 Motorway Connection

Proposals to ensure that junction 28 of the M5 functions efficiently and safely as population and business activity in the Cullompton area grows, are supported.

COMMENT

I have no comment on this policy.

Policy HT02 Improving our Public Transport Network

Development proposals to further the provision of a transport interchange for Cullompton are supported.

COMMENT

I have no comment on this policy.

Policy HT03 Improving our Cycle Network

Cullompton Town Council has adopted a Cycle Paths Plan. Where feasible and appropriate, developments should acknowledge the Cycle Paths Plan and make provision to assist in its implementation.

Proposals that further the development of an accessible network of cycle routes in and around Cullompton are supported. In particular, proposals should look to achieve a greater degree of safe linkage between residential areas, employment areas and public facilities.

COMMENT

I have no comment on this policy.

Policy HT04 Improving Footpaths

Footpaths that are provided by new development should be a minimum of 2000mm in width where reasonable and whenever practicable.

Footpaths should link to existing networks to facilitate easy and safe pedestrian access to the town centre and public facilities and services.

COMMENT

I have no comment on this policy.

Housing

Policy HS01 Housing Mix

Development proposals on major housing sites, of 10 or more dwellings or on sites of 0.5ha. or more, must contain an appropriate mixture of house types and sizes and show how they contribute to meeting current local housing

needs of the neighbourhood area by referring to an up-to-date assessment of local housing need and evidence from Cullompton Town Council.

COMMENT

I have no comment on this policy.

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately.

COMMENT

For clarity this policy should be modified as follows:

Policy HS02 Social and Affordable Housing

On all housing developments in the Cullompton area the required quota of affordable housing should be visually indistinguishable from other types of housing and not located separately on the development.

Policy HS03 Creating Smaller Housing Units

The conversion and/or modification of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) is supported provided the development:

- (i) results in small dwelling units that meet an identifiable need for smaller properties across all tenures;*
- (ii) respects the character, scale, setting and design of the existing building;*
- (iii) will not result in over-development of the building's curtilage; and*
- (iv) will not have a significantly adverse impact on occupants of neighbouring properties.*

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan.

The policy as currently worded is problematic and would be difficult to apply in the determination of a planning application as there is no definition of “larger dwellings”. I also consider the policy to be unreasonable. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy HS03 Creating Smaller Housing Units

The creation of smaller dwellings through the subdivision of existing larger dwellings or other redundant buildings within the town area of Cullompton (as defined on Map 2) will be supported where the development:

- (i) meets an identifiable need for smaller properties across all tenures;*
- (ii) respects the character, scale, setting and design of the existing building;*
- (iii) will not result in over-development of the building’s curtilage; and*
- (iv) will protect the residential amenity of adjoining occupiers.*

Policy HS04 Parking on Housing Schemes

For all new residential development of more than 1 dwelling, the following minimum standards shall apply for the provision of off-road parking, not counting garage spaces:

- 1-bed house/flat 1 off-road car parking space*
- 2-bed house/flat 2 off-road car parking spaces*

- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles. Wherever practical, permeable materials should be used for surface parking areas.

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. Imposing parking standards above those supported by national policy and guidance and the development plan can have consequences for the viability and deliverability of housing development frustrating the NPPF requirement to increase the supply of housing. In addition, I have not been provided with any evidence which relates to the Cullompton Neighbourhood Plan area specifically which supports the proposed parking standards. In order to meet the Basic Conditions, the policy should be modified as follows:

Policy HS04 Parking on Housing Schemes

New residential development should provide off street parking in accordance with the requirements of the Development Plan. Wherever possible, to reduce the potential for parking on the highway the following standards are encouraged subject to the accessibility of the site including to public transport:

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

The layout of all major developments should provide adequately for off road visitor parking and temporary parking spaces for delivery and utility vehicles.

Parking schemes and layouts should not impair access required by the emergency services.

Adequate provision should be made for the charging of electric vehicles. Wherever practical, permeable materials should be used for surface parking areas.

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Local Plan Policy S3 should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site.

COMMENT

This policy refers to Policy S3 of the emerging Local Plan. My examination of the Neighbourhood Plan must be based on the existing Development Plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy HS05 Gypsy and Traveller Sites

Gypsy and traveller sites provided in accordance with Development Plan should have an appropriate boundary treatment that is sympathetic to, and in keeping with, the surrounding area and which provides privacy and security for the occupants of the site

Natural and Rural Environment

Policy EN01 Protecting and Enhancing the Natural Environment

Where appropriate, development proposals will be expected to protect sites of ecological and/or geological importance and protect and enhance local biodiversity and wildlife to include:

- (i) the safeguarding or protection of designated sites, protected species, priority species and habitats, ancient or species rich hedgerows, grasslands and woodlands;*
- (ii) the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate (in accordance with Local Plan Policy S9 clause (f))*
- (iii) the safeguarding and preservation of ecologically sensitive areas and ecological corridors;*
- (iv) the safeguarding of important geological sites;*
- (v) the protection of trees and tree groups of arboricultural or amenity value;*
- (vi) the appropriate planting of new native trees and hedges; and*
- (vii) biodiversity enhancements incorporated into the development wherever possible; and*
- (viii) the provision of appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of European Sites.*

COMMENT

This policy refers to Policy S9 of the emerging Local Plan. My examination of the Neighbourhood Plan must be based on the existing Development Plan. For clarity and to meet the Basic Conditions paragraph ii) of the policy should be modified as follows:

(ii) the provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation and compensation measures where appropriate in accordance with the Development Plan.

Policy EN02 Improving the Public Rights of Way Network

Measures to improve and extend the existing network of public rights of way and bridleways are supported so long as their value as biodiversity corridors is recognised, protected and efforts are made to enhance biodiversity as part of the 'development' work wherever appropriate.

COMMENT

I have no comment on this policy.

Policy EN03 Local Green Space

The following areas (listed below and identified on map 5) are designated as Local Green Spaces in accordance with paragraph 99 of the NPPF.

Development proposals on designated Local Green Spaces will be supported only where such development demonstrably enhances the recreational use or amenity value of the green space.

1. Bilbie Close/Crow Bridge

2. Bockland Close

4. Clover Drive

5. *Cross Parks*
6. *Culm Lea Play Area*
7. *Forcefield Road*
8. *Hayman's Close*
9. *Hayman's Green*
10. *Headweir Road 1*
11. *Headweir Road 2*
12. *Jubilee Gardens, Willand Road*
13. *Knightswood Play Park*
14. *Meadow Lane*
15. *River Mead Play Area*
16. *Saxon Way/Windsor Close*
17. *St Andrew's Hill*
18. *Swallow Way*
19. *Tufty Park*

COMMENT

My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan.

During the course of my examination, I found it necessary to seek clarification on the proposed Local Green Space Designations including whether or not the owners of the areas identified had been consulted.

In addition, the current policy refers to the areas being shown on Map 5, but they are in fact shown on map 6 and the area 9. Hayman's Green is not shown on the map.

The NPPF states:

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

The Cullompton Neighbourhood Development Plan proposes quite a large number of Local Green Spaces and the NPPF bar for meeting the designation is set high. I have been provided with the additional information sought and I have carefully considered the evidence before me .I have also taken into account that much of the area covered by the NDP is modern development which is relatively dense and therefore I acknowledge that the open spaces identified for Local Green Space designation are important to the community. On balance I am satisfied

that the areas listed in this policy do meet the NPPF requirements. There is however confusion in the numbering of the areas and their representation on the map and I have been advised that the area “Headweir Road 2” has been included in error. For clarity and to meet the Basic Conditions, the map should be revised the policy should be modified as follows:

Policy EN03 Local Green Space

The following areas (listed below and identified on map 6) are designated as Local Green Spaces.

- 1. Bilbie Close/Crow Bridge***
- 2. Bockland Close***
- 3. Clover Drive***
- 4. Cross Parks***
- 5. Culm Lea Play Area***
- 6. Forcefield Road***
- 7. Hayman’s Close***
- 8. Hayman’s Green***
- 9. Headweir Road 1***
- 10. Jubilee Gardens, Willand Road***
- 11. Knightswood Play Park***
- 12. Meadow Lane***
- 13. River Mead Play Area***
- 14. Saxon Way/Windsor Close***

15. Swallow Way

16. Tufty Park

Proposals for built development on these areas will only be permitted in very special circumstances.

Town Centre, Heritage and Culture

Policy TC01 Heritage Assets

Development will be supported that maintains or enhances the character and setting of a heritage asset.

Development proposals that affect a building or structure on the Register of Heritage Assets must demonstrate how they protect or enhance the heritage asset. Any renovations or alterations of buildings or structures identified on the Register of Heritage Assets requiring planning permission should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

COMMENT

National policy and guidance already sets out the framework for the determination of applications affecting designated and non-designated heritage assets and does not need to be repeated here and policy TC01 does not reflect existing policy adequately. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy TC01 Designated and Non- Designated Heritage Assets

Development proposals affecting Designated and Non-Designated Heritage Assets must comply with national policy and the Development Plan.

Policy TC02 Character of the Built Environment

Development should contribute positively to the character of the built

environment in its locality by:

(i) demonstrating an understanding of the diverse qualities that contribute to this character; and

(ii) reinforcing local distinctiveness and a strong sense of place.

Development proposals in or within the setting of the Conservation Area should demonstrate how they have taken the Cullompton Conservation Area Appraisal and Management Plan into account.

COMMENT

I have no comment on this policy.

Policy TC03 Pedestrian Priority in the Town Centre

Design and highways proposals intended to reduce through-traffic on Fore Street and High Street and make the town centre more pedestrian-friendly will be supported.

COMMENT

I have no comment on this policy.

Policy TC04 Service Arrangements in the Town Centre

Development proposals to improve servicing arrangements and/or increase customer parking to business premises in the town centre and thereby reduce congestion on nearby roads will be supported.

The St Andrews, Forge Way and Higher Bull Ring car parking areas (as defined on map 6) are important assets to the local community and are essential to the functionality of the town centre. Their use for car parking will be safeguarded and their capacity maintained unless it can be demonstrated that they are no longer needed or suitable alternative provision is made.

COMMENT

I have no comment on this policy.

Policy TC05 Art in the Public Realm

Proposals to introduce innovative public art which enliven and add positively to the character of the public realm and which facilitate or encourage greater community use of public spaces are supported

COMMENT

I have no comment on this policy.

Policy TC06 Cultural and Leisure Facilities in the Town Centre

Proposals that increase the provision of cultural and leisure facilities in the town centre through the conversion and/or better use of redundant buildings and spaces are supported.

COMMENT

I have no comment on this policy.

Policy TC07 Former Cullompton Cinema

Proposals that enable the re-use of the former Cullompton Cinema building for community leisure and or cultural purposes would be supported.

COMMENT

I have no comment on this policy.

Policy TC08 Extending the Attraction of the Town Centre

Proposals that help promote the development of a visitor and evening economy in the town centre are supported.

COMMENT

I have no comment on this policy.

Policy TC09 Improving the Town Centre Offer

Proposals to provide small-scale retail units or stalls, tourist facilities, street cafes and visitor attractions in the side courts and other suitable spaces in Cullompton town centre will be supported provided they:

- i. are of an appropriate design and scale;*
- ii. are temporary in nature;*
- iii. do not restrict pedestrian or cycle passage;*
- iv. provide free passage for those with mobility impairment; and*
- v. do not cause nuisance to neighbouring uses and nearby residential areas.*

COMMENT

I have no comment on this policy.

Local Economy and Jobs

Policy EJ01 Improving Access to Commercial Areas

Measures that improve access to and from the commercial areas (as identified on map 8) and increase safety of pedestrians and road users are necessary and will be supported.

COMMENT

I have no comment on this policy.

Policy EJ02 Development of Small Business Units

Proposals that provide for the development of small-scale business units,

including live-work units, in the town area (as defined on map 2) are supported, provided that the proposals:

- i. contribute positively to the character and vitality of the local area;*
- ii. are well integrated into, and complement, existing clusters of activity;*
- iii. do not have an adverse impact on residential amenity; and*
- iv. do not adversely impact upon road safety.*

COMMENT

I have no comment on this policy.

Community Wellbeing and Leisure

Policy WL01 Existing Recreation Spaces

The following sports and recreational land and buildings (identified on maps 9) are very important to the local community and should be protected in accordance with Local Plan Policy DM26.

S Cullompton Community College sports pitches, Meadow Lane

T Cullompton Cricket Club

U Culm Valley Sports Centre

V Linear Park, Millennium Way

W Upcott Field

X Willowbank School Field, Knowle Lane

COMMENT

As the emerging Local Plan is at an advanced stage of production it would be appropriate, to avoid any policies in the Cullompton NDP

becoming out of date to modify this policy to remove the preference to policy DM26. For clarity the introductory paragraph of this policy should be modified as follows:

The following sports and recreational land and buildings (identified on map 9) are very important to the local community and should be protected in accordance with the relevant policies in the Development Plan.

Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop part of the CCA Fields to provide a relief road for Cullompton should:

- i. seek to maximise the single uninterrupted area of recreational land to be retained as the CCA fields in their current location*
- ii. be suitably landscaped and screened to minimise disturbance to users of the CCA Fields*
- iii. have regard to the most sensitive ecological areas and habitats*
- iv. include proposals to mitigate any loss of or harm to the natural environment*
- v. maintain as far as possible current access routes to the fields to facilitate:*
 - safe pedestrian access to the CCA fields*
 - continued use of the car park*
- vi. prevent any unauthorised access to the CCA Fields from the relief road*
- vii. include a management plan in relation to arrangements for the continued use of sports facilities and recreation spaces during construction*

viii. *replace any recreation space lost with equivalent or better elsewhere, to be vested in the community*

ix. *ensure the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner*

x. *include an appropriate contribution towards the long- term maintenance of the CCA Fields and other community recreation spaces*

xi. *ensure satisfactory arrangements are put in place for flood control on the CCA Fields and there is no adverse impact on flooding and drainage problems elsewhere*

COMMENT

I have received representation from Mid Devon District Council that they consider that this policy does not conform to the strategic policies of the Local Plan Review and may inhibit the implementation of the preferred highway improvement scheme. My examination of the Cullompton Neighbourhood Plan is not based on the policies of the Local Plan Review but on the Strategic Policies of the current Development Plan. However, I am satisfied that once modified, the policy will be in general conformity with the strategic policies of the current development plan and will not hamper any future relief road.

Planning policy is not the mechanism to secure maintenance agreements or management plans, this needs to be done through a Section 106 or other legal agreement.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL02 CCA Fields

The existing leisure and recreation space at the CCA Fields is an important resource for the local community. Any proposals to develop

part of the CCA Fields to provide a relief road for Cullompton should:

- i. seek to maximise the single uninterrupted area of recreational land to be retained as the CCA fields in their current location, ensuring that the remaining area of CCA Fields is capable of being used for a variety of recreational purposes in a safe manner*
- ii. replace any recreation space lost with equivalent or better provision elsewhere in Cullompton, to be vested in the community*
- iii. maintain as far as possible the continued use of sports facilities and recreation spaces during construction*
- iv. ensure the relief road is suitably landscaped and screened to minimise disturbance to users of the CCA Fields*
- v. have regard to the most sensitive ecological areas and habitats, including proposals to mitigate any loss of or harm to the natural environment*
- vi. maintain as far as possible current access routes to the fields to facilitate safe pedestrian access to the CCA fields and prevent any unauthorized vehicular access to the CCA Fields from the relief road*
- vii. ensure the provision of adequate car parking*
- viii. ensure that the development of the relief road does not increase flood risk.*

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities based on an up-to- date assessment of the needs of the area.

In consultation with Cullompton Town Council, developers should seek to maximise the amount of public open space on new housing developments.

Developers should seek to ensure that children's play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

The public open space should be provided in perpetuity along with an appropriate commuted sum for its long-term maintenance.

COMMENT

Planning policy is not the mechanism to secure maintenance agreements, this needs to be done through a Section 106 or other legal agreement. Point (iv) should be deleted from the policy.

Whilst I recognise the benefit of Cullompton Town Council being involved in developing proposals for public open space at an early stage there cannot be a requirement for developers to do this. In addition, there is only a requirement for developers to provide public open space to meet the need generated by the new development not address any existing shortfall.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL03 Usable Public Open Space

Public open space on major new developments should be of adequate size and be located and designed so that it is usable by residents and other members of the public for a range of leisure and recreation activities.

Developers should seek to ensure that children's play space benefits from natural surveillance and is located close to family-type housing areas. All new public open space should be accessible via the footpath network.

Developers are encouraged to involve Cullompton Town Council, at an

early stage in the preparation of proposals for public open space provision.

Policy WL04 Outdoor Sports Facilities

Proposals to provide more tennis courts, MUGAs and other outdoor sports facilities and pitches are supported provided they will:

(i) have no significant adverse impact on the character and ecology of the area;

(ii) not have an adverse effect on other land uses in the vicinity;

(iii) be capable of being integrated into the surrounding landscape, through landform and appropriate planting; and

(iv) have satisfactory arrangements put in place for their long-term maintenance.

COMMENT

For constancy of wording throughout the policy section the phrase “will be supported” should replace “are supported”.

Planning policy is not the mechanism to secure maintenance agreement, this needs to be done through a Section 106 or other legal agreement. Point (iv) should be deleted from the policy.

Policy WL05 Indoor Sports Facilities

Proposals to provide improved and additional indoor sports and recreation facilities in or adjacent to settlement areas are supported.

COMMENT

For constancy of wording throughout the policy section the phrase “will be supported” should replace “are supported”.

Policy WL06 Cullompton Swimming Pool Complex

The development of a swimming pool complex with appropriate ancillary facilities will be supported provided:

- i. it does not have an unacceptable environmental impact;*
- ii. the scale of the facility is related to the needs of the area; and*
- iii. there is safe and convenient access for potential users.*

COMMENT

I have no comment on this policy.

Policy WL07 Community Allotments, Orchards and Composting

Space should be set aside for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations and where viable should be considered favourably.

COMMENT

As currently worded, this is not a policy but a community aspiration/project. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy WL07 Community Allotments, Orchards and Composting

Proposals for the provision of allotments, community orchards and composting in the larger residential development areas (over 50 dwellings), in suitable locations and sufficient to meet local demand will be supported.

The use of redundant land for community allotment, orchard and composting initiatives in suitable locations will be supported.

Policy WL08 Dementia Friendly Town

Proposals that contribute towards making Cullompton more dementia-friendly and an accessible town to disabled people are supported.

Development proposals will be expected to show how they incorporate the principles of dementia-friendly and fully accessible environments by reference to the Cullompton Dementia Strategy and other relevant Town Council strategies.

COMMENT

For consistency replace “are supported” with “will be supported”

Policy WL09 Providing for Young People

Proposals that provide additional facilities for the direct benefit of young people are supported where it is demonstrated, through direct engagement with recognised local youth organisations, that local young people have been consulted and involved in developing the proposal.

COMMENT

This is a statement rather than a policy and should be deleted from the policy section and placed in the community aspiration/project section of the plan.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Cullompton Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Cullompton Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5. The policies and plans in the Cullompton Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan. At the time of my examination, the development plan for the area was the Mid Devon District Council Core Strategy 2026, which was adopted in July 2007, along with the Allocations and Infrastructure Development Plan Document (adopted 2010) and Local Plan Part 3: Development Management Policies (adopted 2013.)*
- 6. I therefore conclude that the Cullompton Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

1st of July 2020



Decision Statement: Cullompton Neighbourhood Plan

REGULATION 18 - THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

SUMMARY

This Decision Statement confirms that, following an independent examination of the Cullompton Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the plan can proceed to a Referendum.

The Decision Statement, Examiner's Report, submission version of the Neighbourhood Plan and associated documents are available to view on the Mid Devon District Council website:

<https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/cullompton-neighbourhood-plan/>

BACKGROUND

Cullompton Town Council as the qualifying body has prepared a neighbourhood plan for the parish of Cullompton with the help of the local community. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

With the agreement of the qualifying body, Mid Devon District Council appointed an independent examiner to conduct the examination of the Cullompton Neighbourhood Plan. The examination is required to test whether the plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

EXAMINER'S RECOMMENDATIONS

The Examiner's report was received on 1st July 2020. In her report the Examiner recommended a number of modifications to policies within the Cullompton Neighbourhood Plan in order that the plan and its policies met the 'basic conditions'. Additional minor modifications were also recommended to improve clarity. Full details of the 'basic conditions' against which the plan was examined, the recommended modifications and reasons for these can be found in the Examiner's Report.

The report concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met the basic conditions and could proceed to a Referendum.

COUNCIL'S DECISION

As required under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, Mid Devon District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each.

Having considered the Examiner's report, the Council accepts the recommended modifications and the reasons given for these.

The Council considers that the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Accordingly, the Cullompton Neighbourhood Plan, incorporating the Examiner's recommended modifications, may proceed to a Referendum.

A referendum will be held as soon as reasonably practicable following the publication of this decision statement. Please note, all neighbourhood planning referendums are postponed until 6th May 2021, in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.

Tristan Peat, Forward Planning Team Leader

For further information, please contact the Forward Planning Team at fplan@middevon.gov.uk

CABINET

8TH JUNE 2021

3 RIVERS DEVELOPMENTS LIMITED – REVISED COMPANY DOCUMENTS

Cabinet Member(s): Cllr Bob Deed, Leader
Cllr Andrew Moore, Cabinet Member for Finance
Cllr Bob Evans, Cabinet Member for Housing and Property Services

Responsible Officer: Kathryn Tebbey, Head of Legal (Monitoring Officer)

Reason for the Report and the Recommendation: In June 2020, the Cabinet requested a review of the shareholder agreement and articles of association. A report setting out options would provide the conclusion to that review. This report now provides information about the review, an explanation of certain options and the draft documentation for formal review by the Cabinet prior to signature.

RECOMMENDATIONS: that the Cabinet, subject to any matters or changes identified in the meeting:

- (a) approves the draft shareholder agreement at Appendix 1, subject to such changes necessary to address matters raised by the Cabinet;
- (b) nominates the Deputy Chief Executive (s.151 Officer) to be the Named Officer for the purposes of the shareholder agreement;
- (c) subject to recommendation (d)(ii), approves the draft articles of association at Appendix 2 for discussion with, prior to adoption by, the Company; and
- (d) delegates authority to the Monitoring Officer, in consultation with the Deputy Chief Executive (S.151 Officer) and the Cabinet Member for Finance to –
 - (i) make such changes to the shareholder agreement as are necessary to address the matters and/or changes identified by the Cabinet and then sign it on behalf of the Cabinet; and
 - (ii) negotiate a final version of the articles of association for adoption by 3 Rivers Developments Limited.

Financial Implications: The financial implications arising from the proposed changes are minimal.

Budget and Policy Framework: There is nothing in this report which conflicts with the Budget or the Policy Framework.

Legal Implications: There is no legal requirement for a shareholder agreement, but it is an advisable mechanism to regulate the relationship between the shareholder and the company. The existing agreements and articles of association will be superseded by any new documents agreed between the parties.

Risk Assessment: There is a risk that one or more provisions in the shareholder agreement present challenges or do not quite deliver the outcome sought. This can be mitigated by reviewing the shareholder agreement in future in the light of any applicable evidence as necessary.

Equality Impact Assessment: No impacts directly arising from this report.

Relationship to Corporate Plan: No direct relationship, but overall a clear and sound governance basis for commercial activity is part of a well-managed council.

Impact on Climate Change: No impacts directly arising from this report.

1.0 Introduction/Background

- 1.1 In June and July 2020, the Cabinet passed resolutions on various governance reforms to the working relationship between the Cabinet (in its capacity as shareholder) and 3 Rivers Developments Limited (the Company), the Council's wholly owned housing development company.
- 1.2 Most of the reforms were underpinned by the need for new or refreshed documents and procedures, including the security for loans. Some of the tasks naturally flowed following the completion of others. Loan security is in place, as is a detailed loan facilities agreement.
- 1.3 One of the final tasks has been to obtain advice on the company documents – the shareholder's agreement and the articles of association. These are the subject of this report.

2.0 Shareholder Agreement

- 2.1 Anthony Collins LLP (ACS) were commissioned to provide advice on a revised shareholder agreement to reflect the resolutions made by the Cabinet in 2020. ACS had previously provided advice to the Cabinet during the course of their 2020 review. Inevitably, any firm will draw on its experience in advising on similar matters and their document library. The task then is to tailor that to the Cabinet's requirements.
- 2.2 The Company has reviewed the draft agreement, as have Devon Audit Partnership (DAP) during the course of their recent audit work. Where appropriate, some changes have been made over the course of the discussions to arrive at a draft which can now be formally considered by the Cabinet.
- 2.3 The agreement has been drafted on the basis that the Cabinet as a whole continues to fulfil the shareholder function. That approach probably best suits the current relationship with the Company and the desire for transparency and collective oversight. However, there are alternatives. These are:
 - Establish an executive committee i.e. a committee of nominated Cabinet members;
 - Delegate to a single Cabinet member; or
 - Delegate to an officer.

These options will remain for the future, but the Monitoring Officer's advice is to continue with the current arrangements for the time-being.

- 2.4 One of the key parts of the agreement is the Schedule of Reserved Matters. As the terminology implies, these are matters which the Cabinet considers should be 'reserved' to them for approval, authorisation or decision. In some cases, these are absolute and in others the additional columns indicate the scope of decisions which can still be taken by the Company.
- 2.5 Any suggestions as to thresholds or financial value have been included on the advice of ACS and/or the Deputy Chief Executive (s.151 Officer). The decision nevertheless rests with Cabinet. In some instances, and in discussion with either DAP or the Company, some concerns have been picked up about how either the original resolutions or the draft agreement would work in practice. For example, the Cabinet will recall that it resolved that remuneration should be limited to RPI. This has been included as a reserved matter. However, it is suggested now that 1% above RPI is more proportionate and this has been put forward in the draft (Reserved Matters 7 and 8) for the Cabinet to consider.
- 2.6 The Cabinet will note that the timeframe for production of the Business Plan has been brought forward to 30 November prior to the next financial year (clause 9.5). Initially, it had been proposed as 31 October, but the Company was concerned that early production of the Business Plan would result in more estimates being included. The early production of the Business Plan will assist the budget setting process and allow more time for consideration.
- 2.7 Cabinet's attention is also taken to clause 8 – Council Policies. This indicates that the Cabinet may wish to ask the Company to have due regard to certain policies from time to time. If, in the future, the Cabinet contemplates doing so, it is essential that advice is sought on the implications which might arise – for the Council and for the Company.

3.0 Articles of Association

- 3.1 The articles of association are not for adoption by the Cabinet – although future variations must be approved by the Cabinet under the Reserved Matters in the Shareholder Agreement. Cabinet's comments, however, are sought.
- 3.2 The articles will need to be in line with the final version of the Shareholder Agreement and are not therefore necessarily in final form at Appendix 2. Some further advice will be needed and input sought from the Company. Delegated authority is sought to conclude this drafting and the final version will then be sent to the Company for adoption and filing.

4.0 Conclusion and advice

- 4.1 The shareholder agreement has been subject to extensive review with ACS, the Deputy Chief Executive (s.151), DAP, the Company and the Cabinet Members for Finance and for Housing and Property. Cabinet members have

also had the opportunity to review and comment. The agreement is now brought forward for approval, subject to any further changes or revisions thought necessary.

- 4.2 Cabinet is advised to take the decision now on the shareholder agreement so that the working relationship can move forward. It may well be that, when put into practice, one or more provisions in the shareholder agreement present challenges or do not quite deliver the outcome sought – whether from the Cabinet’s or Company’s perspective or both. However, the best way to find that out is to move forward with the agreement and, if necessary, review it with evidence in a year or so. That is not a recommendation in this report, but is something to reflect on in future.
- 4.3 The articles of association remain in draft and will be further discussed and refined to ensure no conflict with the final version of the shareholder agreement. It is not considered that there is anything particularly unusual or onerous within them. The Cabinet may wish to comment and the views of the Company are needed. Delegated authority will bring this to a conclusion as quickly as possible. In exercising that authority, the decision to send the articles to 3 Rivers for adoption will be recorded.

Contact for more Information: Kathryn Tebbey, Head of Legal (Monitoring Officer) ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet, Leadership Team

List of Background Papers: None.

Dated

2021

GOVERNANCE AGREEMENT

between

3 RIVERS DEVELOPMENTS LIMITED

and

MID DEVON DISTRICT COUNCIL

Anthony Collins Solicitors LLP

134 Edmund Street

Birmingham B3 2ES

Tel: 0121 200 3242

Ref: OJB/MM/48869.0001

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DRAFT

PARTIES

- (1) **3 Rivers Developments Limited** (Company Registration Number: 10745354) whose registered office is at Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP (the “**Company**”);
- (2) **Mid Devon District Council** of Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP (the “**Council**”);

BACKGROUND

- (A) The Company is a private company limited by shares incorporated in England and Wales under the Companies Act 2006 on 28 April 2017 with Company Number 10745354 and at the date of this Agreement is wholly owned by the Council.
- (B) The Company has been established the Company under section 1 and section 4, Localism Act 2011 to act as a commercial purpose and trading entity.
- (C) The Company is a controlled company within the meaning of the Local Government and Housing Act 1989 and a regulated company within the meaning of the Local Authorities (Companies) Order 1995.
- (D) The Parties have agreed to execute this Agreement to regulate their respective responsibilities, the governance arrangements and the operation and management of the Company and the relationship between the Company and the Council.
- (E) The Council’s role as shareholder of the Company (the Shareholder Function) is exercised by the Cabinet on behalf of the Council.
- (F) The Shareholder Function shall be performed by the Cabinet and shareholder decisions shall be determined by the Cabinet unless otherwise stated.

AGREED TERMS

1. INTERPRETATION

- 1.1 The definitions and rules of interpretation in this clause apply in this Agreement.

“**Act**” means the Companies Act 2006;

“**Adequate Procedures**” means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of

State under section 9 of the Bribery Act 2010;

“Articles”	means the articles of Association of the Company as amended or superseded from time to time;
“Board”	means the board of Directors of the Company as constituted from time to time;
“Business”	has the meaning given in clause 3.1 and as may be further defined in any adopted Business Plan;
“Business Case”	means any business case for a particular activity by the Company that has been developed by the Company and adopted by the Board (where the business case is in accordance with the Business Plan or any other authority given to the Board by the Cabinet);
“Business Day”	means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;
“Business Plan”	means the document that shall be agreed and adopted by the Company in accordance with clause 9;
“Cabinet”	means the cabinet comprising the leader of the council and portfolio holders and forming the executive; for the purposes of this Agreement individual members of the Cabinet or council Officers acting under delegated authority;
“Chief Executive”	The Council’s Chief Executive Officer or otherwise Head of Paid Service.

“Confidential Information”

has the meaning given in clause 14;

“Councillor”

means an elected Councillor of Mid Devon District Council;

“Data Protection Legislation”

means all law relating to privacy and the processing of personal data, or any replacement EU or UK data protection or related privacy law in force in England and Wales, including all applicable guidance and codes of practice issued by the Information Commissioner’s Office.

“Director”

means a director of the Company, including any alternate director

“District”

means the administrative area of the Council;

“electronic form”

has the meaning given in section 1168 of the Act;

“Encumbrance”

means any mortgage, charge (fixed or floating), pledge, lien, hypothecation, guarantee, trust, right of set-off or other third party right or interest (legal or equitable) including any assignment by way of security, reservation of title or other security interest of any kind, howsoever created or arising, or any other agreement or arrangement (including a sale and repurchase agreement) having similar effect;

“Executive”

means the Cabinet of the Council and any executive committee/sub-committee of the Cabinet and includes any individual member of the Cabinet or council Officer acting under delegated authority;

“Financial Year”

in relation to the Company, means the period of 12 months commencing on 1 April and ending on 31 March each year;

“Group”

in relation to a company, means that company, any Subsidiary or Holding Company from time to time of that company and any Subsidiary from time to time of a Holding Company of that company; and each company in a Group is a member of the Group;

“Holding Company and Subsidiary and Wholly-Owned Subsidiary”

mean a "holding company", "subsidiary" and "wholly-owned subsidiary" as defined in section 1159 of the Act and a company shall be treated, for the purposes only of the membership requirement contained in subsections 1159(1)(b) and (c) of the Act, as a member of another company even if its shares in that other company are registered in the name of (a) another person (or its nominee), whether by way of security or in connection with the taking of security, or (b) its nominee;

“Named Officer”

the Council's Officer (or a substitute Officer or an alternative Officer of the Council) who is notified by the Cabinet to the Company from time to time for the purposes of exercising the Shareholder Function and as set out in this Agreement and the articles of association;

“Officer”

means an employee of the Council;

“Party/Parties”

the Cabinet / Council and/or the Company as appropriate;

“Share(s)”

means the 1 £1 share in the Company;

“Shareholder(s)” means the holders of Shares in the Company;

“Shareholder Function” means the role of the Shareholder (including shareholder decision making) as performed by the Cabinet for and on behalf of the Council;

“Shareholder Representative(s)” the Cabinet member(s) and/or council Officer(s) notified by the Cabinet to the Company from to time for the purpose of exercising the Shareholder Function and as set out in this Agreement and the articles of association;

“Shareholder Reserved Matters” means the matters reserved for Shareholder Approval listed in Schedule 2;

“Support Services” has the meaning set out in Schedule 1;

“Support Services Agreement” the agreement(s) made between the Cabinet and the Company relating to the provision of support services by the Council to the Company.

- 1.2 Clause, schedule and paragraph headings do not affect the interpretation of this Agreement.
- 1.3 A reference to a clause or a schedule is a reference to a clause of, or a schedule to, this Agreement. A reference to a paragraph is to a paragraph of the relevant schedule.
- 1.4 A **person** includes a natural person, a corporate or unincorporated body (whether or not having a separate legal personality).
- 1.5 Unless the context otherwise requires, references to the singular include the plural and vice versa, and to the whole include part and vice versa.

- 1.6 Unless the context otherwise requires, a reference to one gender includes a reference to other genders.
- 1.7 All warranties, representations, agreements and obligations expressed to be given or entered into by more than one person are given or entered into jointly and severally by the persons concerned.
- 1.8 A reference to a particular statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time taking account of any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts and subordinate legislation for the time being in force made under it provided that, as between the Parties, no such amendment or re-enactment shall apply for the purposes of this Agreement to the extent that it would impose any new or extended obligation, liability or restriction on, or otherwise adversely affect the rights of, any Party.
- 1.9 A reference to **writing** or **written** includes email but no other electronic form.
- 1.10 Documents in **agreed form** are documents in the form agreed by the Parties to this Agreement and initialled by them or on their behalf for identification.
- 1.11 A reference in this Agreement to a document is a reference to the document whether in paper or electronic form.
- 1.12 A reference in this Agreement to **other documents referred to in this Agreement** is a reference to the following documents - the Articles and any Support Services Agreement.
- 1.13 Where the words **include(s)**, **including** or **in particular** are used in this Agreement, they are deemed to have the words "without limitation" following them.
- 1.14 Any obligation in this Agreement on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.15 Where the context permits, **other** and **otherwise** are illustrative and shall not limit the sense of the words preceding them.
- 1.16 References to times of day are, unless the context requires otherwise, to London time and references to a day are to a period of 24 hours running from midnight on the previous day.

2. THE SHAREHOLDER FUNCTION AND SHAREHOLDER DECISION MAKING

- 2.1 The Shareholder Function shall be exercised, as an executive function under the Local Government Act 2000, by the Cabinet on behalf of the Council.

- 2.2 All Shareholder decisions, including the Shareholder Reserved Matters, shall be determined by the Cabinet and not by the Council in accordance with the Local Government Act 2000.
- 2.3 The Leader of the Council has authority to delegate the functions of the shareholder and shareholder decisions, including the Shareholder Reserved Matters, to one or more Cabinet members and / or Officers of the Council and such decisions shall be taken for the purposes of this Agreement to be those of the Cabinet.
- 2.4 The Cabinet may appoint a Named Officer and / or one or more Shareholder Representatives for the purpose of exercising the Shareholder Function to whom it may delegate the determination of shareholder decisions, including the Shareholder Reserved Matters where so authorised.
- 2.5 The Cabinet may report on its exercise of the Shareholder Function and the activities of the Company to meetings of the Council (including the Full Council and committees of the Council) for the purpose of information and / or scrutiny.

3. THE BUSINESS OF THE COMPANY

- 3.1 The business of the Company is to undertake activities for commercial purposes and to trade within the District and beyond (the “Business”).
- 3.2 The Business may be modified to include such further activities as the Cabinet may approve.
- 3.3 The Business shall be carried out by the Company in accordance with any Business Plan adopted and any Business Case adopted under that Business Plan or otherwise approved by the Cabinet.
- 3.4 The Company shall at all times:
 - 3.4.1 comply with any adopted Business Plan as approved by the Cabinet;
 - 3.4.2 comply with the provisions of this Agreement and the Articles; and
 - 3.4.3 carry out its business and operations and conduct its affairs so as not to adversely impact upon the reputation of the Council.

4. DIRECTORS AND MANAGEMENT

- 4.1 The Cabinet shall approve the appointment and dismissal of Directors of the Company.
- 4.2 On the appointment of an Officer or Councillor of the Council as a Director of the Company, the Company shall issue to that person a “Letter of Appointment” in the form or similar form as set out at Schedule 3.

- 4.3 On the appointment of an Officer of the Council as a Director of the Company, the Council shall also issue to that person a "Letter of Appointment" in the form or substantially in the form contained in Schedule 4.
- 4.4 The Board has responsibility for the supervision and management of the Company and its business. The Board shall ensure that the Company shall not transact any of the business reserved for Shareholder Approval in the Shareholder Reserved Matters without first referring the matter to the Cabinet for decision.
- 4.5 Where the Directors are employees or Officers of the Council they shall not be entitled to any remuneration from the Company in their capacity as Directors and their expenses shall be notified to and reimbursed by the Council (and recharged to the Company by the Council). Where the Directors are elected members of the Council then they shall only be entitled to remuneration and expenses in accordance with the Local Authorities (Companies) Order 1995.
- 4.6 Any Secretary appointed in accordance with Article 40 who is an employee or Officer of the Council shall not be entitled to any remuneration from the Company in their capacity as Secretary and their expenses shall be reimbursed by the Company.
- 4.7 The Company shall ensure that Board meetings occur at least quarterly.

5. LAND AND FINANCE FOR THE COMPANY

- 5.1 There is no obligation on the Council to provide any land, capital or other finance to the Company unless the Parties agree otherwise in writing.
- 5.2 If the Council provides land, capital or other finance pursuant to this clause 5 the Parties shall negotiate in good faith on any terms to apply to such capital or other finance.

6. ANTI-CORRUPTION

The Company undertakes to the Council that:

- 6.1.1 it will not in the course of the operation of the Business, engage in any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 of the Bribery Act 2010;
- 6.1.2 it will maintain in place, anti-corruption procedures in substantially the same form as the Council's anti-corruption procedures which the Parties agree constitute Adequate Procedures;
- 6.1.3 it will maintain in place, anti-money laundering procedures; and

6.1.4 from time to time, at the request of the Cabinet it will confirm in writing that it has complied with its undertakings under clause 6.1.1 to 6.1.t3 and will provide any information reasonably requested by the Cabinet in support of such compliance.

7. MODERN SLAVERY

7.1 The Company undertakes to the Council that it will not in the course of the operation of the business engage in any activity, practice or conduct which would constitute an offence under sections 1,2,3 or 4 of the Modern Slavery Act 2015;

8. COUNCIL POLICIES

8.1 In carrying out its business the Company shall have, so far as reasonably practicable, due regard to those of the Council's policies and strategies as may be determined by the Cabinet from time to time.

8.2 The Company shall demonstrate such due regard in its Business Plans and reports to the Cabinet.

9. THE BUSINESS PLAN

9.1 The Company must adopt a five-year Business Plan covering each Financial Year within the five-year period except where the Cabinet disapplies this requirement and shall review this on an annual basis

9.2 The Board is responsible for preparing, reviewing and updating any Business Plan.

9.3 The Company shall consult the Named Officer during the preparation of the Business Plan or any revision or update thereof.

9.4 The Business Plan must include comprehensive, accurate financial forecasts and financial modelling to the satisfaction and approval of the Named Officer.

9.5 Ahead of its adoption by the Board, the Business Plan or any revision or update thereof must be:

9.5.1 submitted to the Named Officer and any Shareholder Representatives approved by the Cabinet pursuant to clause 2.4 by no later than 30 November of each year; and

9.5.2 be approved by the Cabinet.

10. ACCOUNTING AND AUDIT

10.1 The Company shall at all times maintain accurate and complete accounting and other financial records including all corporation tax computations and related documents and correspondence with HM Revenue & Customs in accordance

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with the requirements of all applicable laws and generally accepted accounting principles applicable in the United Kingdom.

10.2 The Company shall at all times maintain accurate and complete accounting and other financial records to the standard required by the Cabinet including the accounting standards and financial reporting timescales required by the Cabinet.

10.3 The Cabinet and its authorised representatives shall be allowed access at all reasonable times to examine the books and records of the Company and to discuss the Company's affairs with the Directors and any employees (if any) of the Company.

10.4 The Company shall supply the Named Officer with the financial and other information necessary to keep the Cabinet informed about how effectively the Business is performing and in particular shall supply the Named Officer with:

10.4.1 a copy of any proposed Business Plan for approval in accordance with clause 9 and the Shareholder Reserved Matters;

10.4.2 a copy of the draft accounts of the Company prepared in accordance with the laws applicable in and the accounting standards, principles and practices generally accepted in the United Kingdom, within two months of the end of the year to which the draft accounts relate;

10.4.3 a copy of the final accounts of the Company within three months of the end of the year to which the final accounts relate;

10.4.4 where such accounts have been audited (whether pursuant to a legal requirement or at the request of the Cabinet), a copy of the audited accounts of the Company within 10 Business Days of such accounts being presented to the Board;

10.4.5 quarterly management accounts of the Company to be supplied as soon as reasonably practicable following the end of the months to which they relate and in any event by the final day of the month following the month to which the accounts relate and the accounts shall include a profit and loss account, a balance sheet and a cashflow statement and such other information as the Council may reasonably require.

10.4.6 a copy of any report reviewing or monitoring the implementation and operation by the Company of Adequate Procedures such report to be provided within 10 Business Days of it being reported to the Board.

14.4.7 copies of any proposed or adopted Business Cases.

10.5 The Cabinet may require the Company, and the Company shall as soon as possible comply with such a request, to provide any documents, information and correspondence necessary to enable the Council to comply with filing, elections, returns or any other requirements of HM Revenue & Customs or of any other revenue or tax authority.

10.6 The Cabinet may require an external audit of the Company and / or an external audit of the Company's financial statements at any time and shall appoint an external auditor for the purpose and the Company shall fully comply with the external auditor's requests for information.

11. DIVIDENDS

11.1 Subject to the Act and the Articles the Company shall consult and have regard to the views of the Named Officer prior to:

11.1.1 the Board recommending any dividend payment/distribution for approval by the Cabinet; and/or

11.1.2 the Board making any interim dividend payments.

12. TERMINATION

12.1 This Agreement may be terminated at any time by the Council either serving notice to terminate on the Company or through the completion of a new agreement which expressly terminates this Agreement.

12.2 The notice to terminate may specify that this Agreement is terminated with immediate effect or at such time as specified in the notice.

12.3 The following provisions of this Agreement remain in full force after termination:

12.3.1 Clause 1 (Interpretation);

12.3.2 this Clause 12;

12.3.3 Clause 14 (Confidentiality);

12.3.4 Clause 15 (Information, Scrutiny and Accountability)

12.3.5 Clause 16 (Data Protection);

12.3.6 Clause 18 (Whole Agreement);

12.3.7 Clause 20 (Variation and Waiver);

12.3.8 Clause 21 (Costs);

12.3.9 Clause 25 (Notice);

12.3.10 Clause 27 (Language);

12.3.11 Clause 28 (Severance);

- 12.3.12 Clause 30 (Dispute Resolution); and
- 12.3.13 Clause 34 (Governing Law and Jurisdiction).

12.4 Termination of this Agreement shall not affect any rights or liabilities that the Parties have accrued under it.

13. STATUS OF THE AGREEMENT

13.1 If there is at any time any conflict, ambiguity or discrepancy between the provisions of this Agreement and the Articles, then the provisions of this Agreement shall prevail over the Articles unless the Cabinet directs otherwise. The Parties shall procure that the Articles are amended to accord with the provisions of this Agreement in the event of any conflict.

14. CONFIDENTIALITY

14.1 In this clause Confidential Information means any information which:

14.1.1 any Party may have or acquire (whether before or after the date of this Agreement) in relation to the customers, suppliers, business, assets or affairs of the Company (including, without limitation, any information provided pursuant to clauses 9, 10, 15 or 31);

14.1.2 any Party or any member of its Group may have or acquire (whether before or after the date of this Agreement) in relation to the customers, suppliers, business, assets or affairs of another Party or any member of the other Party's Group, as a consequence of the negotiations relating to this Agreement or any other agreement or document referred to in this Agreement or the performance of the Agreement or any other agreement or document referred to in this Agreement; or

14.1.3 relates to the contents of any adopted Business Plan or Business Case.

but excludes the information in clause 14.2.

Information is not Confidential Information if:

14.2.1 it is or becomes public knowledge other than as a direct or indirect result of the information being disclosed in breach of this Agreement;

14.2.2 a Party can establish to the reasonable satisfaction of the other Parties that it found out the information from a source not connected with the other Parties or its Group and that the source is not under any obligation of confidence in respect of the information;

14.2.3 either Party can establish to the reasonable satisfaction of the other Parties that the information was known to the first Party before the

date of this Agreement and that it was not under any obligation of confidence in respect of the information; or

14.2.4 the Parties agree in writing that it is not confidential.

14.3 Each Party shall at all times use all reasonable endeavours to keep confidential (and to ensure that its employees, agents, Subsidiaries and the employees and agents of such Subsidiaries shall keep confidential), any Confidential Information and shall not use or disclose any such Confidential Information except:

14.3.1 to a Party's professional advisers where such disclosure is for a purpose related to the operation of this Agreement;

14.3.2 with the written consent of the Party to whom the Confidential Information belongs or relates to or any member of its Group that the information relates to;

14.3.3 as may be required by law (to include without limitation the Local Authorities (Companies) Order 1995 and the Freedom of Information Act) or by the rules of any recognised stock exchange, or governmental or other regulatory body, when the Party concerned shall, if practicable, supply a copy of the required disclosure to the other before it is disclosed and incorporate any amendments or additions reasonably required by the other Parties and which would not thereby prevent the disclosing Party from complying with its legal obligations;

14.3.4 to any tax authority to the extent reasonably required for the purposes of the tax affairs of the Party concerned or any member of its Group;

14.3.5 if the information comes within the public domain (otherwise than as a result of the breach of this clause 14.3)

14.4 Each Party shall inform (and shall use all reasonable endeavours to procure that any Subsidiary informs) any Officer, employee or agent or any professional adviser advising it in relation to the matters referred to in this Agreement, or to whom it provides Confidential Information, that such information is confidential and shall require them:

14.4.1 to keep it confidential; and

14.4.2 not to disclose it to any third party (other than those persons to whom it has already been disclosed in accordance with the terms of this Agreement).

14.5 Upon termination of this Agreement, any Party may demand from any other Party the return of any documents containing Confidential Information in relation to

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the first Party by notice in writing whereupon the second Party shall (and shall use all reasonable endeavours to ensure that its Subsidiaries, and its Officers and employees and those of its Subsidiaries shall):

14.5.1 return such documents; and

14.5.2 destroy any copies of such documents and any other document or other record reproducing, containing or made from or with reference to the Confidential Information,

save, in each case, for any submission to or filings with governmental, tax or regulatory authorities. Such return or destruction shall take place as soon as practicable after the receipt of any such notice.

14.6 The obligations of the Parties in this clause 14 shall continue without limit in time and notwithstanding termination of this Agreement for any cause.

15. INFORMATION, SCRUTINY AND ACCOUNTABILITY

15.1 Subject to clause 15.4, the Parties acknowledge that the Council and the Company are each subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (**Information Legislation**). The Parties shall use reasonable endeavours to assist, within the timescale specified by a Party in receipt of a request for information under the Information Legislation ("the receiving Party"), the receiving Party in responding to any requests for information under that legislation to include the provision of any and all documents that the receiving Party considers reasonably necessary to enable it to respond to the information request.

15.2 ~~The Company shall, and shall procure that its employees and agents shall, comply at all times with the Council's policies and procedures on Freedom of Information.~~

15.3 Notwithstanding clauses 15.1 and 15.2, the Company shall comply at all times with the Information Legislation as that legislation applies directly to the Company.

15.4 Where the Company is in receipt of any request for information under the Information Legislation, then it shall as soon as reasonably practicable pass the request to the Cabinet and have regard to the views of the Cabinet before responding to any such request.

15.5 The Company shall use reasonable endeavours to assist the Council in complying with any and all transparency obligations including without limitation compliance with the Local Government Transparency Code 2015 and any successor codes, policies or guidance.

- 15.6 The Company shall use reasonable endeavours to assist the Cabinet in responding to any requests for information about the Company
- 15.7 The Company shall on reasonable notice and at the reasonable request of the Named Officer, make available the Chairman of the Board (or a substitute Director of the Board's choosing) to attend before and answer questions at any meeting of the Cabinet: The Company shall on reasonable notice supply any information to the Named Officer as may be reasonably requested for the purpose of this clause 15.
- 15.8 The Company shall on reasonable notice and at the reasonable request of the Cabinet allow one or more representatives of the Cabinet and / or other persons nominated by the Cabinet to attend as observers at meetings of the Board of the Company or at committees of the Board.
- 15.9 With the permission of the Chair of the meeting, representatives and / or persons attending meetings in accordance with clause 15.9 may speak at the meetings but shall not be entitled to vote.
- 15.10 Representatives and / or persons attending meetings in accordance with clause 15.9 shall treat all information, in whatever form, disclosed at or in connection with the meeting, and the business of the meeting, as Confidential Information.
- 15.11 Representatives and / or persons attending meetings in accordance with clause 15.9 shall not, outside of the meeting, discuss or otherwise disclose such Confidential Information as referred to in clause 15.11 or the business of the meeting with or to any person without the written consent of the Chair of the meeting and the Named Officer.
- 15.12 Representatives and / or persons attending meetings in accordance with clause 15.9 shall not remove from the meeting or otherwise retain, copy or record in any format any Confidential Information as referred to in clause 15.11 without the written consent of the Chair of the meeting, and shall return or destroy such Confidential Information and any copies thereof upon the request of the Chair of the meeting.
- 15.13 The Company shall use reasonable endeavours to assist the Council in responding to any inquiry or investigation of or by the Local Government and Social Care Ombudsman, the Information Commissioner and any other regulator (or any successors thereto).

16. DATA PROTECTION

The company will maintain in place data protection procedures and otherwise comply with the Data Protection Legislation.

17. THE LOCAL GOVERNMENT AND HOUSING ACT 1989 AND THE LOCAL AUTHORITIES (COMPANIES) ORDER 1995

17.1 The Company is a controlled company within the meaning of the Local Government and Housing Act 1989 and a regulated company within the meaning of the Local Authorities (Companies) Order 1995 with which it shall comply in relation to the operation, management and activities of a local authority owned company.

18. WHOLE AGREEMENT

18.1 This Agreement, and any documents referred to in it, constitute the whole agreement between the Parties and supersede all previous arrangements, understandings and agreements between them, whether oral or written, relating to their subject matter.

18.2 Each Party acknowledges that in entering into this Agreement, and any documents referred to in it, it does not rely on, and shall have no remedy in respect of, any representation or warranty (whether made innocently or negligently) that is not set out in this Agreement or those documents.

18.3 Nothing in this clause 18 shall limit or exclude any liability for fraud.

19. ASSIGNMENTS

19.1 The Company may not assign, or grant any Encumbrance over or sub-contract, or deal in any way with, any of its rights or obligations under this Agreement or any document referred to in it without the prior written consent of the Cabinet in accordance with the Shareholder Reserved Matters set out at Schedule 2.

19.2 Each person that has rights under this Agreement is acting on its own behalf.

20. VARIATION AND WAIVER

20.1 A variation of this Agreement shall be in writing and signed by or on behalf of both Parties.

20.2 A waiver of any right under this Agreement is only effective if it is in writing and it applies only to the person to which the waiver is addressed and the circumstances for which it is given.

20.3 A person that waives a right in relation to one person or takes or fails to take any action against that person, does not affect his rights against any other person.

20.4 No failure to exercise or delay in exercising any right or remedy provided under this Agreement or by law constitutes a waiver of such right or remedy or shall prevent any future exercise in whole or in part thereof.

20.5 No single or partial exercise of any right or remedy under this Agreement shall preclude or restrict the further exercise of any such right or remedy.

20.6 Unless specifically provided otherwise, rights and remedies arising under this Agreement are cumulative and do not exclude rights and remedies provided by law.

21. COSTS

Unless otherwise provided or agreed in writing, all costs in connection with the negotiation, preparation, execution and performance of this Agreement, shall be borne by the Party that incurred the costs.

22. NO PARTNERSHIP

The Parties to this Agreement are not in partnership with each other and there is no relationship of principal and agent between them.

23. GOOD FAITH

23.1 Each Party shall at all times act in good faith towards the other and shall use all reasonable endeavours to ensure that this Agreement is observed.

23.2 Each Party shall do all things necessary and desirable to give effect to the spirit and intention of this Agreement.

24. THIRD PARTY RIGHTS

24.1 A person who is not a Party to this Agreement shall not have any rights under or in connection with it by virtue of the Contracts (Rights of Third Parties) Act 1999 except where such rights are expressly granted in this Agreement.

24.2 The right of the Parties to terminate, rescind or agree any amendment, variation, waiver or settlement under this Agreement is not subject to the consent of any person that is not a Party to the Agreement.

25. NOTICE

A notice given under this Agreement:

25.1.1 shall be in writing in the English language (or be accompanied by a properly prepared translation into English);

25.1.2 shall be sent for the attention of the person, and to the address or email address given in this clause 25 (or such other address or person as the relevant Party may notify to the other Party); and

25.2.3 shall be:

- (i) delivered personally; or
- (ii) delivered by commercial courier; or
- (iii) sent by email to such email addresses as may be notified by each Party to the other; or
- (iv) sent by pre-paid United Kingdom first-class post or recorded delivery.

25.2 The addresses for service of notice are for the Council and the Company the addresses stated at the beginning of this Agreement.

25.3 If a notice has been properly sent or delivered in accordance with this clause 25 it will be deemed to have been received as follows:

25.3.1 if delivered personally, at the time of delivery; or

25.3.2 if delivered by commercial courier, at the time of signature of the courier's delivery receipt; or

25.3.3 if sent by email, on the day of transmission is before 16.00 on a Business Day otherwise at 10.00 on the next Business Day thereafter provided that the sender has a transmission report showing a successful transmission to the correct email address (delivery receipt) and evidence of the email having been opened (read receipt); or

25.3.4 if sent by pre-paid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted or 5 Business Days after posting either to an address outside the United Kingdom or from outside the United Kingdom to an address within the United Kingdom, if (in each case) sent by reputable international overnight courier addressed to the intended recipient, provided that delivery in at least 5 Business Days was guaranteed at the time of sending and the sending Party receives a confirmation of delivery from the courier service provider; or

25.3.5 if deemed receipt under the previous paragraphs of this sub-clause is not within business hours (meaning 9.00 am to 5.30 pm Monday to Friday on a day that is not a public holiday in the place of receipt), when business next starts in the place of deemed receipt and all references to time are to local time in the place of deemed receipt.

25.4 To prove delivery, it is sufficient to prove in case of post, that the envelope containing the notice was properly addressed and posted; in the case of delivery by a commercial courier, that the courier's delivery receipt has been signed and in the case of email, a transmission report shows a successful transmission to the correct email address (delivery receipt).

26. INTEREST ON LATE PAYMENT

26.1 Where a sum is required to be paid under this Agreement but is not paid before or on the date the Parties agreed, the person due to pay the sum shall also pay an amount equal to interest on that sum at the rate set out in clause 26.2 for the period beginning with the date on which the payment was due and ending with the date the sum is paid (and the period shall continue after as well as before judgment).

26.2 The rate of interest shall be 2% per annum above the base lending rate from time to time of the Bank of England. Interest shall accrue on a daily basis and be compounded quarterly.

26.3 This clause 26 shall not apply in respect of financial loans provided by the Council to the Company, the interest rate and terms of which shall be the subject of the loan agreement.

27. LANGUAGE

If this Agreement is translated into any language other than English, the English language text shall prevail.

28. SEVERANCE

28.1 If any provision of this Agreement (or part of a provision) is found by any court or administrative body of competent jurisdiction to be invalid, unenforceable or illegal, the other provisions shall remain in force.

28.2 If any invalid, unenforceable or illegal provision would be valid, enforceable or legal if some part of it were deleted or modified, the provision shall apply with whatever modification is necessary to give effect to the commercial intention of the Parties.

29. FURTHER ASSURANCE

Each Party shall promptly execute and deliver all such documents, and do all such things, as the other Party may from time to time reasonably require for the purpose of giving full effect to the provisions of this Agreement.

30. DISPUTE RESOLUTION

30.1 In the event that any dispute arises between the Cabinet and the Company then in the first instance the dispute shall be referred for resolution to the Chief Executive of the Council and the Chair of the Board.

- 30.2 Where the Chief Executive and the Chair are unable to resolve a dispute then the Cabinet may at any time serve a notice in writing on the Company directing the Company and the Board to take and/or refrain from taking actions specified in the notice – such notice to be lawful and consistent with the Act, any applicable legislation and/or the fiduciary duties of the Directors and the Board shall be permitted a reasonable period of time to seek independent legal advice if they reasonably believe that they may or will be in breach thereof.
- 30.3 The Company must comply with any notice served pursuant to clause 32.2 within the timescales specified in the notice, provided always that where the relevant Board considers that compliance with any such notice may, in the view of the Board, place the Directors in breach of their fiduciary duties to the Company then the Board shall seek Cabinet approval before implementing the requirements of the notice.

31. REPORTING

- 31.1 The Company acknowledges that the Cabinet exercises the Shareholder Function on behalf of the Council as the shareholder and may report on its performance of the Shareholder Function and the activities and performance of the Company to the Council in its capacity as the shareholder (including at meetings of the Full Council and Council committees) for the purposes of information and scrutiny.
- 31.2 Notwithstanding and without prejudice to the generality of clauses 2, 10, 14, 15 and 16 and any other relevant provisions of this Agreement the Company shall ensure that:
- 31.2.1 copies of approved Board minutes are made available to the Named Officer upon his request following each Board meeting;
 - 31.2.2 unless otherwise agreed by the Cabinet, the Company Finance Director shall meet with the Named Officer and representative nominated by the Cabinet each month; and
 - 31.2.3 the Board shall produce a report on the performance and activities of the Company and provide the same to the Cabinet each quarter
- 31.3 Notwithstanding clause 15.7 the Company shall, upon reasonable notice and at the reasonable request of the Named Officer make available the Chair of the Board (or a substitute Director of its choosing) to attend meetings of the Cabinet
- 31.4 Where the Board considers that compliance with any requirement of the Cabinet under this Agreement would place the Directors in breach or at risk of

breach of the Act, any applicable legislation and/or their duties to the Company then the Board shall seek Cabinet approval of the actions required and the Board shall be permitted a reasonable period of time to seek independent legal advice if they reasonably believe that they may or will be in breach thereof.

32. CONFLICTS OF INTEREST

32.1 The Parties acknowledge that a Director of the Company is required to perform his duties to the Company faithfully, diligently and to a standard commensurate with the role and his knowledge, skills and experience, and with particular regard to the duty to promote the success of the Company and the duties of directors under Part 10 of the Act. The Parties acknowledge that where an Officer of the Council is appointed to the Board as a Director, when acting as a Director he must act in the best interests of the Company at all times in accordance with the statutory, fiduciary and common law duties of company directors and that in such context his duties to the Company take precedence over his duty to the Council as an Officer.

32.1.1 The Parties acknowledge and accept that where an Officer of the Council is appointed as a Director of the Company a conflict of interests may arise between the duty of the appointee to act in the best interests of the Council as an Officer and his duty to act in the best interests of the Company as a Director.

32.1.2 Where an Officer of the Council is appointed as a Director of the Company, the Company shall set out the duties and obligations of the Directors of the Company in a letter of appointment in the form or similar form as set out at Schedule 3.

32.1.3 Where an Officer of the Council is appointed as a Director of the Company, the Council shall acknowledge and accept the conflict of interests in a letter of appointment in the form or similar form as set out at Schedule 4. 32.1.4 The Parties acknowledge and accept that where a member is appointed as a Director of the Company that Director cannot disregard his public law duties as a member of the Council.

33. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which is an original and which together have the same effect as if each Party had signed the same document.

34. GOVERNING LAW AND JURISDICTION

34.1 This Agreement and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by and construed in accordance with the law of England.

34.2 The Parties irrevocably agree that the courts of England have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).

This Agreement has been executed and delivered as a deed on the date stated at the beginning of it.

DRAFT

SCHEDULE 1 SUPPORT SERVICES

The Council may provide support services to the Company. Such services shall be provided on a full cost recovery basis and shall be the subject of a Support Services Agreement or as otherwise agreed between the Council and the Company. Such services may include, but are not limited to:-

Business Support

- Audit Services
- Customer Services (Call Centre Services)
- Facilities Management Services
- Finance Services
- Health and Safety
- Human Resources
- General Administrative Services
- Governance Support Services
- ICT Services
- Learning and Development
- Legal Services
- Property Services (Estates Management)

Project Support

- Architectural Design Services
- Building Control Services
- Planning Services
- Project Management Services

The Council and the Company will enter into a separate Support Service Agreement in a form approved by the Cabinet for any services provided.

SCHEDULE 2 SHAREHOLDER RESERVED MATTERS

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
1. Business Plan	<p>Adopting the first and all future Business Plans.</p> <p>Approving any material change to any previously approved Business Plan, which the Board is unable to approve.</p>	<p>Varying the timing, scale or programme of works or projects that are included in the Business Plan where the increase in the budgeted revenue for the works or projects is less than £500,000 in any one financial year.</p> <p>Non-material departures from the Business Plan</p>	<p>The Board shall be entitled to delegate decisions on matters detailed in the approved Business Plan and/or decisions which relate to commitments up to a value of £250,000.</p>
2. Business	<p>Approval of any new development scheme valued at £1m or over.</p>	None	None

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
3. Appointment and Removal of Directors	Approval of the appointment and removal of all Directors; including the approval of the list of possible Alternate Directors.	Appointment and removal of all Board advisers (to include terms and conditions of relationship).	None.
4. Variations to the Articles of Association	Any variations to the Company's Articles.	None.	None.
5. Governance Agreement	Adopting the Governance Agreement. Approving any material change to the Governance Agreement	None	None

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
6. Delegation of Authority	Determining the authority delegated to the Directors	None	None
7. Director Remuneration	Approval of the terms and conditions of employment of any Director of the Company Approval of salary increases <u>of more than 1%</u> above RPI.	Non-material alterations to terms and conditions Performance related pay awards of up to <u>7.520%</u> of core salary <u>(subject to annual Company profits)</u> .	None.
8. Employee Recruitment and Remuneration	Approval of the appointment or removal and the terms and conditions of employment or severance package of any senior Officer of the company. <u>A senior Officer is an officer whose annual salary exceeds £75k.</u>	Recruitment of employees and/or agreeing the remuneration of employees where the total remuneration for that position is greater than £75K <u>(full time equivalent ("FTE"))</u> .	Recruitment of employees and/or agreeing the remuneration of employees where the total remuneration for that position is no more than £75K <u>FTE</u> .

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	Approval <u>of</u> salary increases <u>of more than 1%</u> above RPI.		
9. Shares	<p>The acquisition of any shares or any option over shares in the capital of any company.</p> <p>The creation, allotment, issuing or redemption of any shares or securities, or the granting of any right to require the creation, allotment, issuing or redemption of any such shares or securities.</p>	None.	None.
10. Additional Shareholders	<p>The admission of additional shareholders to the Company.</p> <p>Agreeing any rights or restrictions attaching to any shares allocated to such</p>	None	None

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	additional shareholders		
11. Issuing or of / Accepting Borrowing Loan Capital	<p>Entering into any borrowing, the issuing of any loan capital or entering into any commitments with any person regarding the issue of any loan capital outside of the approved Business Plan.</p> <p>Agreeing, as part of the approved Business Plan, the extent of any permitted borrowing delegated for Board approval, and the terms on which that borrowing can be entered into.</p>	<p>Entering into any borrowing or issuing any loan capital where this is approved in the current Business Plan, to the extent and on the terms set out in the approved Business Plan.</p>	None.
12. Nature of Company	<p>Any material changes to the nature of the Company's business, or commencing any</p>	<p>Any changes to the nature of the Company's business, or commencing any new business, but only where this is</p>	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
Business	new business not contemplated by the approved Business Plan.	contemplated by the approved Business Plan.	
13. Reputation of Council	Approving any matter which is reasonably likely to have an adverse effect on the reputation of the Council	None	None
14. Policies and Procedures	The approval of policies and / or procedures which may damage the Council's reputation or may conflict with the Council's policies or strategic objectives.		
15. Acquisitions or Disposals	The acquisition or disposal of any freehold or leasehold land or building or the entering into of any option in respect of any land or building where this is not	The acquisition or disposal of any land or building or the entering in of any option in respect of any land or building specifically contemplated by the	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	contemplated by the approved Business Plan.	approved Business Plan.	
16. Company / Group Structure	Forming any subsidiary or acquiring an interest in any other company or participating in any partnership or corporate joint venture Amalgamating or merging with any other company or undertaking	None.	None.
17. Stock Exchange Listing	The listing or trading of any shares or debt securities on any stock exchange or market.	None.	None.
18. Appointment of Agents or	None	Appointment of contractors or subcontractors where this is in pursuance	Appointment of contractors or subcontractors in pursuance of the

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
Subcontractors or Arms' Length Transactions		of the approved Business Plan	approved Business Plan up to a value of £100,000.
19. Part sale of the business	Selling any part of the business, unless specifically contemplated and authorised in the approved Business Plan.	None.	None.
20. Business Name and Location	Changing the Company name, trading name, or registered office, or changing the location of any offices outside of the Company's registered office to a location outside of the District.	Changing the location of any offices outside of the Company's registered office to another location within the District only.	None.
21. Intellectual Property	The disposal, sale, assignment or granting of any rights in the Company's intellectual property	The granting of any rights (by licence or otherwise) in or over any intellectual property owned or used by the Company	Where necessary to effect decisions delegated as above up to £100,000

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	outside of the normal course of business.	in the normal course of business	
22. Encumbrances	Creating or granting any encumbrance over the whole or any part of the Company or its business, undertaking or assets, or over any shares in the Company other than liens arising in the normal course of business.	None	None
23. Redundancy	None	Dismissing any employee in circumstances in which the Company will incur or agrees to bear redundancy or other costs (including actuarial costs) in excess of £75K.	Dismissing any employee in circumstances in which the Company will incur or agrees to bear redundancy or other costs (including actuarial costs) no greater than £75K.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
24. Pension	<p>Establishing any new pension scheme, or granting any pension rights to any director, former director, or any members of any such person's family.</p> <p>Changes to pension arrangements for staff whether in the Local Government Pension Scheme or otherwise. Any other decisions of the Company which will have an effect on liabilities of the Shareholder under the Local Government Pension Scheme or any associated guarantee.</p>	Establishing any new pension scheme, or amending any pension scheme, provided by the Company to employees.	None.
25. Company Winding up	Passing any resolution for the winding up of the Company or presenting any petition for its	None.	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	administration (save for in insolvency).		
26. Accounting and Audit	<p>Deciding whether to change the Company's accounting period.</p> <p>Requiring an external audit of the Company and / or the Company's financial statements.</p> <p>Appointment and removal of external auditor.</p>	None	None

SCHEDULE 3

Letter of Appointment for Officers / Members as Directors

Dear

3 Rivers Development Limited (the "Company")

- 1 This letter contains the terms which we have discussed and agreed for your appointment as a director of the Company. Your appointment has been approved by the Cabinet of Mid Devon District Council. The Council is the sole shareholder of the Company.
- 2 By accepting this appointment as a Director, you agree that this letter is a contract for services and is not a contract of employment with the Company and you confirm that you are not subject to any restrictions which prevent you from holding office as a Director of the Company.
- 3 You are [an Officer / a Councillor *delete as appropriate*] of Mid Devon District Council and so will not be paid a fee by the Company and you are not entitled to claim expenses from the Company. Arrangements as regards any fee for your directorship are a matter for you and Mid Devon District Council. You will claim any expenses from Mid Devon District Council in accordance with your contract of employment. Your fee and expenses may be re-charged to the Company for payment in accordance with the arrangements agreed between the Company and Mid Devon District Council.
- 4 You will be expected to attend the Board Meetings and General Meetings of the Company. You will receive details of all such meetings in advance. You may be required to serve on one or more Board committees. You will be provided with the relevant terms of reference on your appointment to such a committee. You also may be asked to serve as a director on the board of any of the Company's subsidiaries or joint ventures. Any such appointment will be covered in a separate communication.
- 5 You are expected to perform your duties as a director (whether statutory, fiduciary or common law) faithfully, diligently and to a standard commensurate with the functions of your role and your knowledge, skills and experience.
- 6 You shall exercise your powers in your role as a director having regard to relevant obligations under prevailing law and regulation, including the Companies Act 2006. The Company is wholly owned by a local authority and so is a controlled company within the meaning of the Local Government and Housing Act 1989. This means that the Company is subject to additional obligations, reporting and enhanced transparency (in particular it is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004).

- 7 You shall have particular regard to the general duties of directors in Part 10 of the Companies Act 2006, including the duty to promote the success of the Company under which all directors must act in the way they consider, in good faith, would be most likely to promote the success of the Company for the benefit of its members as a whole. In doing so, as a director, you must have regard (among other matters) to:
- a) the likely consequences of any decision in the long term;
 - b) the interests of the Company's employees (if any);
 - c) the need to foster the Company's business relationships with suppliers, customers and others;
 - d) the impact of the Company's operations on the community and the environment;
 - e) the desirability of the Company maintaining a reputation for high standards of business conduct; and
 - f) the need to act fairly as between the members of the Company (i.e. the Shareholders).
- 8 The Company will collect and process information relating to you in accordance with the privacy notice which is [on the intranet OR annexed to this letter OR available from [POSITION]]. You are required to sign and date the privacy notice and return it to [NAME OR POSITION].
- 9 When handling personal data in connection with your appointment by the Company on the terms of this letter, you shall comply with the Company's data protection policy to include any privacy notices issued by the Company.
- 10 You acknowledge that:
- a) the Company and Mid Devon District Council as the sole Shareholder, are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004; and
 - b) where either of the Company and the Shareholder are in receipt of a request for information under the legislation referred to in paragraph 10a) then it is for the Company or the Shareholder to determine in its absolute discretion, subject to the Governance Agreement, what information, if any, is disclosable.

- 11 You will not, whether during the appointment or after its termination, except in the proper course of your duties or as required by law, use or divulge, and shall use all reasonable endeavours to prevent the use or disclosure of, any trade or business secrets or any information concerning the business or finances of the Company or of any dealings, transactions, or affairs of the Company or any client, customer or supplier of the Company which comes to your knowledge during the course of this appointment and will comply with the provisions of 14 (Confidentiality) of the Governance Agreement as if it applied to you. You will, however, be entitled to disclose information to Mid Devon District Council where this is required to enable the Company to comply with the Governance Agreement between the Company and Mid Devon District Council.
- 12 Your appointment may be terminated or will otherwise cease in accordance with Article [] of the Articles of Association. Please note that if you cease to be an [Officer / a Councillor *delete as appropriate*] of Mid Devon District Council then you will cease to be a Director of the Company at the same time.
- 13 In signing this letter, you acknowledge that your office is subject to the terms of the Governance Agreement and the Company's Articles of Association and may be determined as permitted under the terms of the Governance Agreement and such Articles and that upon such termination you will vacate office in relation to the Company forthwith without raising any claim whatsoever against the Company in relation to your vacation of office (otherwise than in respect of any properly incurred and unpaid expenses due to you from the Company up to the date you vacate your office).
- 14 On termination of your appointment, you agree that you will promptly return to the Company all papers and property of the Company which are in your possession or under your control.

Please indicate your acceptance and acknowledgement of these terms by signing the attached copy and returning it to me. I look forward to seeing you at our next Board meeting.

Yours sincerely

.....
Signatory, duly authorised for and on behalf of the Company

I agree to and acknowledge the terms and conditions set out above relating to my appointment as a director of 3 Rivers Developments Limited

Signed

Dated

SCHEDULE 4

Council Letter of Appointment for Officers as Directors

Dear

Appointment of Officers as Directors of 3 Rivers Developments Limited and Conflicts of Interests.

Thank you for supporting Mid Devon District Council through your agreement to undertake a director role on the board of the 3 Rivers Developments Limited (the "Company").

Conflicts of Interests

The Council acknowledges and accepts the conflict of interest that your role as a director of the Company will have with your role as an Officer of Council and will require you to declare this in future, in accordance with the governance documents, policies and procedures of the Company and the Council, for example at the beginning of any official meetings.

This conflict comes about because you have a duty (as an Officer of the Council) to act in the best interests of the Council but also a duty (as a director of the Company) to act in the best interests of the Company. Therefore, your appointment means that there are some aspects of Council decision-making regarding the Company that you may not be able to be part of and instead, the Council's s151 Officer or Monitoring Officer will advise the Council in such matters.

The Council acknowledges and accepts that when you are acting as a director of the Company that you should always act in the best interests of the Company and in compliance with your statutory duties to the Company. In this context your duty to the Company will take precedence over your duty to the Council as an Officer of the Council.

Appointment as Director of Company

As you have accepted the role of director of the Company due to your position and employment within the Council, should you leave your employment with the Council for any reason then your role as a director of the Company will automatically be ended on the same day.

A copy of this letter will be placed on your personal file. Should you wish to discuss this, please do not hesitate to contact me.

Yours sincerely,

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COMPANY NUMBER 10745354

**Articles
of
Association
of
3 Rivers Developments Limited**

Incorporated: 28 April 2017

Adopted by special resolution dated [**date**]

COMPANY LIMITED BY SHARES

THE COMPANIES ACT 2006

Anthony Collins Solicitors LLP
134 Edmund Street
Birmingham
B3 2ES

Reference: OJB/MM/48869.0001

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**Articles of Association of
3 Rivers Developments Limited**

PART A: INTRODUCTION

1. INTERPRETATION

1.1 In these Articles:

"the Act"	means the Companies Act 2006;
"the Articles"	means these Articles of Association of the Company as amended or superseded from time to time and "Article" shall be construed accordingly;
"the Board"	means the board of the Company comprising the Directors and (where appropriate) includes a Committee of the Board and the Directors acting by written resolution;
"Board Meeting"	means a meeting of the Board or (where appropriate) of a Committee of the Board;
"Business Plan"	means the document which shall be agreed and approved by the Company in accordance with governance agreement;
"Cabinet"	means the cabinet comprising the leader of the Council and portfolio holders and forming the Executive;

"Chair"

means (subject to the context) either the person appointed as chair of the Company under Article 36 or, where the Chair of the Company is not present or has not taken the chair at a meeting, means the person who is chairing a Board Meeting at the time, or the person appointed by the Shareholders from amongst their number to chair a General Meeting;

"clear days"

in relation to a period of notice means the period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;

"Committee"

means a committee of the Board;

"Company"

means the company regulated by the Articles;

"Companies House"

means the office of the Registrar of Companies;

"Council"

means Mid Devon District Council of Phoenix House, Phoenix Lane, Tiverton, Devon , EX16 6PP;

"Councillor"

means an elected councillor of the Council

"Director"

means a director of the Company for the time being and includes alternate directors and any person occupying the position of director, by whatever name called;

"executed"	includes any mode of execution;
"Executive"	means the Cabinet of the Council and (where appropriate) includes any executive committee of the Cabinet and includes any individual executive/portfolio holder Councillor or Council Officer acting under delegated authority;
"General Meeting"	means any meeting of the Shareholders;
"holder"	in relation to shares means the Shareholder whose name is entered in the register of Shareholders;
"Holding Company"; "Subsidiary" and "Wholly-Owned Subsidiary"	mean a "holding company", "subsidiary" and "wholly-owned subsidiary" as defined in section 1159 of the Act and a company shall be treated, for the purposes only of the membership requirement contained in subsections 1159(1)(b) and (c) of the Act, as a member of another company even if its shares in that other company are registered in the name of (a) another person (or its nominee), whether by way of security or in connection with the taking of security, or (b) its nominee;
"including"	means "including without limitation" and "include" and "includes" are to be construed accordingly;
"Objects"	means the objects of the Company as set out Article 6;

"Observers"		means those persons (other than Directors) present under Article 38 at a Board Meeting;
"Officer"		means an employee of the Council;
"Registered Office"		means the registered office of the Company;
"Relevant Agreement"		means any agreement or agreements entered into between the Company and the Shareholders relating to the management, operation and activities of the Company;
"Secretary"		means the secretary of the Company (if any) as may be appointed under these Articles to perform the duties of the secretary of the Company, including a joint, assistant or deputy secretary;
"Share(s)"		means the 1 £1 share in the Company;
"Shareholder(s)"		means the holders of Share(s) in the Company
"Shareholder Matters"	Reserved	means those matters designated as such in a Relevant Agreement or elsewhere where a decision is reserved to the Shareholders;
"United Kingdom"		means Great Britain and Northern Ireland.

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- 1.2 No regulations or articles set out in any statute, or in any statutory instrument or other subordinate legislation made under any statute, concerning companies (including the regulations in the Companies (Model Articles) Regulations 2008 (*SI 2008/3229*)) shall apply as the articles of the Company. These Articles alone shall be the articles of association of the Company.
- 1.3 The Company is a controlled company within the meaning of the Local Government and Housing Act 1989 and a regulated company within the meaning of the Local Authorities (Companies) Order 1995 with which it shall comply.
- 1.4 In these Articles:
- 1.4.1 terms defined in the Act are to have the same meaning;
 - 1.4.2 references to the singular include the plural and vice versa, to the whole include part and vice versa, and to the masculine include the feminine and neutral and vice versa.
 - 1.4.3 references to "organisations" or "persons" include corporate bodies, public bodies, unincorporated associations and partnerships;
 - 1.4.4 references to legislation, regulations, determinations and directions include all amendments, replacements or re-enactments and references to legislation (where appropriate) include all regulations, determinations and directions made or given under it; and
 - 1.4.5 the headings are not to affect the interpretation of the Articles.

2. NAME

The Company's name is 3 Rivers Developments Limited.

3. REGISTERED OFFICE

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The Company's Registered Office is to be situated in England.

4. POWERS

The Company may do anything that a natural or corporate person can lawfully do which is not expressly prohibited by the Articles.

5. LIMIT OF LIABILITY

The liability of the Shareholders is limited to the amount, if any, unpaid on the Shares held by them.

6. OBJECTS

6.1 The Company's Objects are:

6.1.1 to undertake activities for commercial purposes; and

6.1.2 to carry on business as a general commercial company.

PART B. SHARE CAPITAL

7. SHARE CAPITAL

The share capital of the Company as at the date of the adoption of these Articles is 1 ordinary share of £1.

8. ISSUE OF SHARES AND SHARE CERTIFICATES

- 8.1 Subject to the Act the Company may issue Shares which must be redeemed or are liable to be redeemed at the option of the Company or the holder on such terms as the Board decides.
- 8.2 The Company may pay commissions as provided in the Act. Subject to the Act, any commission may be paid in cash and/or by the allotment of Shares.
- 8.3 Except as required by law, no person is to be recognised by the Company as holding a Share on trust. The Company is not bound to recognise any interest in a Share other than the holder's absolute right to it.
- 8.4 Unless the Shareholders decide otherwise by special resolution, any unissued ordinary Shares and any new Shares that are created must first be offered to the existing Shareholders in proportion to the number of Shares they already hold. The offer must be made by giving notice to each of the Shareholders. The notice must specify the number of Shares offered. It must give at least twenty-one days within which the offer can be accepted. Any Shares which are not accepted within this twenty-one-day period will be deemed declined and must be offered, in the same proportions, to the Shareholders who have accepted the Shares offered to them. The further offer must be made on the same terms and subject to the same notice period as the original offer. Any Shares not accepted (except by way of fractions) and any Shares released from this Article by a special resolution are to be under the control of the Board. The Board may (subject to Article 8.5) dispose of them as they decide but no Shares refused by the existing Shareholders may be disposed of on terms which are more favourable to their subscribers than the terms on which they were offered to the Shareholders. Sections 561(1) and 562 of the Act do not apply to the Company.

- 8.5 The Board may not allot shares or grant rights to subscribe for or convert securities into Shares unless approved by the Shareholders.

9. SHARE CERTIFICATES

- 9.1 Shareholders are entitled without payment to one certificate for all the Shares of each class they hold (and, on transferring part of their Shares, to a certificate for the balance of their holding). Every certificate shall be executed by the Company. It must specify the number, class and distinguishing numbers (if any) of the Shares to which it relates, and the amount paid up for the Shares. The Company need not issue more than one certificate for Shares held jointly. The delivery of a certificate to one joint holder is a sufficient delivery to all of them.
- 9.2 If a Share certificate becomes defaced or worn out or is lost or destroyed it may be renewed. The Board may specify conditions to be satisfied before it is renewed. Those conditions may relate to evidence or indemnity and provide for the payment of the Company's reasonable costs in investigating evidence. Apart from any payments due as a result of compliance with the Board's conditions no other charge may be made. If the Share Certificate is defaced or wearing out the old certificate must be delivered to the Company before it can be renewed.

10. LIEN

- 10.1 The Company is to have a first and paramount lien on every Share registered in the name of any person indebted or under a liability to the Company, (including a Share held jointly with another person) for all money payable by the holder or the holder's estate to the Company. The Board may exempt a Share from this Article at any time.
- 10.2 The Company may sell any Shares on which the Company has a lien if the debt secured by the lien is not paid within 14 clear days after notifying the holder of the Share (or the person entitled to it in consequence of the death or bankruptcy of the holder), demanding payment and stating that if the notice is not complied with the Shares may be sold.

10.3 In order to give effect to a sale the Board may authorise any person to sign a transfer of the Shares to or as directed by the purchaser. The title of the purchaser will not be affected by any irregularity in or invalidity of the sale proceedings.

10.4 The net proceeds of the sale must be applied to discharge the debt secured by the lien. Any residue is to be paid to the person entitled to the Shares at the date of the sale when he surrenders the certificate for the Shares sold to the Company for cancellation.

11. CALLS ON SHARES AND FORFEITURE

11.1 Subject to the terms of allotment, the Board may make calls on the Shareholders for any money unpaid on their Shares (whether in respect of nominal value or premium). Each Shareholder must (subject to receiving at least 14 clear days' notice specifying when and where payment is to be made) pay the Company the amount called as required by the notice. A call may require payment in instalments. A call may be revoked before the Company receives the sum due under it. Payment of a call may also be postponed. A person on whom a call is made will remain liable for the call made even if the Shares on which it was made are later transferred.

11.2 A call is made when the Board resolution authorising the call is passed.

11.3 The joint holders of a Share are jointly and severally liable to pay all calls on it.

11.4 If a call is unpaid after it is due the person from whom it is payable must pay interest on the unpaid amount from when it became due until payment. The rate must be fixed by the terms of allotment of the Share or in the notice of the call. If no rate is fixed the rate is to be the appropriate rate (as defined in the Act). The Board may waive payment of the interest.

11.5 An amount payable on a Share on allotment on a fixed date (for the nominal value or a premium or as an instalment of a call) is to be deemed to be a call. If it is not paid this Article is to apply as if it had become payable because of a call.

- 11.6 Subject to the terms of allotment, the Board may make different arrangements on the issue of Shares for the holders of the amounts and times of payment of calls on their Shares.
- 11.7 If a call remains unpaid after it has become due the Board may give the person by whom it is payable at least 14 clear days' notice requiring payment of the call and any interest due and all expenses that may have been incurred by the Company as a result of the non-payment. The notice must state where payment is to be made and that if it is not complied with the Shares on which the call was made are liable to be forfeited.
- 11.8 If the notice is not complied with then, before the payment it required is made, the Shares on which it was given may be forfeited by a resolution of the Board. The forfeiture is to include all dividends or other money payable on the forfeited Shares which were not paid before the forfeiture.
- 11.9 Subject to the Act, a forfeited Share may be sold, re-allotted or otherwise disposed of as the Board decides. This may be to its holder before the forfeiture or to any other person. At any time before the sale, re-allotment or other disposition, the forfeiture may be cancelled on such terms as the Board decides. Where a forfeited Share is to be transferred to any person the Board may authorise any person to sign the Share transfer to that person.
- 11.10 Where a Shareholder's Shares have been forfeited he will cease to be a Shareholder in respect of them. He must surrender the certificate for the Shares forfeited to the Company for cancellation. He is still liable to the Company for all money which, at the date of forfeiture, was payable to the Company on them plus interest at the interest rate before forfeiture or, if no interest was payable, at the appropriate rate (as defined in the Act) from the date of forfeiture until payment. The Board may waive payment or enforce payment without allowing for the value of the Shares at the time of forfeiture or the consideration received on their disposal.
- 11.11 A statutory declaration by a Director or the Secretary that a Share has been forfeited on a specified date is to be conclusive evidence of the fact stated in it as against all persons claiming to be entitled to the Share. The declaration is (subject to the execution of an instrument of transfer if necessary) to constitute a good title to the Share. The purchaser of the Share is not bound to see to the application of the consideration, if any. His title to the Share is not to be affected by any irregularity in or invalidity of the forfeiture or disposal proceedings.

12. TRANSFER OF SHARES

- 12.1 A transfer may be in any usual form or in any other form the Board approves. It must be signed by or on behalf of the transferor.
- 12.2 The Board may refuse to register a Share transfer without giving any reason.
- 12.3 If the Board refuses to register a Share transfer it must notify the transferee of the refusal within two months after the date the transfer was lodged with the Company.
- 12.4 No fee may be charged for the registration of any transfer or other document relating to or affecting the title to any Share.
- 12.5 The Company may retain a transfer document which is registered, but any transfer which the Board refuses to register must (except in any case of fraud) be returned to the person lodging it when notice of the refusal is given.
- 12.6 The Board may destroy in any manner that the Board approves all instruments of transfer of Shares of the Company which have been registered as long as the following conditions are met:-
- 12.6.1 six years have passed since the date of registration thereof; and
 - 12.6.2 the Board acts in good faith; and
 - 12.6.3 the Board, at the date of destruction, has no notice of any claim to which the instrument of transfer might be relevant.
- 12.7 The Board may destroy in any manner that the Board approves all registered Share Certificates which have been cancelled as long as the following conditions are met:-
- 12.7.1 at least three years have passed since the date of cancellation of the Share Certificate; and
 - 12.7.2 the Board acts in good faith; and

12.7.3 the Board at the date of destruction has no notice of any claim to which the Share Certificate might be relevant.

12.8 It shall be conclusively presumed in favour of the Company that any instrument of transfer destroyed in accordance with Article 12.6 was a valid and effective instrument duly and properly registered and that any Share Certificate destroyed in accordance with Article 12.7 was a valid Certificate duly and properly cancelled.

12.9 Nothing in this Article 12 shall be regarded as imposing any liability upon the Company in respect of any instrument of transfer or Share Certificate in circumstances where the conditions specified in Articles 12.6 or 12.7 (as appropriate) have not been fulfilled.

13. TRANSMISSION OF SHARES

13.1 The survivor of a joint holder who dies and/or the personal representatives of a sole holder are the only persons the Company must recognise as having any title to the Shares. Nothing in these Articles is to release the estate of a deceased Shareholder from any liability in respect of any Share which had been jointly held by him.

13.2 A person entitled to a Share on the death or bankruptcy of a Shareholder may, on producing such evidence as the Board requires either become the holder of the Share or nominate some person to be registered as the transferee. If he elects to become the holder, he must notify the Company in writing. If he elects to have another person registered, he must transfer the Share to that person. The Articles relating to Share transfer are to apply to the notice or transfer as if it were a transfer signed by the Shareholder.

13.3 A person entitled to a Share on the death or bankruptcy of a Shareholder is to have the same rights as the Shareholder had except that the right to attend or vote at General Meetings or at a class meeting of the holders of any class of Shares shall not arise before that person is registered as the holder of the Share.

14. ALTERATION OF SHARE CAPITAL

14.1 The Company may by ordinary resolution:

- 14.1.1 increase its share capital by new Shares of such amount as the resolution prescribes;
- 14.1.2 consolidate and divide its share capital into Shares of a larger amount than its existing Shares;
- 14.1.3 subject to the Act, sub-divide any of its Shares into Shares of smaller amount and create a preference in favour of some of the Shares resulting from the subdivision over the others; and/or
- 14.1.4 cancel unissued Shares which have not been agreed to be taken up and reduce its share capital by the amount of the cancelled Shares.

14.2 Where as a result of a consolidation of Shares any Shareholders would become entitled to a fraction of a Share, the Board may, on behalf of those Shareholders, sell the Shares representing the fraction for the best price reasonably obtainable to any person (including, subject to the Act, the Company) and distribute the net sale proceeds among those Shareholders. The Board may authorise a person to sign the Share transfer to, or as directed by, the purchaser. The purchaser is not required to see to the application of the purchase money. His title to the Shares is not to be affected by an irregularity or invalidity in the sale proceedings.

14.3 Subject to the Act, the Company may by special resolution reduce its share capital, any capital redemption reserve and any share premium account.

15. PURCHASE OF OWN SHARES

Subject to the Act, the Company may purchase its own Shares (including any redeemable Shares) and pay for the redemption or purchase other than out of the Company's distributable profits or the proceeds of a fresh issue of Shares.

16. DIVIDENDS

16.1 Subject to the Act, the Company may by ordinary resolution declare dividends in accordance with the respective rights of the Shareholders. No dividend may exceed the amount recommended by the Board.

- 16.2 Subject to the Act, the Board may pay interim dividends if it appears to it that they are justified by the distributable profits of the Company. If the Share capital is divided into different classes, the Board may pay interim dividends on Shares with deferred or non-preferred dividend rights as well as on Shares which confer preferential dividend rights, but no interim dividend may be paid on Shares with deferred or non-preferred rights if any preferential dividend is in arrear at the time of payment. The Board may also pay any dividend payable at a fixed rate at such intervals as they decide if it appears to them that the distributable profits justify the payment. Provided the Board acts in good faith the Directors are not to be liable to preferred Shareholders for any loss suffered by the lawful payment of an interim dividend on any deferred or non-preferential Shares.
- 16.3 Except where the rights attaching to Shares provide otherwise, all dividends are to be paid according to the amount paid up on the Shares on which they are paid. Where the amount paid up changes over the period for which the dividend is payable, the dividend must be apportioned and paid proportionately to the amount paid up on the Shares during each part of the period for which the dividend is paid. If a Share is issued on terms that it is to rank for dividend as from a particular date that Share is to rank for dividend accordingly.
- 16.4 On the recommendation of the Board the Company when declaring a dividend may direct that it is to be satisfied wholly or partly by the distribution of assets. In administering the distribution the Board may:-
- 16.4.1 issue fractional certificates;
 - 16.4.2 fix the value of any assets;
 - 16.4.3 adjust the rights of Shareholders by paying cash to any Shareholder based on the asset values so fixed;
 - 16.4.4 vest any assets in trustees; and/or
 - 16.4.5 settle any difficulty which arises over the distribution.
- 16.5 Any dividend or money payable on a Share may be paid by cheque posted to the registered address of the person entitled (or as he/she may direct in writing). If two or more persons hold the Share or are jointly entitled to it because of the death or bankruptcy of the holder it may be sent to the person first named in the register. Cheques are to be payable to the person entitled (or as he/she directs in writing). Payment of the cheque is to be a good discharge to the Company. Any joint holder or

other person jointly entitled to a Share may give receipts for any dividend or other money payable on a Share.

16.6 No dividend or other money payable on a Share is to bear interest against the Company unless the rights attached to the Share provide otherwise.

16.7 Any dividend unclaimed twelve years after its payment date may be forfeited by a resolution of the Board.

17. CAPITALISATION OF PROFITS

17.1 The Board may, with the authority of an ordinary resolution of the Company:-

17.1.1 capitalise any profits of the Company not required for paying a preferential dividend (whether or not they are available for distribution) or any sum in the Company's share premium account or capital redemption reserve;

17.1.2 subject to Article 17.2, appropriate the sum resolved to be capitalised to the Shareholders who would have been entitled to it if it were distributed by dividend (in the same proportions) and apply it in paying up any amounts unpaid on any part paid Shares they hold and/or in paying up in full and allotting to them (or as they direct) unissued Shares or debentures in the Company of a nominal amount equal to that sum;

17.1.3 provide for Shares or debentures distributable in fractions by the issue of fractional certificates or by payment in cash; and/or

17.1.4 authorise a person to enter into an agreement with the Company on behalf of all the Shareholders concerned, providing for the allotment to them of any Shares or debentures credited as fully paid to which they are entitled upon such capitalisation. Any agreement made under such authority is to bind all such Shareholders.

17.1.5 The Share premium account, the capital redemption reserve and any profits which are not available for distribution may, for the purposes of this Article, only be applied in paying up unissued Shares to be allotted to Shareholders credited as fully paid.

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PART C. GENERAL MEETINGS

18. ANNUAL GENERAL MEETING

- 18.1 Each year the Company may choose to hold a General Meeting as an Annual General Meeting (AGM) but is not required to do so.
- 18.2 An AGM held by the Company is to be held at such time and place as the Board appoints.
- 18.3 The Board may make whatever arrangement it considers appropriate to enable attendance at an AGM including by telephone, televisual or other electronic or virtual means provided that each person attending the meeting is able to:-
- 18.3.1 communicate to all those attending the meeting the information or opinions they have on the business of the meeting;
 - 18.3.2 exercise their right to vote on a resolution put to the vote at the meeting and their vote can be taken into account in determining the outcome of the resolution at the same time as the votes of those others in attendance at the meeting.
- 18.4 In determining attendance at an AGM it is immaterial whether any two or more Shareholders attending it are in the same place as each other.
- 18.5 The business of an AGM is:-
- 18.5.1 to receive the annual Directors' report;
 - 18.5.2 to consider the accounts and auditor's report;
 - 18.5.3 to appoint the auditor (if necessary); and
 - 18.5.4 to transact any other business specified in the notice convening the AGM.

19. GENERAL MEETINGS

19.1 All General Meetings are to be called by the Board.

19.2 A General Meeting is to be held as such time and place as the Board appoints.

19.3 The Board may make whatever arrangement it considers appropriate to enable attendance at General Meeting including by telephone, televisual or other electronic or virtual means provided that each person attending the meeting is able to:-

19.3.1 communicate to all those attending the meeting the information or opinions they have on the business of the meeting;

19.3.2 exercise their right to vote on a resolution put to the vote at the meeting and their vote can be taken into account in determining the outcome of the resolution at the same time as the votes of those others in attendance at the meeting.

19.4 In determining attendance at a General Meeting it is immaterial whether any two or more Shareholders attending it are in the same place as each other.

19.5 If there are insufficient Directors in the United Kingdom to form a quorum at a Board Meeting to call a General Meeting it may be called in the same way as a Board Meeting.

19.6 On receiving a requisition from the requisite number of Shareholders as specified under Section 303 of the Act the Board must immediately call a General Meeting.

20. NOTICE OF GENERAL MEETINGS

20.1 General Meetings must be called by at least 14 clear days' notice

20.2 A General Meeting may be called by shorter notice if this is agreed by a majority in number of the Shareholders who may attend and vote and who together hold 90% or more in nominal value of the Shares giving that right.

20.3 The notice must specify:-

20.3.1 the time and place of the General Meeting;

20.3.2 the general nature of the business to be transacted; and

20.3.3 If it is anticipated that Shareholders participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

20.4 No business may be transacted at a General Meeting except that specified in the notice convening the meeting.

20.5 Notice of a General Meeting must be given to all of the Shareholders (except any living outside the United Kingdom who have not given an address for service in the United Kingdom), the Directors and the Company's auditors (if any).

20.6 The accidental omission to give notice of a General Meeting to, or the non-receipt of notice of a General Meeting by, any person entitled to receive notice will not invalidate the proceedings at that General Meeting.

21. QUORUM FOR GENERAL MEETINGS

21.1 No business may be transacted at a General Meeting unless a quorum is present.

21.2 A quorum is one Shareholder entitled to vote upon the business to be transacted present in person or represented by a duly authorised representative (appointed pursuant to Article 24.4) but in order for a General Meeting to be quorate a duly authorised representative of the Council must be present if the Council is a Shareholder.

21.3 If a quorum is not present within 30 minutes from the time of the General Meeting or a quorum ceases to be present during a General Meeting it must be adjourned to such time and place as the Board decides.

21.4 Notice of an adjournment of a General Meeting because of a lack of quorum and the time and place of the adjourned General Meeting must be given to all Shareholders under Article 20.3.

21.5 If a quorum is not present within 30 minutes from the time of the adjourned General Meeting it is to be dissolved.

22. CHAIR AT GENERAL MEETINGS

22.1 The Shareholders present and entitled to vote must choose one of their number to chair the General Meeting (hereafter in this Part C referred to as "the Chair").

23. ADJOURNMENT OF GENERAL MEETINGS

23.1 The Chair may, with the consent of a General Meeting at which a quorum is present (and must if so directed by the General Meeting), adjourn it to a time and place agreed by the General Meeting.

23.2 The Chair may also, without the consent of a General Meeting, adjourn it (whether or not it has commenced or is quorate) if it appears to the Chair that:-

23.2.1 the number of persons wishing to attend is greater than could reasonably have been expected and cannot conveniently be accommodated in the meeting room;

23.2.2 unruly conduct is likely to prevent the orderly holding of the meeting;

23.2.3 an adjournment is necessary for the business of the meeting to be conducted properly; or

23.2.4 a proposal of such importance is made that its consideration by a larger number of Shareholders is desirable.

23.2.5 When a meeting is adjourned under Article 23.2, the time and place for the adjourned meeting is either to be fixed by the Chair at the time of the adjournment or in default it is to be fixed by the Board.

23.3 The only business which may be transacted at an adjourned General Meeting is that left unfinished from the General Meeting which was adjourned.

23.4 It is not necessary to give notice of a General Meeting which is adjourned under Article 23.1 or Article 23.2 unless it is adjourned for 14 days or more in which case 7 clear days' notice must be given.

23.5 Resolutions passed at an adjourned General Meeting are to be treated as having been passed on the date on which they were actually passed.

24. VOTING AT GENERAL MEETINGS

24.1 Resolutions are to be decided by a simple majority (or in the case of a special resolution by a majority of not less than 75%) of the holders of the Shares on a show of hands unless a ballot is properly demanded.

24.2 Every Shareholder present has one vote on a show of hands.

24.3 Directors who are not Shareholders may speak but not vote at General Meetings.

24.4 A Shareholder which is an organisation may, by resolution of its governing body (which shall in the case of the Council mean the Executive) or a committee or an officer of the organisation acting under powers delegated by its governing body, authorise such person as it thinks fit to act as its representative at General Meetings.

24.5 A person authorised under Article 24.4 may exercise the same powers on behalf of the organisation as the organisation could exercise if it were an individual Shareholder.

24.6 An objection to the qualification of any voter may only be raised at the General Meeting at which the vote objected to is tendered. Every vote not disallowed at the General Meeting is valid. An objection made in time must be referred to the Chair whose decision is final.

24.7 A declaration by the Chair that a resolution has been carried (or not carried) unanimously, or by a particular majority, which is entered into the minutes of the meeting is conclusive evidence of the fact unless a ballot is demanded.

25. BALLOTS

25.1 A ballot may be demanded at any time during the General Meeting by the Chair or any Shareholder.

25.2 The demand for a ballot may be withdrawn before the ballot is taken. If the demand for a ballot is withdrawn the result of the show of hands will stand.

25.3 The demand for a ballot will not prevent the General Meeting continuing to transact business other than the question on which the ballot is demanded.

25.4 A ballot is to be taken as the Chair directs. The Chair may appoint scrutineers (who need not be Shareholders) and set a time and place to declare the result. The result will be the resolution of the General Meeting at which the ballot was demanded but will be treated as passed when the result is declared.

25.5 A ballot on the election of a chair or an adjournment must be taken immediately. A ballot on any other question may be taken either immediately or at such time and place as the Chair directs.

25.6 At least 7 clear days' notice must be given of the time and place at which the ballot is to be taken unless the time and place are announced at the General Meeting at which it is demanded.

26. SHAREHOLDERS' WRITTEN RESOLUTIONS

- 26.1 Subject to the Act, a written resolution signed by a simple majority (or in the case of a special resolution by a majority of not less than 75%) of the holders of the Shares entitled to attend and vote at a General Meeting is as valid as if it had been passed at a General Meeting.
- 26.2 A resolution under Article 26.1 may consist of several documents in similar form each signed by one or more Shareholders.
- 26.3 A resolution under Article 26.1 may be signed for a corporate body or an organisation which is a Shareholder by its authorised representative, a Member of its governing body or secretary, its solicitor or by an attorney.

27. AMENDING RESOLUTIONS AT A GENERAL MEETING

- 27.1 An ordinary resolution to be proposed at a General Meeting may be amended by ordinary resolution if:
- 27.1.1 Notice of the proposed amendment is given to the Company in writing by a person entitled to vote at the General Meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the Chair may determine); and
 - 27.1.2 The proposed amendment does not, in the reasonable opinion of the Chair, materially alter the scope of the resolution.
- 27.2 A special resolution to be proposed at a General Meeting may be amended by ordinary resolution, if:
- 27.2.1 The Chair proposes the amendment at the General Meeting at which the resolution is to be proposed; and
 - 27.2.2 The amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.

- 27.3 If the Chair, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the Chair's error does not invalidate the vote on that resolution.

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PART D. DIRECTORS

28. APPOINTMENT AND RETIREMENT OF DIRECTORS

28.1 Unless the Shareholders decide otherwise by ordinary resolution the number of Directors shall not be less than [three].

Commented [MM1]: TBC.

28.2 The appointment and dismissal of the Directors shall be approved by the Shareholder.

28.3 The appointment or dismissal of a Director takes effect at the point at which the Shareholder resolution appointing or dismissing him is passed.

28.4 No Director may be appointed except as set out in these Articles.

28.5 Subject to sections 168 and 169 of the Act, the Shareholders may remove any or all of the Directors at any time (with or without reason) by ordinary resolution.

28.6 The Shareholder [may appoint or shall approve the appointment] of a person as a Director either in substitution for a Director it has removed or to fill a casual vacancy.

Commented [MM2]: TBC.

28.7 A Director will cease to hold office if he:-

28.7.1 dies;

28.7.2 ceases to be a Director under the Act or is prohibited by law from being a Director;

28.7.3 resigns by written notice to the Company delivered to the Registered Office;

28.7.4 is removed by ordinary resolution of the Shareholders;

28.7.5 he becomes bankrupt or makes any arrangement or composition with his creditors generally;

28.7.6 a registered medical practitioner who is treating that person gives a written opinion to the Company stating that that person has become physically or

mentally incapable of acting as a Director and may remain so for more than three months;

28.7.7 ceases to be a Councillor or Officer of the Council (only where that person was Councillor or Officer on appointment as a Director); or

28.7.8 is appointed by the Shareholders for a specific period of office as a Director (**Term**) and that Term ends without the Director having been appointed to any further Term.

29. ALTERNATE DIRECTORS

29.1 Any Director (the "Appointer") may appoint as an alternate ("Alternate Director") any other Director, or any other person from a list of persons approved by resolution of the Shareholders to:

29.1.1 exercise that Director's powers; and

29.1.2 carry out that Director's responsibilities;

in relation to the taking of decisions by the Board or any Committee in the absence of the relevant Appointer.

29.2 Any appointment or removal of an Alternate Director must be effected by notice in writing to the Company signed by the Appointer or in any other manner approved by the Board.

29.3 The notice must:

29.3.1 identify the proposed Alternate Director; and

29.3.2 in the case of a notice of appointment of an Alternate Director contain a statement signed by the proposed Alternate Director that he is willing to act as the alternate of the Director giving the notice.

29.4 An Alternate Director's appointment terminates on the earlier of either of the following:

- 29.4.1 the date specified in a notice from the Appointer to the Company revoking the appointment of the Alternate Director; or
- 29.4.2 the date the Appointer ceases to be a Director in accordance with Article 28.7.

30. RIGHTS AND RESPONSIBILITIES OF ALTERNATE DIRECTORS

- 30.1 An Alternate Director may act as an Alternate Director to more than one Director and has the same rights in relation to any decision of the Board as the relevant Appointer.
- 30.2 Except as the Articles specify otherwise, Alternate Directors:
 - 30.2.1 are deemed for all purposes to be Directors when acting as an Alternate Director;
 - 30.2.2 are liable for their own acts and omissions;
 - 30.2.3 are subject to the same restrictions as their Appointer;
 - 30.2.4 are not deemed to be agents of or for their Appointer; and
 - 30.2.5 in particular and without limitation, each Alternate Director shall be entitled to receive notice of all meetings of the Board and all Committees of which his Appointer is a member.
- 30.3 An Alternate Director who is not in their own right a Director:
 - 30.3.1 may be included for the purposes of determining whether a quorum is present for any Board Meeting or a Committee provided that his Appointer is eligible to be included in the quorum and is not participating;
 - 30.3.2 may participate in a decision of the Board or any Committee provided that his Appointer is eligible to participate in the decision of the Board or Committee but is not participating; and
 - 30.3.3 shall be counted as more than one Director for the purposes of Article 30.3.1 where he is appointed by two different Appointers.

30.4 An Alternate Director who is a Director in his own right is entitled in the absence of his Appointer:

30.4.1 to be counted twice for the purposes of quorum in his own right as a Director and as an Alternate Director for his Appointer provided that both he and his Appointer are eligible for quorum; and

30.4.2 to have a separate vote on behalf of his Appointer, in addition to his own vote on any decision of the Board or a Committee provided that he and his Appointer are both eligible to take part in the decision. Where only the Appointer is eligible to take part then the Alternate Director will only have one vote.

30.4.3 an Alternate Director may be paid expenses and may be indemnified by the Company to the same extent as his Appointer but shall not be entitled to receive any fee from the Company for serving as an Alternate Director except such part of the Appointer's fee (to the extent the Appointer receives any fee in accordance with Article 31) as the Appointer may direct by notice in writing to the Company. An Alternate Director may only receive part of the Appointer's fee or expenses in accordance with this Article where this would be permitted by Article 31 if references to a Director in that Article were read as an Alternate Director.

31. DIRECTORS' FEES AND EXPENSES

31.1 A Director who is not a Councillor or an Officer may be paid such fees as the Shareholder may from time to time determine by ordinary resolution.

31.2 A Director who is a Councillor or Officer shall not be entitled to any remuneration from the Company in their capacity as Directors.

31.3 Directors who are not Councillors or Officers are entitled to be paid all reasonable expenses properly incurred by them in attending Board Meetings and General Meetings and in carrying out their duties as Directors.

31.4 Directors who are Officers may claim expenses in line with their contracts of employment with the Council. Directors who are Councillors may claim expenses as are permitted by the Local Authorities (Companies) Order 1995.

31.5 Where any Director is a Councillor, or an elected member or directly elected mayor of any other local authority that is a Shareholder then such a Director may only be paid such fees and/or expenses as are permitted by the Local Authorities (Companies) Order 1995.

31.6 The payment of expenses to Directors who are not Councillors or Officers is subject to the production of satisfactory receipts.

32. DIRECTORS' INTERESTS

32.1 A Director who has a direct or indirect interest in any contract, proposed contract, arrangement or dealing with the Company must declare his interest under sections 177 or 182 of the Act (as appropriate) before the matter is discussed by the Board.

32.2 Every Director must ensure that at all times a list is kept at the Registered Office including details of:-

32.2.1 any other body of which he is a director or officer;

32.2.2 any firm of which he is a partner;

32.2.3 any firm or organisation of which he is an employee;

32.2.4 any public body of which he is an official or elected Shareholder;

32.2.5 any company whose shares are publicly quoted in which he owns or controls more than 2% of the shares;

32.2.6 any company whose shares are not publicly quoted in which he owns or controls more than 10% of the shares;

32.2.7 any property owned by the Company or the Parent in which he has an interest or which he occupies; or

32.2.8 any other interest which is significant or material including any direct or indirect financial interest which may influence his judgement on matters being considered or to be considered by the Board.

32.3 A decision of the Board will not be invalid because of the subsequent discovery of an interest which should have been declared.

32.4 Every Director must ensure that at all times he declares to either the Secretary in writing or to a Board Meeting if a person with whom he is "connected" for the purposes of Section 252 of the Act:-

- 32.4.1 is likely to receive a payment or benefit from the Company;
- 32.4.2 is a director, officer or employee of a company, body or organisation which is likely to receive a payment or benefit from the Company;
- 32.4.3 is a partner of a firm which is likely to receive a payment or benefit from the Company;
- 32.4.4 is an official or elected shareholder of a public body which may make or receive a payment or benefit to or from the Company;
- 32.4.5 is the owner or controller of more than 2% of the shares of a company whose shares are publicly quoted and which may make or receive payment or benefit to or from the Company;
- 32.4.6 is the owner or controller of more than 10% of the shares of any company whose shares are not publicly quoted, which may make or receive a payment or benefit to or from the Company; or
- 32.4.7 is a tenant or occupier of any property owned by the Company or is seeking accommodation from the Company.

32.5 A general notice to the Board that a Director has an interest, of the nature and extent specified in the notice, in any transaction or arrangement in which a specified person or class of persons is interested, is to be treated as a disclosure that the Director has an interest in any such transaction of the nature and extent specified.

32.6 For the purposes of this Article 32 an interest of which a Director has no knowledge and of which it is unreasonable to expect him/her to have knowledge is not to be treated as an interest of that Director.

32.7 Personal Interests

- 32.7.1 A Director has a personal interest in a matter which is to be discussed or determined by the Board if he or a member of the Director's family as defined in section 253 of the Act will be directly affected by the decision of the Board in relation to that matter.

32.7.2 A Director who has a personal interest in a matter which is to be discussed or determined by the Board:

- (a) may not count towards the quorum in relation to that matter;
- (b) may not take part in the discussion in relation to that matter;
- (c) may not vote in relation to that matter; and
- (d) must leave the Board Meeting at which the matter is discussed and determined.

32.8 Despite having a personal interest in the outcome, a Director may count towards the quorum, take part in the discussion and vote on a resolution of the Board (other than a resolution to make a payment or grant a benefit to the Director personally which is not at the same time being granted to the other Directors):

32.8.1 to take out Directors and officers indemnity insurance;

32.8.2 to give an indemnity or to establish a policy for the Company to give indemnities to the Directors generally under Article 41; or

32.8.3 to set a policy for the payment of Directors' fees and expenses under Article 31.

32.9 In the event that there are not sufficient Directors to hold a quorate Board Meeting because one or more Directors have a personal interest in a relevant matter and are not permitted to form part of the quorum, then those Directors with a personal interest may form part of the quorum for the purposes of agreeing to circulate an ordinary resolution to the Shareholders detailing the extent of the conflict arising from the personal interest and requesting the Shareholders to authorise the Director's conflict arising from their personal interest.

32.10 In the event that a resolution is passed by the Shareholders in accordance with Article 32.9, the Director(s) with such an authorised personal interest may then count as part of the quorum and for voting purposes in relation to the relevant matter.

32.11 Non-Personal Interests

32.11.1 A Director who has an interest in a matter which is to be discussed or determined by the Board but which is not a personal interest may, subject to his fulfilling his duty to act in the best interests of the Company and to the right of the remaining Directors to require that he should withdraw from the Board Meeting at which the matter is to be discussed or determined:

- (a) count towards the quorum in relation to that matter;
- (b) take part in the discussion in relation to that matter;
- (c) remain in the Board Meeting at which the matter is to be discussed or determined; and
- (d) vote in relation to that matter.

32.11.2 A Director is not to be regarded for the purposes of this Article 32 as having a non-personal interest in any matter if his interest in that matter arises solely because:

- (a) he is a Director or an officer of any body the accounts of which are consolidated with the Company's accounts;
- (b) he is a Councillor or Council Officer, or an elected member, or directly elected mayor of any other local authority that is a Shareholder;
- (c) he is a director or officer of any subsidiary of the Company; and/or he is a director or officer of the Company's holding company or another person that wholly owns the Company;
- (d) but he must nonetheless disclose his interest in accordance with Article 32.1.

32.12A Director may disclose the business of the Company to the Council where the Council is a Shareholder.

PART E. THE BOARD

33. POWERS OF THE BOARD

- 33.1 Subject to the Act, the Articles, the Business Plan and any Relevant Agreement, the business of the Company is to be managed by the Board who may exercise all the powers of the Company.
- 33.2 Alterations of the Articles do not invalidate earlier acts of the Board which would have been valid without the alteration.
- 33.3 The Shareholder may, by special resolution, direct the Board and/or any Director to take, or refrain from taking, specified action.
- 33.4 No special resolution under Article 33.3 shall invalidate anything which the Board and/or any Director may have done before the resolution is passed.
- 33.5 Decisions on matters specified in a Relevant Agreement or otherwise and designated as "Shareholder Reserved Matters" shall be reserved to the Shareholders of the Company from time to time for their prior approval.

34. BOARD MEETINGS

- 34.1 Board Meetings shall be held at least quarterly and subject to the Articles and any Relevant Agreement, the Board may regulate Board Meetings as it wishes.
- 34.2 The Board may make whatever arrangements it considers appropriate to enable attendance at a Board Meeting including by telephone, televisual or other electronic or virtual means provided that each person attending the meeting is able to:-
- 34.2.1 communicate to all those attending the meeting the information or opinions they have on the business of the meeting;

34.2.2 exercise their right to vote on a resolution put to the vote at the meeting and their vote can be taken into account on determining the outcome of the resolution at the same time as the votes of those others in attendance at the meeting.

34.3 In determining attendance at a Board Meeting it is immaterial whether any two or more Directors attending it are in the same place as each other.

34.4 Board Meetings are to be called by any Director or the Secretary (if any).

34.5 Seven clear days' notice of Board Meetings must be given to each of the Directors but it is not necessary to give notice of a Board Meeting to a Director who is out of the United Kingdom.

34.6 Notice of any Directors' meetings must indicate:

34.6.1 Its proposed date and time;

34.6.2 Where it is to take place; and

34.6.3 If it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

34.7 A Board Meeting which is called on shorter notice than required under Article 34.5 is deemed to have been duly called if at least two Directors certify in writing that because of special circumstance it ought to be carried as a matter of urgency.

34.8 Questions arising at a Board Meeting are to be decided by a simple majority of votes and each Director is to have one vote. Where a Director is also an Alternate Director then he has an additional vote on behalf of each Appointer who is:

34.8.1 Not participating in the Board Meeting; and

34.8.2 Would have been entitled to vote if they were participating in it.

34.9 If there is an equality of votes the Board the Chair shall have a casting vote save where the Chair is not to be counted in the decision making for quorum or voting purposes.

34.10A technical defect in the appointment of a Director or in the delegation of powers to a Committee of which the Board is unaware at the time does not invalidate decisions taken in good faith.

35. QUORUM FOR BOARD MEETINGS

35.1 Subject to Article 35.3, the quorum for Board Meetings is [] Directors.

Commented [MM3]: TBC once number of directors is confirmed at Article 28.1.

35.2 A Director may be part of the quorum of a Board Meeting if he can hear comment and vote on the proceedings through telephone, video conferencing or other communications equipment.

35.3 The Board may act despite vacancies in its number but if the number of Directors is less than [three] the Board may act only to procure the appointment of Directors for the approval of the Shareholder by ordinary resolution of the Shareholder under Article 28.2.

Commented [MM4]: As above.

35.4 At an inquorate Board Meeting or one which becomes inquorate for more than 20 minutes the Directors present may act only to call a General Meeting.

36. CHAIR

36.1 The Company must have a Chair. The Chair (and any deputy who serves in his/her place) shall be appointed by the Shareholder.

36.2 The Chair is to hold office for [three] years or such other period as the Board shall from time to time determine.

Commented [MM5]: TBC

36.3 The Chair may resign from his position at any time (without necessarily resigning as a Director at the same time).

36.4 Where there is no Chair the first item of business of a Board Meeting must be to elect one.

36.5 The Chair may be removed from the office of Chair (but not as a Director) only by the Shareholder. The Chair must be given an opportunity to say why he should not be removed.

36.6 The Chair is to chair all Board Meetings at which he is present unless he does not wish to do so.

36.7 If the Chair is not present within 10 minutes after the starting time of a Board Meeting another Director must chair that Board Meeting during the Chair's absence.

36.8 If the Chair is absent or does not wish to chair the Board Meeting then the Board must elect one of the other Directors who is present to chair the Board Meeting during the Chair's absence.

37. DELEGATION

37.1 Subject to any Relevant Agreement the Board may:

- 37.1.1 establish Committees consisting of those persons the Board decides;
- 37.1.2 delegate to a Committee any of its powers as they think fit;
- 37.1.3 create rules of procedure for all or any Committees which prevail over rules of procedure derived from the Articles if they are not consistent with them;
- 37.1.4 determine the quorum for Committee meetings; and
- 37.1.5 revoke (in whole or in part) or alter a delegation at any time.

37.2 The members of a Committee are to be appointed by the Board to hold office for whatever period the Board decides and may be removed or replaced by the Board at any time.

37.3 The Board may specify the financial limits within which any Committee must function.

37.4 The Board may authorise a Committee to operate any bank account. The Board must decide upon the way in which that account must be operated.

37.5 The Board may also delegate to any Directors or any other person such of their powers as they consider desirable to be exercised by him. The Board may revoke (in whole or in part) or alter such a delegation at any time.

38. ATTENDANCE OF OBSERVERS AT BOARD MEETINGS

38.1 On reasonable notice and at the reasonable request of the Shareholder the Board shall allow one or more representatives of the Shareholder and / or other persons nominated by the Shareholder to attend as Observers at meetings of the Board of the Company or at Committees of the Board.

38.2 With the permission of the Chair of the meeting Observers may speak at the meeting but shall not be entitled to vote.

39. DIRECTORS' WRITTEN RESOLUTIONS

39.1 A written resolution signed by all of the Directors entitled to receive notice of a Board Meeting (provided they would constitute a quorum at a Board Meeting) is as valid as if it had been passed at a Board Meeting.

39.2 A written resolution signed by all of the members of a Committee (provided they would constitute a quorum of that Committee) is as valid as if it had been passed at a meeting of that Committee.

39.3 A resolution under Articles 39.1 or 39.2 may consist of several documents in similar form each signed by one or more of the Directors or Committee members and will be treated as passed on the date of the last signature.

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PART F. OFFICERS

40. THE SECRETARY

40.1 The Board may decide whether to appoint a Secretary and for what term.

40.2 Where appointed a Secretary may be removed by the Board at any time.

40.3 No Director may occupy a salaried position of Secretary.

40.4 Where any Secretary appointed is an Officer then he shall not be paid any fee by the Company.

40.5 Where any Secretary appointed in an Officer then his expenses shall notified to and reimbursed by the Shareholder and recharged to the Company.

41. INDEMNITIES AND INSURANCE FOR OFFICERS AND EMPLOYEES

41.1 No officer or employee of the Company is to be liable for losses suffered by the Company except those due to his own dishonesty or gross negligence.

41.2 Subject to Article 41.3, but without prejudice to any indemnity to which a relevant officer is otherwise entitled:

41.2.1 each relevant officer may be indemnified out of the Company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer:

- (a) in the actual or purported execution and/or discharge of his duties, or in relation to them; and
- (b) in relation to the Company's (or any associated company's) activities as trustee of an occupational pension scheme (as defined in section 235(6) of the Act),

41.2.2 including (in each case) any liability incurred by him in defending any civil or criminal proceedings, in which judgment is given in his favour or in which he is acquitted or the proceedings are otherwise disposed of without any finding or admission of any material breach of duty on his part or in connection with any application in which the court grants him, in his capacity as a relevant officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the Company's (or any associated company's) affairs; and

41.2.3 the Company may provide any relevant officer with funds to meet expenditure incurred or to be incurred by him in connection with any proceedings or application referred to in Article 41.2.1 and otherwise may take any action to enable any such relevant officer to avoid incurring such expenditure.

41.3 This Article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Act or by any other provision of law.

41.4 The Board may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant officer in respect of any relevant loss.

41.5 In this Article:

41.5.1 companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate;

41.5.2 a "relevant officer" means any Director or other officer or former Director or other officer of the Company or an associated company (including any company which is a trustee of an occupational pension scheme (as defined by section 235(6) of the Act), but excluding in each case any person engaged by the Company (or associated company) as auditor (whether or not he is also a director or other officer), to the extent he acts in his capacity as auditor); and

41.5.3 a "relevant loss" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the Company, any associated company or any pension fund or employees' share scheme of the Company or associated company.

PART G. STATUTORY AND MISCELLANEOUS

42. MINUTES

- 42.1 The Board must arrange for minutes to be kept of all Board and General Meetings. The names of the Directors present must be included in the minutes.
- 42.2 Copies of the draft minutes of Board Meetings must be distributed to the Directors as soon as reasonably possible after the meeting.
- 42.3 Minutes must be approved as a correct record at the next General Meeting (as regards minutes of General Meetings) or Board Meeting (as regards minutes of Board Meetings). Once approved they must be signed by the person chairing the meeting at which they are approved.
- 42.4 The Board must keep minutes of all of the appointments made by the Board.

43. ACCOUNTS ANNUAL REPORT AND ANNUAL RETURN

- 43.1 The Company must comply with Part 15 of the Act in:-
 - 43.1.1 preparing and filing an annual Directors' report and annual accounts; and
 - 43.1.2 making an annual return to the Registrar of Companies.
- 43.2 The Company must comply with Part 16 of the Act in relation to the audit or examination of accounts to the extent that the law requires.
- 43.3 The annual Directors report and accounts must contain:-
 - 43.3.1 the revenue accounts and balance sheet for the last accounting period;
 - 43.3.2 the auditor's report on those accounts (if applicable); and

43.3.3 the Board's report on the affairs of the Company.

43.4 The accounting records of the Company must always be open to inspection by a Director.

44. BANK AND BUILDING SOCIETY ACCOUNTS

44.1 All bank and building society accounts must be controlled by the Directors and must include the name of the Company.

44.2 Cheques and orders for the payment of money must be signed in accordance with the Board's instructions.

45. EXECUTION OF DOCUMENTS

45.1 If the Company has a seal it may only be used with the authority of the Board (which may be given generally for documents of a particular type).

45.2 Unless the Board decides otherwise, documents to which the seal is attached or which are executed as deeds must be signed by:

45.2.1 two Directors; or

45.2.2 one Director and the Secretary (where appointed); or

45.2.3 one Director in the presence of a witness who attests the Director's signature.

46. NOTICES

46.1 Notices under the Articles must be in writing which shall include email.

46.2 A Shareholder present in person at a General Meeting is deemed to have received notice of the General Meeting and (where necessary) of the purposes for which it was called.

46.3 The Company may give a notice to a Shareholder, Director or auditor:

- 46.3.1 personally;
- 46.3.2 by sending it by post in a prepaid envelope;
- 46.3.3 by sending it by a commercial courier;
- 46.3.4 by email to such email addresses as may be notified by the Shareholder or Director to the Company for the purpose
- 46.3.5 by leaving it at his address; or
- 46.3.6 as the Board prescribes from time to time.

46.4 Notices under Article 46.3.2 and 46.3.3 may be sent:

- 46.4.1 to an address in the United Kingdom which that person has given the Company;
- 46.4.2 to the last known home or business address of the person to be served; or
- 46.4.3 to that person's address in the Company's register of Shareholders.

46.5 Any notice given in accordance with the Articles is to be treated for all purposes as having been received:

- 46.5.1 on being handed to a Shareholder or Director personally;
- 46.5.2 48 hours after being sent by first class post to that address;
- 46.5.3 If delivered by a commercial courier, at the time of signature of the courier's delivery receipt;
- 46.5.4 if sent by email, on the day of transmission if sent before 16.00 on a Business Day otherwise at 10.00 on the next Business Day thereafter provided that the sender has a transmission report showing a successful transmission to the correct email address (delivery receipt);
- 46.5.5 as soon as the Shareholder or Director acknowledges actual receipt.

46.6 A notice may be served on the Company by delivering it or sending it to the Registered Office or by handing it to the Secretary (where appointed).

46.7 The Board may make standing orders to define other acceptable methods of delivering notices.

46.8 To prove delivery, it is sufficient to prove in the case of post, that the envelope containing the notice was properly addressed and posted; in the case of delivery by a commercial courier, that the courier's delivery receipt is signed and in the case of email, a transmission report shows a successful transmission to the correct email address (delivery receipt).

47. STANDING ORDERS

47.1 Subject to Article 47.4

47.1.1 the Board may from time to time adopt, alter, add to or repeal make standing orders for the proper conduct and management of the Company; and

47.1.2 the Company in General Meeting may alter, add to or repeal the standing orders.

47.2 The Board must use such means as they think sufficient to bring the standing orders to the notice of Shareholders.

47.3 Standing orders are binding on all Shareholders and Directors.

47.4 No standing order may be inconsistent with or may affect or repeal anything in the Articles or a Relevant Agreement.

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

July 2021

The Forward Plan containing Key Decisions is published 28 days prior to each Cabinet meeting

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)
Draft MDDC Litter Strategy To receive the MDDC Litter Strategy	Scrutiny Committee	21 Jun 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
	Environment Policy Development Group	13 Jul 2021			
	Cabinet	3 Aug 2021			
Tiverton Town Centre CCTV Options for future use To consider the options for the town centre CCTV	Cabinet	6 Jul 2021	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Outturn report 2020/21 To receive the outturn for the financial year 2020/21	Cabinet	6 Jul 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)
Annual Treasury Management Report To consider the annual report	Cabinet	6 Jul 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
3 Rivers Developments Limited Annual Accounts and Programme Update To consider a report presenting 3 Rivers Developments Limited company accounts.	Cabinet	6 Jul 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242		Part exempt
Free Conservation and Maintenance Policy 5 yearly review	Environment Policy Development Group Cabinet	13 Jul 2021 3 Aug 2021	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Devon and Torbay Waste Strategy Management Plan To receive a report which outlines the new draft Resource and Waste Management Strategy for Devon and Torbay following public consultation.	Environment Policy Development Group Cabinet	13 Jul 2021 3 Aug 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	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)
Contracted Out Enforcement Duties Group to receive a report from the Group Manager for Street Scene and Open Spaces on the options to engage an external contractor for additional littering and dog fouling enforcement duties in the district.	Environment Policy Development Group Cabinet	13 Jul 2021 3 Aug 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Public Spaces Protection Order To receive the Public Spaces Protection Order after public consultation and recommend adoption to Cabinet.	Environment Policy Development Group Cabinet	13 Jul 2021 3 Aug 2021	Vicky Lowman, Environment and Enforcement Manager	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Tree Policy To receive the 5 yearly review of the Tree Policy	Environment Policy Development Group Cabinet	13 Jul 2021 3 Aug 2021	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Information with regard to the possible creation of a Teckal compliant company To consider advice	Homes Policy Development Group	20 Jul 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Cabinet Member for Housing and Property Services (Councillor Bob	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)
surrounding the possibility of creating a new Teckal-compliant company entity.	Cabinet	3 Aug 2021		Evans)	
Fees and Charges - Private Sector Housing To consider fees and charges.	Homes Policy Development Group Cabinet	20 Jul 2021 3 Aug 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Aids and Adaptations Policy To consider a revised policy	Homes Policy Development Group Cabinet	20 Jul 2021 3 Aug 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Housing Strategy (first draft) with formal consultation plan To consider the draft strategy.	Homes Policy Development Group Cabinet	20 Jul 2021 3 Aug 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Town and Parish Charter To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group	27 Jul 2021	Jill May, Director of Business Improvement and Operations Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	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)
	Cabinet	3 Aug 2021			
Playing Pitch Strategy To consider the Playing Pitch Strategy for consultation.	Cabinet	3 Aug 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Cullompton Higher Bullring Public Realm Enhancement Project - Landscape Designer Tender Recommendation The Cullompton Higher Bullring Public Realm Enhancement project, delivered in partnership with Devon County Council, seeks to enhance the heritage setting of the Higher Bullring public realm while providing a flexible, extended community space for community events and cultural activities. Landscape design consultants are to be appointed to take forward the public realm design in consultation with the	Cabinet	3 Aug 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	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)
community.					
Housing Strategy (final version for approval) To consider the Housing Strategy.	Homes Policy Development Group Cabinet	14 Sep 2021 28 Sep 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Customer Care Policy To receive the 3 yearly review of the Customer Care Policy	Community Policy Development Group Cabinet	21 Sep 2021 28 Sep 2021	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Strategic Grants and Service Level Agreement To receive a report from the Group Manager for Growth, Economy and Delivery on the Strategic Grants and Service Level Agreement Programme 2022-2023	Community Policy Development Group Cabinet	21 Sep 2021 30 Sep 2021	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Council Tax Reduction Scheme & Exceptional Hardship Policy To receive the Council Tax	Community Policy Development Group	16 Nov 2021	Dean Emery, Corporate Manager for Revenues, Benefits and	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)
Reduction Scheme and the updated Exceptional Hardship Policy.	Cabinet	30 Nov 2021	Recovery		
Leisure Pricing Policy To receive a report from the Leisure Manager on the fees and charges delegated decision to the Cabinet Member for Community Well-Being	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Lee Chester, Leisure Manager	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

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