

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 25 August 2021 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Wednesday, 27 October 2021 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

17 August 2021

PLEASE NOTE: 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/98305537231?pwd=dnBXNVFzRHRUeGRWVTFOZlkyWCtUdz09>

Meeting ID: 983 0553 7231

Passcode: 969072

One tap mobile

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Meeting ID: 983 0553 7231

Passcode: 969072

AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **Protocol for Hybrid Meetings** (*Pages 7 - 14*)

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 the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

5 **Minutes** (*Pages 15 - 26*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 1 July 2021.

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

6 **Chairman's Announcements**

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

7 **Petitions**

To receive any petitions from members of the public.

8 **Notices of Motions**

1) MOTION 569 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The following motion had been referred to the Standards Committee for consideration and report:

That this Council resolves to ask the Standards Committee to review Rule 14.4 (Automatic Reference to Committee) and to recommend whether this Council should either:

- a) completely remove rule 14.4 or
- b) amend the rule to re-enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion (and for any further discussion to take place on that Motion that the Chairman may see fit), before that Motion shall stand referred to a Committee or
- c) make no changes

The Standards Committee at its meeting on 7 July considered the

Motion and following discussion it was:

RECOMMENDED to Council that option (b) be supported in part to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion, before that Motion shall stand referred to a Committee and that Procedure Rule 14.4 be reworded as follows:

If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet, Committee or Policy Development Group, it shall, upon being formally moved and seconded (with those moving and seconding the motion being invited to speak at this point) stand referred to the Cabinet, Committee or Policy Development Group as the Chairman may determine for consideration and report unless an alternative proposition is put forward and is accepted; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

(2) MOTION 570 (COUNCILLOR A WILCE - 8 FEBRUARY 2021)

This motion was been passed from Council to the Standards Committee for consideration and report:

That, to improve local planning consultation processes and to regularise current Planning Committee practises, this Council resolves to amend Rule 27.5 as follows:

After (Appendix J to the Constitution), is inserted: in addition, the Chair will also permit the following to speak for no more than 3 minutes, without prior notice being required:

1 Adjacent Ward Members

2 Any Member having previously submitted a comment to that application that permission to speak being limited solely to the raising of material planning considerations relating directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

So as to read:

27.5 Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the

Constitution); *in addition, the Chairman will also permit the following to speak for no more than 3 minutes, without prior notice being required:*

1 Adjacent Ward members

2 Any Member having previously submitted a comment to that Application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

The Standards Committee at its meeting on 7 July considered the Motion and following discussion it was:

RECOMMENDED to Council that Motion 570 not be supported.

9 **Reports** (Pages 27 - 156)

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

1 Cabinet

- 6 July 2021
- 3 August 2021

2) Scrutiny Committee

- 19 July 2021
- 16 August 2021 (to follow)

(3) Audit Committee

- 27 July 2021

(4) Environment Policy Development Group

- 13 July 2021

(5) Homes Policy Development Group

- 20 July 2021

(6) Economy Policy Development Group

- 15 July 2021

(7) Community Policy Development Group

- 27 July 2021

- (8) Planning Committee
 - 14 July 2021
 - 28 July 2021
 - 11 August 2021
 - 18 August 2021 (to follow)
- (9) Standards Committee
 - 7 July 2021
- (10) Licensing Committee
 - 6 August 2021
- (11) Regulatory Committee
 - 6 August 2021

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

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

11 **Special Urgency Decisions**

Decisions taken under Rule 16 (of the Constitution) Special Urgency – no decisions of this kind have been made since the last meeting.

12 **Community Governance Review (Parish Boundary Review)** *(Pages 157 - 160)*

To consider a report of the Returning Officer providing Council with an opportunity to review the proposed Community Governance Review (CGR) of parish boundaries in Mid Devon.

13 **Outside Body Appointment**

To seek nominations and appoint (as requested by Churches Housing Action Team) one member of the Council to the management board of CHAT

14 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

15 **Members Business**

To receive any statements made and notice of future questions by

Members.

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

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. Therefore 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.

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

E-Mail: sgabriel@middevon.gov.uk

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 **COUNCIL** held on 1 July 2021 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
G Barnell, J Bartlett, E J Berry, W Burke,
J Cairney, R J Chesterton, S J Clist,
Mrs C Collis, Mrs F J Colthorpe, D R Coren,
L J Cruwys, N V Davey, Mrs C P Daw,
R M Deed, R J Dolley (Vice Chairman),
J M Downes, R Evans, Mrs S Griggs,
P J Heal, B Holdman, D J Knowles,
F W Letch, B A Moore, Miss J Norton,
S Pugh, D F Pugsley, C R Slade,
Mrs M E Squires, R L Stanley, L D Taylor,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies

Councillors

Mrs E M Andrews, C J Eginton, S J Penny,
Mrs E J Slade and Ms E J Wainwright

12 Ceremonial Procedures

The Chairman of the Council presented the past Chairman, Councillor L J Cruwys with his past Chairman's badge.

The Chairman received his chains of office from the past Chairman and presented the Vice Chairman's badge to Councillor R J Dolley.

13 Apologies

Apologies were received from Councillors: Mrs E M Andrews, C J Eginton, S Penny, Mrs E J Slade and Miss E Wainwright.

14 Public Question Time

Caroline Romijn referring to Motion 573 stated:

On behalf of "Sustainable Crediton" I welcome the Motion proposing that the Council should support the Climate & Ecological Emergency Bill, and hope that this can be agreed speedily and without weeks or months of consideration and delay. It's a critically important bill, if we are to make progress in tackling the climate crisis.

I understand that you plan to refer this motion to the Environment Policy Development Group instead of discussing it this evening and it will then come back to the full council for approval. Please can you tell us what the timescale on this will be, as it's self-evidently a matter of urgency? Is it correct that the next full Council

meeting is not until Wednesday 25th August, 8 weeks away? Will you at least be able to ensure that the full council debate on the Motion is held on that date?

The Cabinet Member for the Environment and Climate Change responded stating that it was his intention to move that the motion be discussed at this meeting.

Hannah Thomas again referring to Motion 573 asked what actions had been taken in the last two years since the climate emergency had been declared.

The Cabinet Member for the Environment and Climate Change responded stating that a lot had been done and included the following examples: information clearly available on the website, the proposed launch of a specific climate change website, the installation of electric charging points on council owned property, actions to reduce the carbon footprint, the employment of a specialist officer who had already started working on plans for the future. He requested that Ms Thomas follow the website, watch out for press releases and contact him directly if she wanted further information.

Honorary Alderman David Nation referring to Motion 573 stated:

Even locally we are experiencing dramatic changes in weather conditions resulting from our abuse of the planet and the resulting climate change and all over the world extreme events are increasingly leading to loss of life. I am delighted to see the indication this Motion provides that the controlling Conservative group is willing to work with others to begin to address the problems. Will the council please consider without delay the need to require developers to incorporate PV cells, heat pumps and other appropriate energy saving features in all new dwellings to benefit householders' pockets as well as the environment?

The Cabinet Member for Planning and Economic Regeneration in response stated: that work had commenced on the new Local Plan for Mid Devon which included policies referring to the impact of climate change including specific policies for development which required the move towards net zero carbon. While it was expected that the new Local Plan would not be adopted until 2025, the Council had approved the preparation of an interim policy statement on planning for the climate emergency. The Government had confirmed that building regulations would be updated whereby all new homes must produce 31% lower carbon emissions compared to current levels which was the first part of the future homes standard, which proposed that new homes would have carbon emissions 75-80% lower than those built to current building regulations. The full standard was due to be met in 2025 by the use of fabric efficiency, heat pumps, solar panels and other technologies.

Honorary Alderman David Nation referring to Motion 574 stated: Will the mover of this Motion please advise what problems have arisen from the present rules that have prompted the need to consider changing them? Does he recognise that any changes that might be recommended which reduce the ability of all members to seek to have issues of importance to them debated at the appropriate committee, will further diminish the power and influence of individual members even beyond the limitations imposed by the present Cabinet structure? Which many of you know I don't agree with.

The Cabinet Member for Finance responded stating that he would defer his answer until the item was discussed.

15 **Declarations of Interest under the Code of Conduct**

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

16 **Minutes**

The minutes of the meeting held on 28 April 2021 were agreed as a correct record and signed by the Chairman.

The minutes of the annual meeting held on 28 April 2021 were agreed as a correct record and signed by the Chairman.

17 **Chairman's Announcements**

The Chairman had the following announcements to make:

- He welcomed the newly elected members to the meeting.
- He thanked the staff of Lords Meadow Leisure Centre for hosting the meeting in Crediton and the Member Services Team for putting the meeting in place.

18 **Petitions**

There were no petitions presented.

19 **Notices of Motions**

(1) MOTION 573 – (COUNCILLORS MISS E WAINWRIGHT and C R SLADE– 11 MAY 2021)

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

Motion to Support the Climate and Ecological Emergency Bill

Preamble

The impacts of climate change are being felt in the UK and around the world. Global temperatures have increased by 1 degree Celsius from pre-industrial levels. Atmospheric carbon dioxide levels are above 400 parts per million (ppm) and continue to rise. This far exceeds the 350 ppm deemed to be a safe level for humanity.

Without more significant and sustained action, the world is set to exceed the Paris Agreement's 1.5°C limit between 2030 and 2040. The current UK target of net zero by 2050 is therefore not satisfactory. We are not set to meet our future targets and the targets themselves do not properly account for our consumption emissions.

The increase in harm caused by a rise of 2°C rather than 1.5°C is significant. This is described by the Intergovernmental Panel on Climate Change's Special Report on Global Warming of 1.5°C published in October 2018. According to the IPCC, limiting

heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities. The costs of failing to address this crisis will far outstrip the investments required to prevent it. Investing now will bring many benefits in the form of good jobs, breathable cities and thriving communities. And in the year that the UK co-hosts COP26, our responsibility to show bold global leadership on climate and nature could not be greater.

Council notes that

1. This council has signed up to the Devon Climate Declaration.
2. There is a Bill before Parliament -- the Climate and Ecological Emergency Bill (published as the "Climate and Ecology Bill") -- according to which the Government must develop an emergency strategy that:
 - a.requires that the UK plays its fair and proper role in reducing greenhouse gas emissions consistent with limiting global temperature increase to 1.5 degrees Celsius above pre-industrial temperatures;
 - b.ensures that all the UK's consumption emissions are accounted for;
 - c.includes emissions from aviation and shipping;
 - d.protects and restores biodiverse habitats along overseas supply chains;
 - e.restores and regenerates the UK's depleted soils, wildlife habitats and species populations to healthy and robust states, maximising their capacity to absorb CO₂ and their resistance to climate heating;
 - f. sets up an independent Citizens' Assembly, representative of the UK's population, to engage with Parliament and Government and help develop the emergency strategy.

This Council therefore resolves to:

1. Support the Climate and Ecological Emergency Bill
2. Inform the local media of this decision;
3. Write to local MPs, asking them to support or thanking them for supporting the Bill; and
4. Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill, expressing its support.

The **MOTION** was **MOVED** by Councillor Miss J Norton and seconded by Councillor C R Slade and they both requested that the motion be discussed at this meeting – this was supported.

Consideration was given to:

- The timing of Climate and Ecological Emergency Bill through Parliament and the need to encourage MP's to support the Bill at the second reading
- The contents of the Bill which related to the Devon Climate Plan and provided tools and levers to act further locally
- The fact that contents of the Bill had already been supported by neighbouring local authorities

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

(2) MOTION 574 – (COUNCILLOR B A MOORE – 8 JUNE 2021)

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

That this Council resolves to ask the Standards Committee to convene a working group to review the procedural rules relating to Scrutiny, Audit and the Policy Development Groups (Part 4 Section 5 of the Constitution). The purpose of the review is to make recommendations on those procedural rules, with particular regard to ensuring that items included on meeting agendas, notably at short notice, including duplication, are democratically determined by Members of that committee.

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

The **MOTION** was **NOT MOVED**.

20 Cabinet - Report of the meeting held on 13 May 2021

The Leader presented the report of the meeting of the Cabinet held on 13 May 2021.

21 Cabinet - Report of the meeting held on 8 June 2021

The Leader presented the report of the meeting of the Cabinet held on 8 June 2021.

1. Joint Strategy for Strategic Planning (Minute 21)

The Leader **MOVED**, seconded by Councillor R J Chesterton:

THAT the recommendations of the Cabinet as set out in Minute 21 be **ADOPTED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – There is a need for neighbouring authorities to work together on strategic planning matters as established by the 2011 Localism Act and the NPPF as part of the duty to cooperate with other local authorities to seek to address strategic planning matters.

2. Cullompton Neighbourhood Plan Adoption (Minute 22)

The Leader **MOVED**, seconded by Councillor R J Chesterton:

THAT the recommendations of the Cabinet as set out in Minute 22 be **ADOPTED**

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

Reason for the Decision – The Cullompton Neighbourhood plans requires adoption by Council following the positive result of the referendum.

22 Scrutiny Committee - Report of the meeting held on 21 June 2021

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 June 2021.

23 Planning Committee - Report of the meeting held on 26 May 2021

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 26 May 2021.

24 Planning Committee - Report of the meeting held on 16 June 2021

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 26 June 2021.

25 Planning Committee - Report of the meeting held on 23 June 2021

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 23 June 2021.

26 Questions in accordance with Procedure Rule 13

There were no questions submitted under Procedure Rule 13.2.

27 Allocation of seats and appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies

Arising thereon:-

Appointment of Committees, Policy Development Groups, certain Working Groups and other Council Bodies

The following recommendation had been put before the council

- a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;
- (b) that Members be appointed to Committees and Policy Development Groups, in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on

the Council, to give effect to the approved allocation of seats in (a) above;

- (d) that the Chief Executive be authorised to make changes to membership of Committees, Policy Development Groups, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting

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

That Councillor David Pugsley takes one of the Independent Group seats on the Economy Policy Development Group and that his proposed seat (as indicated in the summons) on the Audit Committee is given to the Independent Group as attached.

Upon a vote being take the AMENDMENT was declared to have been CARRIED and the following APPROVED:

- a) **That the Council approves the allocation of seats on Committees and other Council Bodies as shown in the Schedule** *subject to Councillor David Pugsley taking one of the Independent Group seats on the Economy Policy Development Group and that his proposed seat (as indicated in the summons) on the Audit Committee is given to the Independent Group.*
- (b) that Members be appointed to Committees and Policy Development Groups, in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (d) that the Chief Executive be authorised to make changes to membership of Committees, Policy Development Groups, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting.

28 Appointment of Monitoring Officer

The Council had before it a *report of the Chief Executive with regard to the interim appointment of an interim Monitoring Officer from 30 June 2021 and a permanent appointment to commence later in 2021.

The Chairman **MOVED** that:

- 1 Maria de Leiburne be appointed as an interim Monitoring Officer from 1 July 2021 until the new permanent Monitoring Officer commences employment later in the year; and
- 2 Karen Trickey be appointed as the Monitoring Officer on a permanent basis from the commencement of her employment in 2021.

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

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

29 **Budget Provision for Decarbonisation Grant**

The Council had before it a * report of the Deputy Chief Executive (S151) seeking approval from council to facilitate the expenditure of grant monies that have been secured as part of the Public Sector Decarbonisation Scheme. The report sought approval to increase planned budget expenditure by the amount secured in grant funds.

Councillor B A Moore **MOVED**, seconded by Councillor C R Slade that:

The changes to the annual budget in 2021/22 be agreed in order to reflect the additional expenditure of £349k now required to implement the PSDS scheme.

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

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

30 **Special Urgency Decisions**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

31 **Questions to Cabinet Members**

Councillor F W Letch addressing the Cabinet Member for Housing and Property Services stated that on the Devon Homes Choice advert published this week, 2 properties in Crediton were available, one in Butt Parks and one in Barnfield. The Barnfield property had been empty since October 2020 and the Butt Parks property from February/March this year. He asked that the Cabinet Member look into the issue of voids as the KPI for voids no longer appeared in performance data. Prolonged voids provided a loss of rent and council tax for the authority.

He also asked the Cabinet Member whether the Conservative Group were still the official opposition following the recent by-elections and the fact that there were now 5 out of 8 Conservative members on the Cabinet.

The Cabinet Member responded stating that with regard to the void properties, when officers visited one of the properties, there was a lot of work to be undertaken which included moving 36 tonnes of rubbish from the site at a cost of £35k. He would look into the matter further and provide the councillor with a written response.

With regard to the second question, the Cabinet Member stated that the Conservative Group still did not have a majority of members in the council and therefore they may now not be in opposition.

Councillor B Holdman addressing the Cabinet Member for Planning and Economic Regeneration stated that the council were still without a tree officer, Bicton College had trainee tree officers and some local authorities have more than one tree officer. The district had an issue with Tree Preservation Orders and required the support of a tree officer, was there any update that the Cabinet Member could provide?

The Cabinet Member in response stated that he did not have any new information, the authority were using a consultant at the present time. The idea of sharing an officer with another authority had been considered, however nothing had come forward to date. He requested that the councillor provide him with a list of issues and that he would look into them.

Councillor J Cairney addressing the Cabinet Member for Housing and Property Services and referring to the political balance of the council stated that if you don't have an opposition there was no democracy – there was a need for someone to be responsible.

Addressing the Cabinet Member for Community Well –Being, he also raised the issue of officers not being able to park at Lords Meadow Leisure Centre and that they had to park further afield and walk to work, he felt that this was unfair especially on dark winter nights. The Cabinet Member stated he would look into the matter.

The Cabinet Member for Housing and Property Services in response to the first question stated that the Conservative Group did not have a majority, they only had 20 out of 42 members.

32 Members Business

The Chairman stated that it was good to see Councillor Coren in attendance.

Councillor R L Stanley invited members to attend a site visit and presentation at St Georges View, Tiverton on Tuesday 20 July at 5pm.

Councillor A Wilce requested that a written response be provided to Honorary Alderman Nation's question in public question time and that the response be added to the minutes of the meeting.

Councillor S J Clist referring to grant monies and specifically referring to £650k stated that the previous Cabinet administration were unaware of the grant and that on looking into the matter had found that the monies had been available in the system for 3 to 4 years – the previous administration did not make the decision to return the money to central Government.

Councillor S J Clist also congratulated officers and the current administration on the proposed modular buildings – he had seen them in person in other countries and found that they had worked well in extreme temperatures. He hoped that officers

would look into the matter of homelessness pods and the possibility of a Mid Devon crematorium.

(The meeting ended at 7.08 pm)

CHAIRMAN

Question: Honorary Alderman- David Nation

Motion 574

Will the mover of this Motion please advise what problems have arisen from the present rules that have prompted the need to consider changing them? Does he recognise that any changes that might be recommended which reduce the ability of all members to seek to have issues of importance to them debated at the appropriate committee, will further diminish the power and influence of individual members even beyond the limitations imposed by the present Cabinet structure?

Response:

Primary legislation sets out strong Member rights regarding raising agenda items, provisions that transcend all forms of Governance model. Within that framework, I would not presume to predict what recommendation the Standards Committee might eventually propose through active democratic debate and agreement. Any Constitutional change would require further debate and agreement at Full Council. The intent of the Motion is open and constructive: not to solve a particular problem but to improve the process for setting agendas and to consider how this might be done with greater open, active and democratic engagement of all relevant Committee Members.

Councillor Andrew Moore

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 6 July 2021 at 10.00 am

Present

Councillors

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

Apologies

Councillor(s)

R Evans

Also Present

Councillor(s)

G Barnell, B G J Warren and A Wilce

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Tim Powell (Corporate Projects Officer), Keith Ashton (Facilities Manager for Corporate Property and Commercial Assets), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

26. **APOLOGIES (00-02-59)**

Apologies were received from Cllr R B Evans.

27. **PROTOCOL FOR HYBRID MEETINGS (00-03-12)**

The protocol for hybrid meetings was NOTED.

28. **PUBLIC QUESTION TIME (00-03-30)**

The Chairman read a statement from Mr Quinn referring to Item 13 (3 Rivers Developments Limited – Annual Report)

Paragraph 2.1 of this report states that: “Attached to this report are the Company’s Annual Report and Financial Statements for the period from 1 April 2020 to 31 March 2021”.

All of the attachments for this agenda item have been classified as ‘Restricted’ and have not been published.

However, I am aware that this Annual Company Information is published on the Companies House website – available for all to see.

Which means that this particular information should not be ‘restricted’ and

withheld from the Mid Devon public.

So my question is: Will Cabinet please remove the 'restriction' and allow the public to see the 'Annual Report and Financial Statements for the period from 1 April 2020 to 31 March 2021'?

The Chairman indicated that an answer would be provided when the item was discussed.

29. MINUTES OF THE PREVIOUS MEETING (00-04-59)

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

30. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-30)

Cabinet Members made the following declarations of interest:

Cllr C R Slade declared a personal interest in item 8 on the agenda (Tiverton Town Centre CCTV Options for future use) as a member of Tiverton Town Council and as the Devon County Council representative on the Town Centre Partnership.

Cllr D J Knowles declared a personal interest in item 8 on the agenda (Tiverton Town Centre CCTV Options for future use) as a member of Tiverton Town Council.

Cllr Mrs C P Daw declared a personal interest in item 8 on the agenda (Tiverton Town Centre CCTV Options for future use) as a member of Tiverton Town Council and as a member of the Town Centre Partnership.

31. FINANCIAL OUTTURN REPORT 2020/21 (00-07-46)

The Cabinet had before it a * report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2020/21.

The Cabinet Member for Finance outlined the contents of the report stating that the financial year 2020/21 had been a huge challenge due to the impact of the pandemic, however the final overspend had been £65k. He highlighted the work of the Revenues and Benefits Team who had worked hard to maintain the income stream and continued to pay grant funding to local businesses and the community. With regard to the Capital Programme, he outlined the monies that would be carried forward into the current year due to the inability to progress projects during the pandemic. The outturn provided a statement of facts and the external auditors would consider this with regard to value for money.

Consideration was given to:

- The overspend of £65k was an achievement in the current circumstances
- The budget gap in the current financial year and that the membership of the Council had been promised a strategic discussion with the Cabinet with regard to closing that gap – the Cabinet Member for Finance reminded the meeting that the outturn was for the financial year 20/21 a balanced budget had been

set for 2021/22 and options were being considered, member involvement would come when options were available.

- With regard to the loans to 3 Rivers Development Limited, how much of this was for projects and operational costs and what monies had been repaid – the Leader stated that a written response would be provided.
- The reports that were being considered by the External Auditor.

RESOLVED that:

1. The General Fund Outturn achieved in 2020/21 which shows an overall overspend of £65k be noted. This deficit is proposed to be taken from General Fund reserve which will still leave the balance at £2,186k; above the minimum recommended level of £2,000k.
2. The Net Transfers to Earmarked Reserves of £6,559k detailed in the General Fund Service Budget Variance Reports shown in Appendix 1 and summarised in Appendix 3 be approved. Note, this includes £3,411k of Section 31 Grant to smooth the Collection Fund deficits over the next three years, as defined by the Government as separately identified on Appendix 1.
3. The positive position achieved on the Housing Revenue Account which shows a saving of £94k be noted and the transfer to HRA Earmarked Reserves of the extra £94k shown in paragraph 5.2, as well as the utilisation of reserves totalling £404k identified in Appendices 2 and 3 be approved.
4. The carry forward of £26,041k from the 2020/21 Capital Programme (see paragraph 7.3) be approved as all of the schemes will be delivered in 2021/22 or later years. Also the transfer to Earmarked Reserves of the unspent £734k identified in Appendix 4 be approved.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for decision – The Outturn report indicates how the Council's resources have been used to support the delivery of budgetary decisions.

Note: *Report previously circulated copy attached to minutes.

32. ANNUAL TREASURY MANAGEMENT REPORT (00-16-44)

The Cabinet had before it a * report of the Deputy Chief Executive (S151) providing Members with a review of activities and the Prudential Treasury Indicators on actuals for 2020/21.

The Cabinet Member for Finance outlined the contents of the report stating that this was a specialist area and vital in keeping council finances healthy; the council had maintained an under borrowed position and it had been able to use resources, balances and cash flow to meet its needs. Investments had conformed to the approved strategy and there were no liquidity difficulties, returns from investments were ahead of expectations.

Consideration was given to:

- The £10m loan to 3 Rivers Developments Limited had come from cash reserves rather than borrowing and whether the S151 Officer could explain the risks as well as the benefits of this
- Information with regard to the 'credit loss model' and the impact of this on external lending and the changes to accountancy rules
- What was Mid Devon's unrealised fair value movement?

RECOMMENDED to Council that:

- a) the treasury activities for the year be **NOTED**.
- b) the actual 2020/21 Prudential and Treasury Indicators in the report be approved.

(Proposed by Cllr B A Moore and seconded by Cllr R J Chesterton)

Reason for the decision – there is a need for Council to consider the Annual Treasury Management review in line with CIPFA guidance.

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

33. **TIVERTON TOWN CENTRE CCTV OPTIONS FOR FUTURE USE (00-24-10)**

The Cabinet had before it a *report of the Corporate Manager for Property, Leisure and Climate Change providing Members with the options on completing essential maintenance on the Tiverton Town Centre CCTV system.

The Cabinet Member for Community Wellbeing outlined the contents of the report stating that the reason for the report was to consider funding and options to upgrade the CCTV system in Tiverton. All the legal implications had been considered. The PSS CCTV was a discretionary service to which the Council had a limited budget to maintain the system. The monitoring of the CCTV system was on a voluntary basis and that the Council paid the volunteer for 7 hours per week. There was a need to upgrade the system to protect against cyber security issues.

Consideration was given to:

- The value of the CCTV system and how it was appreciated by local residents
- The grants from the OPCC and Tiverton Town Centre Partnership would be well received
- Crediton and Cullompton had been offered the opportunity to apply for funding from the OPCC – Cullompton Town Council had not responded to the approach
- The need to approach Tiverton Town Council for a further financial contribution and that this be included in the resolution.

RESOLVED that

1) Delegated authority be given to the Cabinet Member for Community and Wellbeing and the Deputy Chief Executive (151), in consultation with Property Services to seek the remainder of external funding required for the delivery of Option 2 as a minimum, but to aim to achieve Option 3 and complete the works within the current calendar year.

- 2) The grant of £25k from the OPCC be accepted, subject to the terms and conditions on Annex C.
- 3) The fund of £3,161 from the OPCC be accepted, subject to the terms and conditions on Annex D and as detailed in section 11.
- 4) £5k from the Tiverton Town Centre Partnership be accepted, as detailed on paragraph 9.1.
- 5) The Council approach Tiverton Town Council for a further financial contribution and hold discussions with regard to the future ownership of the system.

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

Reason for decision – There is a need to consider the offer of funding for this project.

Notes:

- i) Cllr C R Slade declared a personal interest as a member of Tiverton Town Council and as the Devon County Council representative on the Town Centre Partnership;
- ii) Cllr D J Knowles declared a personal interest as a member of Tiverton Town Council;
- iii) Cllr Mrs C P Daw declared a personal interest as a member of Tiverton Town Council and as a member of the Town Centre Partnership;
- iv) *Report previously circulated, copy attached to minutes.

34. CONTRACT AWARD FOR CARBON DECARBONISATION PROJECT (00-32-16)

The Cabinet had before it a report of the Corporate Manager for Property, Leisure and Climate Change seeking approval to deliver a grant-aided project(s) to reduce the carbon emissions of our leisure facilities.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that the receipt of the grant funding was excellent news which would allow decarbonisation works to take place at the three leisure facilities. He outlined the timescales for the project and the tender process that had taken place which had been based on quality rather than on price. The project would support the work taking place with regard to climate change.

RESOLVED that:

- (1) That the Cabinet accepts the grant from the Public Sector Decarbonisation Scheme and agrees to implement the works to reduce the Council's carbon emissions.
- (2) That the Cabinet agrees to approve and award the contract for the supply and installation of low energy efficient LED lighting to Contractor 1.

- (3) That the Deputy Chief Executive (S151) and the Deputy Leader and Cabinet Member for Housing and Property Services are given delegated authority to take all necessary actions to deliver the Salix funded projects as detailed in para 1.3, for any contract variations and approval of any necessary significant design changes.

(Proposed by Cllr C R Slade and seconded by Cllr B A Moore)

Reason for the decision – there is a need to deliver the three grant aided projects to reduce the carbon emissions of our facilities.

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

35. **PERFORMANCE AND RISK OUTTURN (00-34-50)**

The Cabinet had before it a * report of the Operations Manager for Performance, Governance and Health & Safety providing Members with an update on the performance against the Corporate Plan and local service targets for 2020/21.

The Leader outlined the contents of the report stating that there had been some impact on performance due to the pandemic and he then looked forward to a period of normality in the near future. He highlighted the following:

- Recycling and residual waste – he would like to see an increase in recycling rates.
- The green approach – he referred to the receipt of grant funding for decarbonisation.
- Homes – achievements had been low, but that the authority were working with Community Land Trusts and other agencies to improve the number of new homes and social rented housing in the current year.
- Economy – he highlighted the challenges caused by the pandemic and how the Government had supported people and that there was a need for the authority to provide assistance for regeneration and community and economic confidence in Mid Devon, outlining the South West Mutual Bank as an example.
- Digital connectivity – there were major issues in Mid Devon that needed to be addressed
- Corporate – the council industrial units were fully occupied
- The work of the Revenues and Benefits Team
- The work taking place with the Devon and Somerset Metro Bid

Consideration was given to:

- Digital connectivity and the need for achievements to be made in this area
- The work taking place installing fibre optic in the area
- Statistical errors with regard to the number of houses converted and those 'Right to Buy' properties brought back.
- The need to look forward to the regeneration of the town centres, there were an abundance of plans in place with some grant funding, however there was a need for additional funding (via the Capital Programme) for match funding and partnership working.

- The need for a strategy for town centre regeneration and renewal.

RESOLVED that:

- a) The report be **NOTED**
- b) The 4 year KPI targets against the Corporate Plan be approved.

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

Reason for the decision – there is a need to monitor performance against the Corporate Plan.

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

36. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (00-48-22)**

The Cabinet Member for Continuous Improvement informed the meeting that:

- This was her first Cabinet update since being appointed. Her role was to drive business and process improvement in services across the entire span of Council activity.
- The aim was to ensure that the responsiveness and agility demonstrated by the Council throughout the pandemic was harnessed to deliver better outcomes for residents as the Council transitions to the new normal.
- She had been taking time to ensure that Members and Officers were engaged in the process and that they understood the outcomes they were trying to achieve. She had met with directors and officers to understand the deadlines and Performance Indicators across the Council's activity.
- In order to ensure customers were getting a high quality service, she had proactively engaged Members on a number of issues, whilst also taking forward a number of other cases in other areas that had been sent directly to her.
- To date, she had received 31 cases from Members and the public. 5 of which were now closed, and 5 of which had been actioned. The other 21 cases were with directors for action.
- Alongside this she had agreed to receive and monitor monthly figures on planning enforcement, and separately looked at the Council's activity around Ash Die Back.

She outlined the monthly meetings that she had organised and the caseload that was before the Leadership Team. She intended to provide a monthly report to the Cabinet outlining her on-going work.

37. NOTIFICATION OF KEY DECISIONS (00-56-01)

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

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

38. 3 RIVERS DEVELOPMENTS LIMITED ANNUAL REPORT (00-57-02)

The Cabinet had before it and **NOTED** a *report of the Deputy Chief Executive providing Cabinet with an Annual Report which also includes the Company's Accounts as per the conditions of the Shareholder Agreement.

The Cabinet Member for Finance outlined the contents of the report stating that the Cabinet had received a wealth of information via regular reports on the work taking place by the company. The pandemic had impacted on progress with projects but that the business was now moving forwards.

The Deputy Chief Executive (S151) in response to the question posed in public question time stated that at the time of the publication of the agenda, the accounts had not been approved formally by the company's board of directors and that the Shareholder had to note the contents of the annual report at this meeting, the accounts would then be sent to Companies House where they would become public knowledge. The other attachments within the report were of a commercially sensitive nature.

Consideration was given to:

- A request to send written questions with regard to the various sites and the prospects for 3 Rivers Developments Limited to be answered – it was suggested that these be sent to the clerk who would circulate them and coordinate the written responses.
- The proposed open day at St Georges Court for Members on 20 July.

Note: *Report previously circulated.

(The meeting ended at 11.06 am)

CHAIRMAN

Cabinet
06 July 2021

Annual Treasury Management Review 2020/21

Cabinet Member: Councillor Andrew Moore
Responsible Officer: Deputy Chief Executive (S151), Andrew Jarrett

Reason for Report: To provide Members with a review of activities and the Prudential Treasury Indicators on actuals for 2020/21.

Recommendations(s):

1. That Members note the treasury activities for the year.
2. That the actual 2020/21 Prudential and Treasury Indicators in this report be approved.

Relationship to the Corporate Plan: Maximising our return from all associated treasury activities contributes towards the current levels of spending in accordance with our Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire strategy.

Legal Implications: Authorities are required by regulation to have regard to the Prudential Code when carrying out their duties under Part 1 of the Local Government Act 2003.

Risk Assessment: The S151 Officer is responsible for the administration of the financial affairs of the Council. Implementing this strategy and the CIPFA Code of Practice on Treasury Management manages the risk associated with the Council's treasury management activity.

1. Introduction

1.1. This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.2. During 2020/21 the minimum reporting requirements were that the full Council should receive the following reports:

- an Annual Treasury Strategy in advance of the year (Council 26/02/2020);
- a Mid-Year Treasury Update Report (minimum) (Council 06/01/2021);
- an Annual Review (Outturn) following the end of the year describing the activity compared to the strategy (this report).

1.3. The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

1.4. This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by Cabinet before they were reported to the full Council. Member training on treasury management issues was undertaken during 2019 in order to support members' scrutiny role.

2. The Council's Capital Expenditure and Financing

2.1. The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (Capital Receipts, Capital Grants, Revenue Contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

2.2. The actual capital expenditure forms one of the required Prudential Indicators. The table below shows the actual capital expenditure and how this was financed.

General Fund	2019/20 Actual £000	2020/21 Actual £000
Capital expenditure	8,983	6,086
Financed in year	1,941	2,130
Unfinanced capital expenditure	7,042	3,956
HRA		
Capital expenditure	4,006	2,714
Financed in year	4,006	2,637
Unfinanced capital expenditure	0	77

3. The Council's Overall Borrowing Need

3.1. The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

3.2. **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the Capital Financing Requirement in the preceding year (2019/20) plus the estimates of any additional Capital Financing Requirement for the current (2020/21) and next two financial years. This essentially means that the Council is

not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2020/21. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this Prudential Indicator.

Under) / Over funding of CFR	31 March 2020 Actual £000	31 March 2021 Actual £000
CFR General Fund	15,682	18,295
CFR HRA	40,431	39,550
Total CFR	56,113	57,845
Gross borrowing position	39,916	39,467
(Under) / Over funding of CFR	(16,197)	(18,378)

3.3. **The Authorised Limit** – the Authorised Limit is the “affordable borrowing limit” required by Section 3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2020/21 the Council has maintained gross borrowing within its Authorised Limit.

3.4. **The Operational Boundary** – the Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Borrowing Approvals	2020/21 £000
Authorised limit	95,000
Maximum gross borrowing position during the year	39,916
Operational boundary	86,000
Average gross borrowing position	39,692

4. Treasury Position as at 31 March 2021

4.1. At the beginning and the end of 2020/21 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

Debt Portfolio	31 March 2020 Principal £000	31 March 2021 Principal £000
Fixed PWLB Borrowing	38,937	37,104
Total debt	38,937	37,104
CFR	55,133	55,409
(Under) / over borrowing	(16,197)	(18,305)
Total investments	20,000	17,500

Net debt	18,937	19,604
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4.2. The maturity structure of the debt portfolio was as follows:

Debt Maturity Structure	31 March 2020 Actual £000	31 March 2021 Actual £000
Under 12 months	1,833	1,870
12 months and within 24 months	1,870	1,924
24 months and within 5 years	5,836	5,944
5 years and within 10 years	10,778	11,095
10 years and within 20 years	18,620	16,271
20 years and within 30 years	0	0

Investment Portfolio	Actual 31/03/20 £000	Actual 31/03/20 %	Actual 31/03/21 £000	Actual 31/03/21 %
Treasury investments				
Banks	10,000	40%	0	0%
Local authorities	9,000	36%	15,500	69%
Other Government Organisations	1,000	4%	2,000	9%
Total managed in house*	20,000	80%	17,500	78%
Property funds (CCLA)	5,000	20%	5,000	22%
Total managed externally	5,000	20%	5,000	22%
TOTAL TREASURY INVESTMENTS	25,000	100%	22,500	100%

*See Appendix 1 for a breakdown of internally managed investments held as at 31 March.

4.3. The value shown in the above table for the Council's CCLA investment is the amount paid by the Council on share acquisition. This differs to the carrying amount in the year end accounts of £4,725k (£4,759k in 2019/20) as there is a requirement to carry the investment at Fair Value. It is expected that the Fair Value of the fund will recover over the longer term, and so this temporary drop in value is unlikely to be realised as a loss to Council funds.

4.4. In addition, the Council has lent funds to its 100% owned subsidiary company, 3 Rivers Developments Ltd. The value of the lending at the year end stood at:

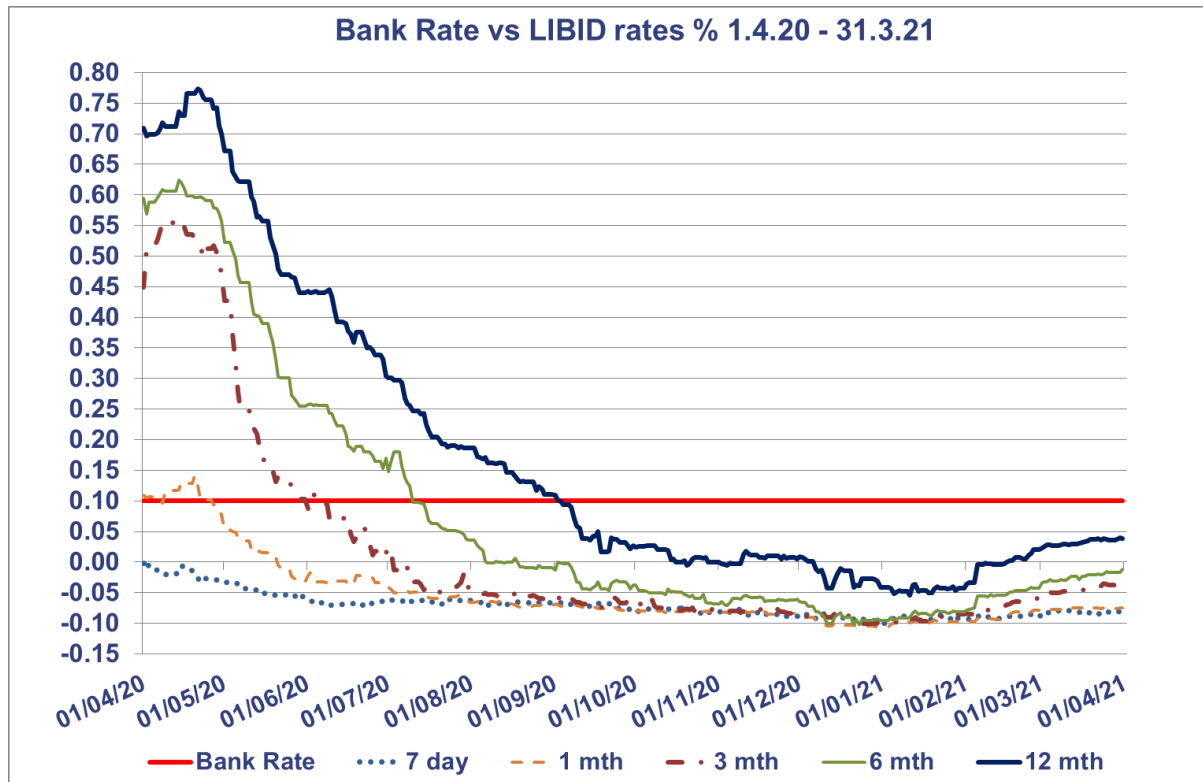
Non Treasury investments	Actual 31/03/20 £000	Actual 31/03/20 %	Actual 31/03/21 £000	Actual 31/03/21 %
Subsidiaries (3 Rivers Developments Ltd)	9,061	100%	10,163	100%
TOTAL NON TREASURY INVESTMENTS	9,061	100%	10,163	100%

5. The strategy for 2020/21

(wording supplied by Link Asset Services, our treasury management advisers)

5.1. Investment strategy and control of interest rate risk

5.1.1. As shown in the chart below, investment returns which had been low during 2019/20 and plunged during 2020/21 to near zero or even into negative territory.



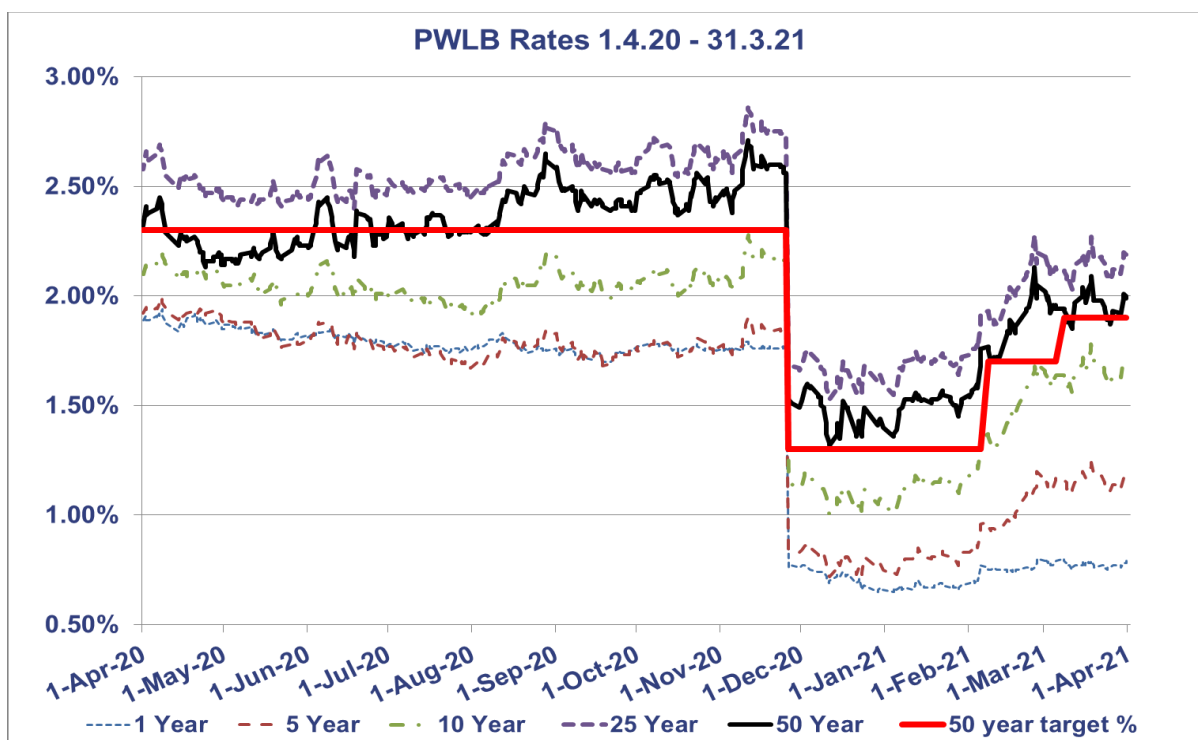
5.1.2. Most local authority lending managed to avoid negative rates and one feature of the year was the growth of inter local authority lending. The expectation for interest rates within the Treasury Management Strategy for 2020/21 was that Bank Rate would continue at the start of the year at 0.75 % before rising to end 2022/23 at 1.25%. This forecast was invalidated by the Covid-19 pandemic bursting onto the scene in March 2020 which caused the Monetary Policy Committee to cut Bank Rate in March, first to 0.25% and then to 0.10%, in order to counter the hugely negative impact of the national lockdown on large swathes of the economy. The Bank of England and the Government also introduced new programmes of supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the lockdown. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates plummeted.

5.1.3. Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather

than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

5.2. Borrowing strategy and control of interest rate risk

- 5.2.1. During 2020/21, the Council maintained an under-borrowed position. This meant that the capital borrowing need (the Capital Financing Requirement) was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.
- 5.2.2. The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this Authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.
- 5.2.3. Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2020/21 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.



	1 Year	5 Year	10 Year	25 Year	50 Year
Low	0.65%	0.72%	1.00%	1.53%	1.32%
Date	04/01/2021	11/12/2020	11/12/2020	11/12/2020	11/12/2020
High	1.94%	1.99%	2.28%	2.86%	2.71%
Date	08/04/2020	08/04/2020	11/11/2020	11/11/2020	11/11/2020
Average	1.43%	1.50%	1.81%	2.33%	2.14%
Spread	1.29%	1.27%	1.28%	1.33%	1.39%

Link Group Interest Rate View		8.3.21											
	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
6 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
12 month ave earnings	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
5 yr PWLB	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.30	1.30	1.40	1.40	1.40	1.40
10 yr PWLB	1.60	1.60	1.60	1.60	1.70	1.70	1.70	1.80	1.80	1.90	1.90	1.90	1.90
25 yr PWLB	2.10	2.10	2.10	2.20	2.30	2.30	2.30	2.40	2.40	2.50	2.50	2.50	2.50
50 yr PWLB	1.90	1.90	1.90	2.00	2.10	2.10	2.10	2.20	2.20	2.30	2.30	2.30	2.30

5.2.4. HM Treasury had imposed two changes in the margins over gilt yields for PWLB rates in 2019-20 without any prior warning; the first on 9 October 2019, added an additional 1% margin over gilts to all PWLB rates. That increase was then partially reversed for some forms of borrowing on 11 March 2020, but not for mainstream non-HRA capital schemes. A consultation was then held with local authorities and on 25 November 2020, the Chancellor announced the conclusion to the review of margins over gilt yields for PWLB rates; the standard and certainty margins were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchased assets for yield in its three year Capital Programme. The new margins over gilt yields are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

5.2.5. There is likely to be only a gentle rise in gilt yields and PWLB rates over the next three years as Bank Rate is not forecast to rise from 0.10% by March 2024 as the Bank of England has clearly stated that it will not raise rates until inflation is sustainably above its target of 2%; this sets a high bar for Bank Rate to start rising.

6. Borrowing Outturn

6.1. Borrowing

6.1.1. Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

6.2. Borrowing in advance of need

6.2.1. The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

6.3. Borrowing

6.3.1. Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.

6.4. Rescheduling

6.4.1. No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

7. Investment Outturn

7.1. Investment Policy

7.1.1. The Council's investment policy is governed by MHCLG investment guidance, which has been implemented in the Annual Investment Strategy approved by the Council on 26/02/2020. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data from our treasury advisers (Link Asset Services).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

7.2. Investments held by the Council

7.2.1. The Council maintained an average balance of £21.3m of internally managed funds. The internally managed funds earned interest of £124k giving an average rate of return of 0.25%. The comparable performance indicator is the 3 month LIBID rate, which was 0.0150%.

7.2.2. The Council held £5m invested in Churches, Charities and Local Authorities (CCLA) property funds earning dividends of £206k (4.13%) in 2020/21.

7.2.3. Interest received from 3 Rivers Ltd amounted to £496k in 2020/21.

8. Other Issues

8.1. IFRS 9 fair value of investments

8.1.1. Following the consultation undertaken by the Ministry of Housing, Communities and Local Government (MHCLG) on IFRS 9, the Government has introduced a mandatory statutory override for local authorities to reverse out all unrealised Fair Value movements resulting from pooled investment funds. This came into effect on 1 April 2018 for 2018/19. The statutory override applies for five years from this date. Local authorities are required to disclose the net impact of the unrealised Fair Value movements in a separate unusable reserve throughout the duration of the override in order for the Government to keep the override under review and to maintain a form of transparency.

8.1.2. Risk management will need to take account of the 2018/19 Accounting Code of Practice proposals for the valuation of investments. Whilst for many authorities, this may not be a significant issue, key considerations include:

- Expected credit loss model. Whilst this should not be material for vanilla treasury investments such as bank deposits, this is likely to be problematic for some investments such as property funds, loans to third parties or loans to subsidiaries.
- The valuation of investments previously valued under the available for sale category e.g. equity related to the “commercialism” agenda, property funds, equity funds and similar, have been changed to Fair Value through the Profit and Loss (FVPL).

8.2. Non-treasury management investments.

8.2.1. As shown in the Non-Treasury Investments table in Section 4, the Authority holds a 100% interest in 3 Rivers Developments Limited, a private limited company engaged in construction in the Mid Devon area. The Authority advances funds to the Company to facilitate operations with the intention that they are repaid from the proceeds of the sale of the developments.

8.2.2. During the year ended 31 March 2021, £1.742m was loaned to the Company and £0.640m of existing loans was repaid. This brings the total loan value at 31 March 2021 to £10.163m. During the year £496k interest was paid to the Authority in respect of these loans.

8.2.3. These loans are subject to overarching management review on a regular basis. This is reflected in the impairments of £790k made in both periodic monitoring reports and in the year end financial statements for 2019/20. The year-end review, carried out in compliance with IFRS 9 Financial Instruments, determined that no further impairments were required for the year ending 31 March 2021.

8.3. Counterparty limits

8.3.1. At the end of March 2020 approval was given by the S151 Officer and the Cabinet Member for Finance to exceed the £5m limit on deposits held with the Council's bank, NatWest, for a period of 3 months, in order to administer the Small Business Grants Fund and the Retail, Hospitality and Leisure Business Grants Fund. £22.732m was received from Government on 1st April 2020 in respect of these.

8.3.2. Further approval was given at the end of June 2020 for a temporary counterparty limit of £10m on deposits held with the Council's bank for 3 months, which was extended at the start of October for a further 3 months.

8.3.3. At the start of January 2021 a new round of business grant funds were announced, with this Council set to receive £7.307m to fund the schemes. With grant funds from November & December still ongoing, this would increase the total of grant funds being held to £12.108m, and so new

temporary approval was given to move to a flexible limit of £5m plus the balance of any emergency grant funds being administered by the Council. This was incorporated into the Treasury Management Strategy Statement for 2021/22 and has become a permanent change to the counterparty limit with NatWest following approval by Council on 24 February 2021.

Contact for further information:

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Kieran Knowles | 01884 244624 | kknowles@middevon.gov.uk

Appendix 1: Investment Portfolio

Internally managed investments held as at 31 March:

Bank/Building Society/Local Authority/PCC	Term		Fixed Interest Rate %	31/03/20	31/03/21
	From	To		£000	£000
Close Brothers	04/09/2019	02/09/2020	1.10%	1,000	
Santander	17/09/2019	17/09/2020	0.94%	2,000	
Santander	01/10/2019	01/04/2020	0.83%	1,500	
Santander	07/10/2019	07/04/2020	0.83%	1,500	
Rugby Borough Council	09/10/2019	07/10/2020	0.90%	1,000	
Goldman Sachs	29/10/2019	29/04/2020	0.95%	1,000	
Goldman Sachs	05/11/2019	05/05/2020	1.00%	1,000	
Highlands Council	27/11/2019	25/11/2020	0.92%	1,000	
Lloyds	30/12/2019	30/12/2020	1.10%	2,000	
Merseyside PCC	02/01/2020	30/04/2020	0.85%	1,000	
Nottingham City Council	02/03/2020	17/04/2020	0.80%	2,500	
Central Bedfordshire Council	03/03/2020	27/05/2020	0.95%	2,000	
Eastleigh Borough Council	13/03/2020	14/04/2020	1.10%	1,500	
Cheltenham Borough Council	20/03/2020	20/04/2020	0.95%	1,000	
Blackpool Borough Council	22/09/2020	06/04/2021	0.23%		2,000
Spelthorne Borough Council	27/07/2020	26/07/2021	0.42%		1,500
Broxbourne Borough Council	02/09/2020	01/09/2021	0.40%		2,000
Salford City Council	14/09/2020	14/06/2021	0.20%		2,000
Staffordshire Moorlands DC	16/10/2020	15/10/2021	0.22%		1,000
South Somerset DC	20/10/2020	20/07/2021	0.20%		3,000
Surrey Heath Borough Council	10/12/2020	10/06/2021	0.10%		2,000
Nottinghamshire PCC	21/12/2020	21/06/2021	0.12%		2,000
Ashford Borough Council	25/02/2021	25/11/2021	0.08%		2,000
Total				20,000	17,500

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 3 August 2021 at 10.00 am

Present

Councillors

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

Also Present

Councillor(s)

Mrs C P Daw, S J Clist, L J Cruwys, R J Dolley and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leburne (Operations Manager Legal and Monitoring), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Darren Beer (Operations Manager for Street Scene), Philip Langdon (Solicitor), Mike Lowman (Building Services Operations Manager), Vicky Lowman (Environment and Enforcement Manager), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Deborah Sharpley (Solicitor), Tanya Wenham (Lead Officer Private Sector Housing), Clare Robathan (Policy and Research Officer), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

39. APOLOGIES (00-03-05)

There were no apologies for absence (Cllr Mrs Daw appearing via Zoom).

40. PROTOCOL FOR HYBRID MEETINGS (00-03-10)

The protocol for remote meetings was noted.

41. PUBLIC QUESTION TIME (00-03-30)

There were no members of the public present.

42. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-38)

Members were reminded to make any of declarations of interest when necessary.

43. **MINUTES OF THE PREVIOUS MEETING (00-04-00)**

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

44. **MRS JENNY CLIFFORD - HEAD OF PLANNING, ECONOMY AND REGENERATION**

The Leader informed those present that Mrs Jenny Clifford (Head of Planning, Economy and Regeneration) would be leaving the Council and that this would be her last attendance at a Cabinet meeting after 23 years service; she had undertaken sterling work, her knowledge would be a loss to the Council and she would be greatly missed. He wished her well for the future.

45. **MEETING MANAGEMENT (00-07-10)**

The Leader informed the meeting that he intended to take items 10 and 11 on the agenda as the next items of business.

46. **CULLOMPTON HIGH STREET HERITAGE ACTION ZONE PUBLIC REALM ENHANCEMENT PROJECT (00-07-16)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration advising Members on the results for the procurement of consultants on the Cullompton High Street Heritage Action Zone Town Centre Public Realm Enhancement Design.

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 (HAZ) 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 delivered in partnership with Devon County Council.

The report covered the appointment of the preferred selected consultants based on an open tender process.

The scope of work was for landscape/ public realm design services up to the Royal Institute of British Architects (RIBA) stage 3 (spatially coordinated design), to cover the town centre of Cullompton from the Higher Bullring through the Fore Street to the Lower Bullring.

The funding for this procurement, as well as the funding for the implementation of works to the selected Higher Bullring area, was being provided as part of the wider High Street Heritage Action Zone (HSHAZ) programme in Cullompton which had already been agreed. Evaluation criteria set out in the tender document established that price formed 40% of the total score available, with 60% allocated to quality based around a series of questions the tenderers were required to answer.

RESOLVED that the concept design contract for Cullompton Town Centre Public Realm Enhancement Design be awarded to Supplier 4.

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

Reason for the decision –there was a need to confirm the award of the tender to enable the specified work to be progressed.

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

47. **HOUSING INFRASTRUCTURE FUND - UPDATE ON PROJECTS (00-12-00)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration updating Cabinet on the infrastructure projects under the Housing Infrastructure Fund (HIF) totalling £18.2 million, in relation to which the Council had entered grant funding agreements with Homes England and had submitted the initial claims to draw down the first tranches of funding. The report also considered emerging financial considerations and sought instruction from Cabinet at this stage in the project, whilst identifying that there would be future key decision points for both projects.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the status of both schemes as well as considering emerging issues including financial considerations. The risk assessment section recognised the importance of the successful delivery of both schemes, whilst acknowledging that there was increasing pressure on project finances and funding sources.

Work to deliver the projects of corporate significance continued in close liaison with Devon County Council as the delivery partner and with Homes England. There had been considerable progress, including the grant earlier this year of planning permission for the Cullompton relief road scheme and the associated relocation of Cullompton Cricket Club.

The risk profile and degree of financial exposure for the Council was being kept under review and further reporting would be required to inform options at key decision stages. Timescales for both projects remained tight and hence challenging, as did the requirements of the grant fund agreements in meeting milestones. However, efforts continued to be made to de-risk the projects through the early anticipation of problems and mitigating action. The pressure on project cost was significant. In terms of the Cullompton scheme, the Levelling Up Fund bid sought to overcome this issue. Next steps and options for that project would depend upon the outcome of that key grant fund application.

He continued by stating that emphasis must also continue on the delivery of the homes that the infrastructure would unlock, this being both the purpose of the HIF funding but also important to the delivery of the Council's Local Plan, continuing to meet the Housing Delivery Test and in the recovery of the HIF funds via S106 agreements.

Consideration was given to:

- Concerns with regard to financial exposure and the need to mitigate any risk.
- A number of further decision points would be required with regard to funding for these projects.

- The increase in the costs for the projects and the reasons why such increases were being reported – The Head of Planning, Economy and Regeneration stated that construction costs had increased, the costs for the relocation of the sports facilities and the land acquisition were now better understood and that Devon County Council had updated allowance for risk and contingency at 20%.
- The history of the HIF funding, the original plans for early capacity improvements to J28 of the M5 which had been rethought to be achieved through the relief road, there were now concerns with regard to the amount of funding required to complete that project.
- The additional funding required by S106 agreements.
- The possible additional costs of the junction on the A361 and the need to wait for the tender process for this project to take place to confirm cost and that further reports would be considered by the Cabinet following the procurement process.
- Whether the departure of the Head of Planning, Economy and Regeneration would impact on the schemes – the Chief Executive informed the meeting that interim arrangements were in place.
- If the relief road was unviable, whether there was a Plan B or should the project revert to Junction 28? The Head of Planning, Economy and Regeneration stated that the relief road would provide short term capacity improvements to the junction and would allow for environmental improvements in the town. Further, more strategic improvements were still required to Junction 28 but those would be over a longer timescale.
- Further concerns with regard to whether the Levelling Up funding would be provided and the need for the Cabinet to receive regular updates.

RESOLVED that officers be instructed to:

1. Tiverton HIF project-

- i) Continue to work with Devon County Council to deliver the project;
- ii) Bring a report back to Cabinet once the tendering process is complete in order to seek a formal decision (with Devon County Council) over whether the delivery contract be entered into.

2. Cullompton HIF project –

- i) Continue to work with Devon County Council to deliver the project;
- ii) Once the outcome of the Levelling Up Fund bid is known to seek further instruction from Cabinet by bringing another report considering the financial implications and options available.

(Proposed by Cllr R J Chesterton and seconded by Cllr B A Moore)

Reason for the decision – to continue to progress work towards strategic projects.

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

48. **PUBLIC SPACES PROTECTION ORDER - DOGS (00-49-16)**

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

- To resolve to make and bring into force the draft PSPO at Appendix A.
- To authorise the Monitoring Officer to take all necessary steps to make and bring into force the draft PSPO at Appendix A.
- To instruct Officers to bring to the Environment PDG a draft variation of the PSPO (once made) to include the land identified by Hemyock for consideration for consultation.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report highlighting the history of the PSPO and the work that had been undertaken to date which included a further consultation process.

Consideration was given to:

- The resource available for enforcement
- The work of the enforcement officers
- The need to consider the culture of enforcement across Mid Devon

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 ensure that the Council has a Public Spaces Protection Order in place.

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

49. **TREE POLICY (1-01-46)**

Arising from a *report of the Corporate Manager for Property Leisure and Climate Change; the Environment Policy Development Group had made the following recommendation:

That the revised Tree Policy be adopted as attached in Annexe A for five years subject to minor amendments made by the Environment Policy Development Group including the possibility for some stock to be removed to allow the growth of new trees in the area which would keep the woodlands sustainable.

The Cabinet Member for Environment and Climate Change outlined the contents of the report and the revised policy explaining that the policy covered trees on land owned or leased by the Council and how those trees would be managed.

Consideration was given to how the policy was focused on trees but that vegetation and wildlife to do with all plants should be considered – the Corporate Manager for

Property, Leisure and Climate Change stated that this could be added to the Climate Strategy.

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

(Proposed by Cllr C R Slade and seconded by Cllr B A Moore)

Reason for the decision - to ensure that the Council has a Policy to manage its tree stock and ensures that inherent risk associated with trees is managed.

Notes:

- i) Cllr B A Moore declared a personal interest as a Member of 'Plant Life';
- ii) *Report previously circulated, copy attached to minutes.

50. **AIDS AND ADAPTATIONS POLICY(1-06-51)**

Arising from a *report of the Corporate Manager for Public Health, Regulation and Housing; the Homes Policy Development Group had made the following recommendation:

That the revised Aids and Adaptations Policy as attached in Annexe 1 be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the revised policy considered recent legislation and tenancy agreements and enabled the Council to serve its tenants in need of adaptations to their properties

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

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for the decision - to allow for formal adoption of the updated policy. The policy is key to ensuring that tenants with disabilities are supported to have access to facilities as set out by the medical and related professional opinion, in accordance with individual need and ability in order to continue living in their home.

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

51. **PRIVATE SECTOR HOUSING FEES & CHARGES 2021/2022 - REVISED CIVIL PENALTY POLICY AND DELEGATED POWERS (1-09-22)**

Arising from a *report of the Corporate Manager for Public Health, Regulation and Housing; the Homes Policy Development Group had made the following recommendation:

- That Cabinet approve the revised fees as set out in Annex 1.
- That Cabinet approve the updated Policy on the Use of Financial Penalties for Housing Act Offences as set out in Annex 2.

- That Cabinet approve the Corporate Manager for Public Health and Regulation and Housing having delegated authority to authorise relevant officers to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- That changes to the way Works in Default charges are constructed are agreed.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council had a duty to ensure that private accommodation met minimum standards and that there were regulations for licensing, management and use of houses in multiple occupation, carbon monoxide detectors and smoke alarms, electrical safety and defined hazards within the home. All of the enforcement activities and relevant fees and charges within the policy were set out in compliance with the legislation and the adopted Enforcement Policy. The Council had the power to recover all reasonable costs and those were ring-fenced for further enforcement action. There was a duty under Public Health to give confidence to the public.

Consideration was given to the fees and charges and that they would be reviewed on an annual basis.

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

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

Reason for the decision - Recharging for officer time in relation to enforcement activities, Houses in Multiple Occupation (HMO) licensing and recovering costs associated with non-statutory services means that we are encouraging compliance within the private rented sector, providing suitable for homes for our residents and ensuring HMOs do not have an adverse impact on communities.

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

52. **FINANCIAL MONITORING (1-13-31)**

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

The Cabinet Member for Finance outlined the contents of the report stating this was the first budget monitoring exercise for the financial year 2021/22. The projected outturn for the General Fund was a £65k underspend, a £314k underspend for the HRA and that it was too early to consider the Capital Programme at this stage. He highlighted the main points within the report: that income for leisure and car parking was down but that income for planning and waste had increased; staff costs were under budget but that contract staff (in waste) had been used. The Capital Programme with regard to delivery of projects required some refinement and the Treasury showed a better than forecasted return.

Note: *Report previously circulated and attached to the minutes

53. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-16-40)**

The Leader on behalf of the Cabinet Member for Continuous Improvement informed the meeting that 37 cases had been identified, 19 of which were closed, 12 were being actioned, and others were being monitored with 6 cases being reviewed by the directors. The Cabinet Member had been proactive, engaging with members and that the directors and officers had all worked hard to action/close current cases. She had called a meeting with directors to understand the delay with regard to voids and she had followed this up with members, requesting that they pass any cases to her.

54. **NOTIFICATION OF KEY DECISIONS (1-19-55)**

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

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

(The meeting ended at 11.33 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 July 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, E J Berry, Mrs F J Colthorpe,
L J Cruwys, Mrs S Griggs, P J Heal,
F W Letch, S Pugh, R F Radford,
Ms E J Wainwright and A Wilce

Also Present

Councillor(s)

R M Deed, B Holdman and B A Moore

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leiburne (Operations Manager Legal and Monitoring), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Jason Ball (Climate and Sustainability Specialist), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

17 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.16)

There were no apologies.

18 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.34)

Members were reminded of the need to make declarations of interests where appropriate.

19 HYBRID MEETINGS PROTOCOL (0.03.42)

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

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

20 PUBLIC QUESTION TIME (0.03.55)

There were no questions from members of the public present.

21 MINUTES OF THE PREVIOUS MEETING (0.04.08)

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

22 DECISIONS OF THE CABINET (0.09.43)

The Committee **NOTED** that none of the decisions made by the Cabinet on 6th July had been called in.

23 CHAIRMAN'S ANNOUNCEMENTS (0.09.54)

The Chairman announced that the Planning Enforcement Working Group was nearing completion and a final report would be brought to the September meeting.

24 S106 UPDATE (0.40.41)

The Committee had before it and **NOTED**, a *report of the Head of Planning, Economy and Regeneration providing a S106 update.

The Head of Planning, Economy and Regeneration provided an overview of the report which set out the current status of S106 funding, the legal constraints and current governance arrangements.

She informed Members that following the adoption of governance arrangements in October 2020 the S106 Board had been convened on several occasions.

She explained that the report provided information on the financial information over a number of years. S106 refunds were when money had been taken up front and then refunded to developers if planning approval had been refused or approved applications were not built out.

The Officer explained that S106 contributions from 3 Rivers Developments Ltd were dealt with in the same way as any other developer.

She went on to explain that the Governments White Paper was likely to bring significant changes and reform for Community Infrastructure Levy (CiL) and S106 contributions. The Government was yet to publish its response to consultation on the White Paper.

In response to questions asked she responded:

- Up to date information would be provided to Ward Members for specific parishes asked for;
- The S106 financial administration was moving from the Planning service to the Benefits, Income and Recovery service;
- S106 Policy Interpretation was staying within the Planning service;
- The Planning Obligations Monitoring Officer would deal with getting applications through the process and liaison with Ward Members and Parishes. The process would be provided to Members;
- A process for updating the membership of the S106 Board would be developed;
- Consideration would be given to including the Climate and Sustainability Specialist onto the S106 Board;
- That there were no specific time limits of when awarded S106 funding should be spent but there had been no instances of money having to be returned to developers because it had not been spent on time;

- That developers were not routinely informed on what their S106 contributions had been spent on but they were given the information if they enquired after it.

There followed a general discussion on the need for Ward Members and Parishes to be involved with the S106 funding requirements at an early stage of an application. The Head of Planning, Economy and Regeneration confirmed that the governance arrangements sought engagement with Ward Members and Parishes on project nominations with planning applications and heads of terms being able to be commented on and views known at an early stage of an application. Officers in Development Management had been reminded of the governance arrangements and the need to engage with Ward Members and Parishes at an early stage.

In response to a question asked about the procedure for the delegation of affordable housing offsite monies the officer responded that:

- Offsite contributions would be less common moving forward due to the adoption of the new Local Plan and an updated policy approach under Policy S3 in terms of whether affordable housing was provided on site;
- The Housing Enabling Officer now in post was a joint officer working in a shared post with the Forward Planning service which would see a more joined up approach looking at financial contributions for affordable housing;
- Often within S106 agreements there were cascade clauses incorporated which set out the sequence for spend and who would be eligible to occupy such developments
- Requests were received from providers of affordable housing and community land trusts to access S106 funding for such developments
- Further details on the affordable housing S106 funding and the need of the Housing Enabling Officer to understand the needs of the Parishes and liaising with them to coordinate the best schemes in the best areas would be made available to Members

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

25 MEETING MANAGEMENT

The Chairman informed the Committee that he would be taking agenda item 13, Scrutiny Proposal Form, as the next item of business.

26 SCRUTINY PROPOSAL FORM (0.50.15)

The Chairman introduced a Scrutiny Proposal form that he had submitted and informed Members that members of the public had raised concerns with him about the resource available within the Council to deliver the Eastern Urban Extension.

The Chief Executive explained he had provided a short briefing note to assist Members to understand what was already in place to scrutinise the development of the Eastern Urban Extension.

Members discussed the proposal and relayed their thoughts on the following:

- That they wanted to understand how the different developments knitted together

- They wanted to explore working with the Town Council looking at issues with the developments coming forward
- A Scrutiny Working Group looking solely at the Eastern Urban Extension would compromise what had already been agreed within the Local Plan
- The advice given by the Monitoring Officer that there should be no duplication or conflict of interests and that Members of the Planning Committee should not sit on the Working Group
- Members views that knowledge did not mean predetermination
- Members views that the Planning applications coming forward had to be determined by the Planning Committee
- Training and education could be provided to Town Councils and Ward Members on how the Local Plan was implemented
- Members views that there was a lack of community engagement with the roll out of the developments

Cllr G Barnell moved, seconded by Cllr L J Cruwys that: A joint working group be formed, set up by the MDDC Scrutiny Committee with the Tiverton Town Council and other relevant stakeholders. The task was to provide oversight and scrutiny of the delivery of the MDDC Local Plan in and around Tiverton including the two Tiverton Eastern Urban Extension Masterplans, the Tiverton Town Centre Masterplan and possibly the Tiverton Neighbourhood Plan.

Upon a vote being taken the proposal was not supported.

Notes:

- i.) Cllrs G Barnell, L J Cruwys and Ms E Wainwright requested that their vote for the proposal be recorded;
- ii.) Cllrs Mrs F J Colthorpe, E J Berry, P Heal and R Radford requested that their vote against the proposal be recorded;
- iii.) Cllr F W Letch requested that his abstention from voting be recorded;
- iv.) *Proposal form previously circulated and attached to the minutes.

27 **WHISTLEBLOWING 6 MONTH UPDATE (1.33.00)**

There were no Whistleblowing instances to report.

28 **FINANCIAL OUTTURN REPORT (1.34.33)**

The Committee had before, and **NOTED**, the Financial Outturn *Report from the Deputy Chief Executive (S151) which provided the Revenue and Outturn figures for the financial year 2020/2021.

The Deputy Chief Executive (S151) explained that the Council had faced some huge financial challenges during the year but final figures had shown a remarkable achievement.

He highlighted the work completed to distribute 90% of covid relief funding to local business of £20m and that a large capital spend budget had been carried forward due to planned capital projects being put on hold due to the pandemic.

In response to Member questions he responded:

- The report was generic and had been seen by the Cabinet on 6th July and that Members of Scrutiny were not being asked to approve anything;
- The impairment figures were his view if all loans would be repaid and this would be verified by the external auditor in the annual accounts;
- He would provide the cumulative total of all loans to 3 Rivers Developments Ltd and the timeframes for repayment
- He could not elaborate on the details of the contract dispute due to legal constraints
- The New Homes Bonus was not ring fenced for social housing and the Council had made a decision to use the funds towards capital projects
- The Council received a new burdens grant which enabled the administration costs of paying out the Governments Covid relief grants to be covered.

The Deputy Chief Executive (S151) invited Members to contact him if they required additional information on impairment and loans to 3 Rivers Developments Ltd.

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

29 **FORWARD PLAN (1.58.24)**

The Committee had before it and **NOTED** the *Forward Plan.

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

30 **SCRUTINY OFFICER UPDATE (2.00.26)**

The Scrutiny Officer informed the Committee that she would investigate when an update on the recommendations of the Customer Service Working Group would be brought to Committee.

An informal Work Programming Session would be arranged for August, date to be confirmed.

31 **WORK PLAN (2.01.23)**

The Committee had before it, and **NOTED**, the *Scrutiny Committee Work Plan for 2021-2022.

No items were brought forward for consideration for inclusion on the Work Plan.

Note: *Work Plan previously circulated and attached to the minutes.

(The meeting ended at 4.17 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 27 July 2021 at 5.30 pm

Present

Councillors

W Burke, Mrs C Collis, N V Davey, F W Letch, S J Penny,
A White and A Wilce

Apology

Councillor

A Wyer

Also Present

Councillors

G Barnell, R M Deed, R Evans, R F Radford and B G J Warren

Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Paul Deal
(Corporate Manager for Finance), Catherine Yandle (Operations
Manager for Performance, Governance and Health & Safety),
Paul Middlemass (Audit Manager), Kieran Knowles
(Accountant), Carole Oliphant (Member Services Officer) and
Sarah Lees (Member Services Officer)

Also

In attendance

Grace Hawkins (Grant Thornton)

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

RESOLVED that Cllr S J Penny be elected as Chairman of the Audit Committee for the municipal year 2021/2022.

2. ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr A White be elected Vice Chairman of the Audit Committee for the municipal year 2021/2022.

3. APOLOGIES

Apologies were received from Cllr A Wyer who was substituted by Cllr F Letch.

4. PROTOCOL FOR HYBRID MEETINGS

The protocol for hybrid meetings was noted.

5. PUBLIC QUESTION TIME

There were no questions from members of the public.

6. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 23 March 2021 were confirmed as a true record and signed by the Chairman.

8. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that David Curnow from the Devon Audit partnership would be retiring shortly. Mr Curnow had supported the Audit Committee and had been the Internal Audit lead since 2017. He wished to thank him for all his help and support during that time. On behalf of the Committee he wished him a long and happy retirement.

9. START TIME OF MEETINGS

The Committee **AGREED** to continue to meet on Tuesday evenings at 5.30pm.

10. PERFORMANCE & RISK OUTTURN REPORT 2020/21 (00:10:00)

The Committee had before it, and **NOTED**, a report * from the Chief Executive providing Members with the outturn on performance against the Corporate Plan and local service targets for 2020/2021.

The contents of the report were outlined and discussion took place regarding:

- The Council aimed to work with Community Land Trusts and other organisations to deliver homes retained in perpetuity for local need.
- It was confirmed that the Tiverton WiFi project was being progressed.
- The Deputy Chief Executive (S151) would provide the Audit Committee with an update on the creation of the South West Mutual Bank following the meeting, the precise details were not to hand during the meeting itself. Following this, if there were issues that Members wanted to discuss they could be brought before this Committee at the next meeting.
- The Council had received funding of £534,410 to specifically help adversely affected individuals through Hardship funding and for Self Isolation payments. Payments had continued to be made against both funds to date. An officer had been specifically appointed to signpost those in need to apply to this fund.

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

11. DRAFT ANNUAL GOVERNANCE STATEMENT & CORPORATE GOVERNANCE FRAMEWORK (00:20:00)

The Committee had before it, and **NOTED** the draft * Annual Governance Statement and Action Plan and accompanying Corporate Governance Framework for 2020/2021.

The Committee were asked to consider whether there were any comments they wished to make regarding the draft document, did anything need to be added, removed or amended? The following comments were made:

- An explanation was requested regarding the 'Evolve' project which was described as several HR workstreams; to monitor performance management

on-line, a new competency framework and which could also facilitate a skills audit, this was yet to be completed and had not met the deadline in the Action Plan.

- As a result of more hybrid working proposals, a significant investment and upgrade of the Council's IT arrangements would need to take place and this would take some time with a completion date of 30 September 2022 in the Action Plan.
- It was confirmed that there was no backlog of data entry work as a result of the pandemic. A system called 'Citizen Access' had been brought in to help customers pay council tax promptly on-line. Other arrangements for paying were still in place for those people who were not so IT competent.
- Concern was expressed regarding the number of empty Council homes in the district. However, it was explained that the Council could simply not take back houses where there were outstanding legal issues. There was a process to go through via the courts and due to the Covid situation the courts were taking longer than usual to process cases.

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

12. **DRAFT STATEMENT OF ACCOUNTS FOR 2020/2021**

The Committee had before it, and **NOTED**, the draft version of the annual Statement of Accounts. The final set of accounts and the audit opinion would be presented to the September Committee.

Consideration was given to:

- A review of the impairment provision against 3 Rivers Developments Ltd had concluded that no further or indeed reduction in impairment was required. It was explained that there was significant opportunity for the company to repay the loans before they were due. Small loans were being issued post impairment but repayments were being made.
- A request was made to provide Members with full details in relation to the cumulative lending for 3 Rivers operating costs as well as a repayment schedule. The Deputy Chief Executive (S151) that he would be happy to meet with any Member having concerns in this area to go through the detailed accounting in relation to this issue.
- The meaning of a 'smoothing' reserve.
- Concerns regarding the pensions liability. It was forecasted that a higher contribution rate would need to be paid in the future.

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

13. **INTERNAL AUDIT PROGRESS REPORT 2021 - 2022 (00:55:00)**

The Committee had before it, and **NOTED**, a report from the Devon Audit Partnership presenting a summary of the work undertaken by internal audit to date.

A summary of the contents of the report was provided and reference was made to:

- Overall, based on work performed during 2021/2022 and experience from the current year progress and previous years' audit, the Head of Internal Audit's

Annual Opinion at this time was one of 'Reasonable Assurance' on the adequacy and effectiveness of the Council's internal control framework.

- The number of audit recommendations had increased slightly as a result of recent audits.
- The Corporate Debt Recovery Policy would be reviewed in the coming year to see if it was being implemented effectively.
-

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

14. **DAP ANNUAL REPORT FOR 2020 - 2021 (01:02:00)**

The Committee had before it, and **NOTED**, the DAP Annual Report * updating it on the work performed by internal audit during the financial year 2020/2021. This should be considered alongside the Council's own Annual Governance Statement.

The contents of the report were outlined with particular reference to the following:

- The opinion of 'Reasonable Assurance' was explained as being a good outcome during a pandemic.
- DAP were satisfied that adequate controls had been maintained.
- Details included in the assurance map indicated some trends the Council needed to focus on such as 3rd party resilience and governance, fraud, input processing and output controls. It had been identified that perhaps a more proactive approach needed to be taken to identify and address areas of weakness.
- Internal audit assessments could be discussed with any Member of the Council so long as confidential elements were respected.

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

15. **EXTERNAL AUDIT PROGRESS REPORT (01:15:00)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton providing an update on progress in delivering their responsibilities as the Council's external auditors.

The following was highlighted within the report:

- It was confirmed that they had received the draft accounts and their audit had commenced in the previous month.
- There was still work to do in relation to the Devon Pension Fund, however, their audit findings would be presented to the September Committee.
- The concept of 'Management over-ride of controls' was described as being the processes and controls in place in areas such as journals and estimates to prevent management intentionally misstating transactions. The external auditors would be undertaking a review of this area to assess whether there had been any management bias.

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

16. **EXTERNAL AUDIT PLAN 2020/2021 (00:18:00)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton providing an overview of the planned scope and timing of the statutory audit of Mid Devon District Council's accounts for 2020/2021.

Consideration was given to the following within the report:

- A new code in relation to Value for Money arrangements.
- Analysis of accounting estimates and control of risk would play a key part in the external audit.
- An increase in the audit fee and how this was justified? It was explained that the Redmond Review had highlighted that there had generally been an undercharge of audit fees nationally but an increase in the number of regulations that needed to be complied with by external auditors.

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

17. **EXTERNAL AUDIT - ACCOUNTING ESTIMATE MANAGEMENT SUMMARY (01:25:00)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton setting out queries in relation to some accounting estimates in the financial statements and the MDDC management response.

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

18. **EXTERNAL AUDIT - PSA INFORMING THE AUDIT RISK ASSESSMENT 2020-21 (01:27:00)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton setting out what was needed with regard to the two way communication process between them and the Council's Audit Committee in matters where risk needed to be assessed.

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

19. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (01:28:00)**

Prior to considering the following item on the agenda discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02 (d) (a presumption in favour of openness) of the Constitution.

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

(Proposed by the Chairman)

20. LESSONS LEARNED FROM THE DISPOSAL OF PARK NURSERY

The Committee had been requested by the Cabinet to undertake a 'lesson learned' review of the sale of Park Hill nursery and to report back having considered the financial and 'other' impacts from the process followed and to provide recommendations for future such endeavours.

Following consideration of the briefing paper provided, it was confirmed that the Committee's observations and recommendations would be taken back to the Cabinet for their consideration.

The meeting returned to open session.

Note: *Briefing paper previously circulated.

21. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:42:00)

In addition to the items listed in the work programme the following was requested to be added to the agenda for the next meeting:

- The need for a second member of the Committee to volunteer to attend DAP Board meetings alongside the Chairman.
- To discuss a potential increase of numbers on the Audit Committee.

(The meeting ended at 7.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 13 July 2021 at 5.30 pm

Present

Councillors

J Wright (Chairman)
E J Berry, W Burke, D R Coren, L J Cruwys,
Miss J Norton, R F Radford, R L Stanley
and B G J Warren

Apologies

Councillor(s)

L D Taylor

Also Present

Councillor(s)

Mrs C P Daw, R M Deed, R Evans and C R Slade

Also Present

Officer(s):

Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Matthew Page (Corporate Manager for People, Governance and Waste), Jason Ball (Climate and Sustainability Specialist), Darren Beer (Operations Manager for Street Scene), Deborah Sharpley (Solicitor), Vicky Lowman (Environment and Enforcement Manager), Philip Langdon (Solicitor), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (THE CHAIRMAN OF THE COUNCIL IN THE CHAIR) (0.00.07)

Cllr J Wright was duly elected Chairman for the municipal year.

2 ELECTION OF VICE CHAIRMAN(0.07.00)

Cllr E J Berry was duly elected Vice Chairman for the municipal year.

3 START TIME OF MEETINGS (0.08.07)

The start time of meetings for the municipal year was agreed as 5.30pm.

4 APOLOGIES AND SUBSTITUTE MEMBERS (0.08.30)

Apologies were received from Cllr L D Taylor who was substituted by Cllr L J Cruwys.

5 HYBRID MEETING PROTOCOL (0.09.02)

The Group had before it, and **NOTED**, the Hybrid Meeting Protocol.

Note: *Protocol previously circulated and attached to the minutes

6 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.09.12)**

Members were reminded to declare any interests where appropriate.

7 **MINUTES OF THE PREVIOUS MEETING (0.09.35)**

The Minutes of the previous meeting held on 13th April 2021 were agreed as a true record and were signed by the Chairman

8 **PUBLIC QUESTION TIME (0.10.29)**

There were no questions from members of the public present.

9 **CHAIRMAN'S ANNOUNCEMENTS (0.10.33)**

The Chairman had no announcements to make.

10 **CABINET MEMBER FOR THE ENVIRONMENT AND CLIMATE CHANGE (0.10.40)**

The Cabinet Member for Environment and Climate Change reported on areas within his portfolio and informed the Group of the following:

- There were currently some staffing issues at Carlu Close due to staff sickness and staff having to self-isolate. There were a number of vacancies for drivers and the service was looking at a recruitment drive and retaining the staff they had.
- The 3 week waste collection trial was underway and social media platforms were being used to promote this. No issues or problems had been reported so far.
- The draft MDDC Litter Strategy was being updated with suggestions from the Scrutiny Committee and would be brought before the Environment PDG at the September meeting.
- Possible sites had been identified for recycling bins and initial consultations had taken place with the Town and Parish Councils.
- He had recently attended a meeting with the Local Government Association

11 **CLIMATE CHANGE UPDATE (0.15.24)**

The Group had before it, and **NOTED**, a *report of the Corporate Manager for Property, Leisure and Climate change providing an update on the Climate Change Action Plan from the Climate and Sustainability Specialist.

The Climate and Sustainability Specialist gave the Group a summary of actions which had been taken against the Corporate Plan which included:

- Development of an interim statement on Climate Change which would sit alongside the current Local Plan;
- Working with teams, including the Culm Garden Village, to promote sustainable building practices;

- Work to support the team behind the Housing Strategy. The Housing team are working to establish the best options and costings for retrofit on different types of housing stock held e.g. how they could be made more energy efficient;
- Utilising a £300k grant to decarbonise the Council's buildings and leisure centres;
- Looking to source a higher percentage of the Council's electricity needs through green energy tariffs/agreements;
- Signing up to an electric car charging scheme to increase the number of charging points across the District and investigations into obtaining electric vehicles across the transport fleet;
- Encouraging recycling to increase the rates, including running a recycling promotion at the Mid Devon Show;
- Working with local groups such as Sustainable Tiverton and Crediton to achieve mutual benefits

The Officer gave an overview of sustainable housing Zed Pods and informed the Group that one was due to go on display in Cullompton shortly.

In response to questions asked the Officer confirmed that the Council was working with local landowners and groups to promote tree planting but that the council scheme was outside of the wider DEFRA scheme. The lighting on the Council's sport pitches had been tendered and the lighting on the all weather pitch at Exe Valley Leisure Centre was being looked at as part of the replacement LED lighting project. This work was captured within future plans to install low energy lights.

The Group then discussed the impact of the right trees in the right place and sustainable farming practices.

With regard to increasing the number of electric car charging points the Climate and Sustainability Specialist stated the Council could encourage them to be built on new housing developments and people buying electric cars were able to obtain a grant to have a charging point installed at their home. He stated there was a need to put additional chargers where people currently parked for a period of time like supermarkets, leisure centres and places of work.

The Cabinet Member for Housing informed the Group that the Homes PDG would be looking at the Housing Strategy next week which included many climate change initiatives and invited members of the group to attend. He stated that he would see if it was financially possible for the Zed Pods to be displayed in Tiverton.

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

12 **TREE POLICY (0.50.46)**

The Group had before it a *report of the Corporate Manager for Property, Leisure and Climate Change providing details of the revised Tree Policy.

The Corporate Manager for Property, Leisure and Climate Change gave the Group an overview of the Tree Policy and stated that the Policy covered only Council owned trees. It did not include those trees subject to Tree Protection Orders (TPO's), privately owned trees or high hedges. The Policy was a useful guide for the public and customer services officers alike.

The officer informed the Group that permission would not normally be given to prune or remove trees because of:

- a) Leaf fall
- b) Fruit fall
- c) Bird droppings
- d) Interference with TV signals
- e) They block a view
- f) They cause an acceptable level of shading
- g) Fears that they may damage a building or surface with no evidence
- h) Aphid infestation (Honeydew)
- i) Because they are considered by some to be too tall
- j) Because they overhang an adjacent property, where no damage is likely (each case is assessed individually)
- k) They are shading solar panels

Members requested an addition to the Policy so that it would be possible for some stock to be removed to allow the growth of new trees in the area which would keep the woodlands sustainable. The Officer agreed to add this addition.

Consideration was given to:

It was therefore **RECOMMENDED** to the Cabinet that:

- The revised Tree Policy be adopted as attached in annex A for five years subject to minor amendments suggested by the Environment PDG

(Proposed by the Chairman)

Reason for the decision: To ensure that the Council has a Policy to manage its tree stock and ensures that inherent risk associated with trees is managed.

Note: *Report previously circulated and attached to the minutes

13 PUBLIC SPACES PROTECTION ORDER (1.03.00)

The Group had before it a *report of the Environment and Enforcement Manager setting out the key findings from the consultation on the Public Spaces Protection Order (PSPO).

The Environment and Enforcement Manager informed the Group that the PSPO contained the results of the recent public consultation. She advised that two area's in Hemyock had been left off parts of the order in error and she apologies for this.

In order to include the two missed areas the Officer informed the Group that the PSPO could be brought into force and a variation adding the two areas could be brought back to the Environment PDG at a later date, once the public consultation was done on these areas.

The Group agreed that a lot of work had gone into the PSPO and that it should not be delayed in coming into force. They agreed that further area's to be added should be brought as a variation at a later date.

It was therefore **RECOMMENDED** to the Cabinet that:

1. To make and bring into force the draft PSPO at appendix A
2. To authorise the Monitoring Officer to take all necessary steps to make and bring into force the draft PSPO at appendix A
3. To instruct officers to bring to the Environment PDG a draft variation of the PSPO (once made) to include the land identified by Hemyock for consideration for consultation

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

Reason for the decision: To ensure that the Council has a Public Spaces Protection Order in place

Note: *Report previously circulated and attached to the minutes

14 **PERFORMANCE AND RISK OUTTURN REPORT (1.14.03)**

The Group had before it, and **NOTED**, a *report of the Operations Manager for Performance, Governance and Health and Safety providing the outturn performance against the corporate plan and local service targets for 2020/2021.

The Chairman asked the Group to reflect on the content of the reports and if Members felt they enhanced Policy Development. He advised that moving forward the Group would not be presented the Performance and Risk report at each meeting and that if Members were interested in the results these would still be reported at Council, Scrutiny Committee and Audit Committee.

Note: *Report previously circulated and attached to the minutes

15 **FINANCIAL OUTTURN REPORT (1.20.02)**

The Group had before it, and **NOTED**, a *report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial years 2020/2021.

The Corporate Manager for Finance explained that the report covered the General Fund, HRA Fund and the Capital Program.

He explained that the outturn was a remarkable achievement and the position had improved by year end.

The Chairman explained that following an informal session of the programming panel, the financial forecast would no longer be brought to the PDG but that the Group would be involved in the budget setting process for the Environment portfolio as normal. He asked Members to think about what they wanted to influence with regard to the budget for the Environment portfolio so that this could be considered and discussed during the budget setting process in the autumn.

Note: *Report previously circulated and attached to the minutes

16 WORK PROGRAMMING SESSION (1.25.48)

The Group received an update from the Scrutiny and Policy Development Officer which gave an overview of the programming panel and the aim of the work programming session.

The Group considered the current *work plan for the Environment PDG and suggested the following for further consideration:

- Fly tipping of grass cuttings by the grounds maintenance team
- Involvement of Town and Parish Council's in the street naming process – This would first be investigated by Corporate Manager for Property, Leisure and Climate Change and Members updated with the current process.

Note: *Work Plan previously circulated and attached to the minutes.

(The meeting ended at 7.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 20 July 2021 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
G Barnell, D R Coren, C J Eginton, S Pugh and R F Radford

Apologies

Councillors

J Bartlett, J Cairney and S J Clist (although Cllr Cairney attended part of the meeting via Zoom)

Also Present

Councillors

R Evans and B G J Warren

Present

Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Tristan Peat (Forward Planning Team Leader), Mike Lowman (Building Services Operations Manager), Arron Beecham (Forward Planning Officer), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

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

RESOLVED that Cllr R J Dolley be elected the Chairman of the Homes Policy Development Group for the municipal year 2021/2022.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Policy Development Group for the municipal year 2021/2022.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

- Cllr J Bartlett
- Cllr J Cairney
- Cllr S J Clist who was substituted by Cllr G Barnell

4 PROTOCOL FOR HYBRID MEETINGS

The protocol for hybrid meetings was noted.

5 PUBLIC QUESTION TIME

There were no members of the public present and no questions had been submitted in advance.

6 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

7 MINUTES

The minutes of the meeting held on 16th March 2021 were approved as a correct record of the meeting and signed by the Chairman.

8 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- There was a site visit to St Georges Court later that day at 5pm and all Members were welcome to attend.
- He reminded the Group that they were a 'Policy' Development Group and that that should be their focus going forwards. There would be less reports coming forwards for noting only, for example, Performance and Risk and Financial Monitoring since these were reported to the Scrutiny Committee, the Audit Committee and Cabinet on a regular basis. Members were welcome to attend those meetings and if an issue fell under the umbrella of Housing which was of concern it could be brought to the Policy Development Group meeting.

9 START TIME OF MEETINGS (00:10:00)

It was **AGREED** to continue to hold meetings at 2.15pm on Tuesday afternoons.

10 MEETING MANAGEMENT (00:12:00)

The Chairman informed the Group that he would be taking item 17, 14 and 15 (in that order) as the next items of business. The reason for this being that he felt that the work programming item would inform debate surrounding the rest of the items on the agenda.

11 WORK PROGRAMMING SESSION (00:13:00)

The Scrutiny Policy and Research Officer provided the Group with a summary of the discussions that had taken place at a recent informal Programming Panel meeting and reminded the Group, by way of presentation, the issues which fell under the umbrella of the 'Homes' area within the Constitution and the Corporate Plan.

Reference was made to the selection criteria used by the Scrutiny Committee to determine whether or not an issue should be discussed, this included, benefits to the community, what the 'value added' benefits would be, what the impact of the issue was or could be and the associated risks. Possible options for future agendas included, single item agendas, working groups to investigate specific issues and inviting external speakers with expertise on particular housing issues.

The Group identified two areas that they would like to focus on in their work programme for the coming year:

- Social Housing / Affordable Homes
- Private Sector Housing and bringing empty homes back into use

Note: * Work programming slides previously circulated; copy attached to the signed minutes.

12 PERFORMANCE AND RISK OUTTURN FOR 2021/2021 (00:18:00)

The group had before it, and **NOTED**, a report * from the Chief Executive providing Members with the outturn on performance against the Corporate Plan and local service targets for 2020/21.

The Group's attention was drawn to appendix 6, the Risk Register and also the fact that there was an error at section 3.1 in the report which stated that one 'Right To Buy' property had been brought back into use when in fact it had been two.

Discussion took place with regard to:

- A request to see dry recycling figures segregated out as a separate item in the performance indicators for recycling. However it was explained that there was a need to be consistent with the rest of Devon in reporting these statistics but discussions on the best way to report this were ongoing.
- How quickly housing performance indicators could be reported in the future given the formulation of the new Housing Strategy.
- It was intended to provide an annual update to the Group on progress with aspirations within the new Housing Strategy.
- The necessity to explore all available opportunities to acquire land for house building.

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

13 REVENUE AND CAPITAL OUTTURN FOR 2020/2021 (00:37:00)

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive presenting the Revenue and Capital outturn figures for the financial year 2020/2021.

The following was highlighted within the report:

- The previous financial year had been the most challenging the Council had ever had to face but it had still managed to finish with a £65k overspend on the General Fund and a small underspend on the Housing Revenue Account.
- A small amount had been transferred to Reserves.
- The collection of rents had not been nearly bad as expected.
- The Revenues and Benefits teams had been heavily involved in the paying out of Government funding.
- The Council had received Government funding in relation to the Income Reduction Scheme and the Decarbonisation Fund
- There had been some slippage on the Capital programme due to the pandemic.

- Treasury Management had performed well.

A brief discussion took place regarding how well the Council had performed financially given the extreme circumstances due to Covid.

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

14 **AIDS AND ADAPTATIONS POLICY (00:45:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing Members with an opportunity to review the proposed update to the Aids & Adaptations Policy.

Discussion took place regarding:

- Who provided the Occupational Therapy service referred to within the report, how available was it and how was it delivered? It was explained that the Council had contact with both Devon County Council and the NHS. It was confirmed that there had been pressure on this service during the pandemic. The onus was on the Council to respond to an individual's 'Statement of Need' once this had been obtained by partner agencies. A monthly meeting was held with Devon County Council and it had recently been agreed to commence the start time for completing the 'aids and adaptation' needs of clients from the moment the client contacted DCC rather than when the District Council received a 'Statement of Need'. It was confirmed that the Building Service had conducted more work in this area in the previous quarter than they ever had before.
- The importance of providing adaptations to outdoor areas, such as boundary walls, as well as indoor adaptations so as to ensure the safety of residents using those areas.

RECOMMENDED to the Cabinet that the revised Aids & Adaptations Policy be approved.

(Proposed by Cllr C Eginton and seconded by Cllr R F Radford)

Reason for decision

The reason for the recommendation is to allow for formal adoption of the updated policy. The policy is key to ensuring that tenants with disabilities are supported to have access to facilities as set out by the medical and related professional opinion, in accordance with individual need and ability in order to continue living in their home.

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

15 **PRIVATE SECTOR HOUSING FEES AND CHARGES 2021/2022 / REVISED CIVIL PENALTY POLICY AND DELEGATED POWERS (00:55:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing the Members with the revised fees and charges for statutory and discretionary Private Sector Housing functions within the Community Team, Public Health and Regulatory Services.

Discussion took place regarding:

- How effective enforcement was within this area? It was explained that there was a proactive enforcement approach within the team, with officers being trained in enforcing criminal legislation and documenting evidence. All available powers were used and cases referred to the court where necessary.
- There was a proactive programme in place to ensure property checks for Houses of Multiple Occupation.

RECOMMENDED to the Cabinet that:

1. The revised fees as set out in Annex 1 be approved.
2. The updated Policy on the Use of Financial Penalties for Housing Act Offences as set out in Annex 2 be approved.
3. The Corporate Manager for Public Health and Regulation and Housing be given delegated authority to authorise relevant officers to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
4. That changes to the way Works in Default charges are constructed are agreed.

(Proposed by the Chairman)

Reason for the decision

Recharging for officer time in relation to enforcement activities, Houses in Multiple Occupation (HMO) licensing and recovering costs associated with non-statutory services means that we are encouraging compliance within the private rented sector, providing suitable for homes for our residents and ensuring HMOs do not have an adverse impact on communities.

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

16 HOUSING STRATEGY CONSULTATION DRAFT (01:10:00)

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing providing Members with an opportunity to review the proposed consultation draft of the revised corporate Housing Strategy.

The contents of the report were outlined with the following being highlighted:

- It wasn't a legal requirement to have a Housing Strategy in place but it was a really important document. Homes were a basic necessity and a fundamental requirement for everybody. Local authorities had a broad role to play in supporting and regulating the housing sector, this forward looking document provided a framework to enable this to happen. It involved key facets such as public health and the opportunity to attract and retain a skilled work force within Mid Devon.
- The proposed Strategy very much linked with other key council policies such as the Local Plan.
- The following '**HOME**' priorities were proposed within the Strategy document:

- **Housing** - increase delivery of quality designed, well-built homes across the housing market to meet identified needs
- **Optimise** - fit for purpose healthy, sustainable, adaptable homes optimised for high energy efficiency and low carbon impact
- **Making the most** - making the most of our existing homes across the private and public sector in all forms of tenure
- **Engage** - engaging and working with others including partner organisations to deliver our aims
- A key thread within the document was the Council's commitment to climate change and the reduction of carbon.
- The Group's attention was drawn to Objectives 5 and 6 annexed to the report which highlighted the aim of seeking to retain a viable Council Housing stock baseline through full use of available Right to Buy receipts and growing the number of Council houses further through other mechanisms

Discussion took place regarding:

- The proposed strategy represented a step change in approach and a joined up approach with the Planning department and the Local Plan. The Group congratulated the officers in drawing up what was referred to as an 'excellent piece of work'.
 - Concerns regarding a perceived lack of ambition regarding the numbers of new Council houses proposed to be built.
 - Figures quoted within the report represented a baseline or a minimum in terms of aspiration. Numbers of houses had had to be included in terms of what was realistically deliverable and achievable. The Strategy had to start somewhere.
 - The need to explore all available avenues to building to new homes including the recently advertised modular homes.
 - The time table at section 3.2 within the report was confirmed as correct.
- The Group **NOTED** the proposed timeline and stages for adoption of the Housing Strategy.

RECOMMENDED to the Cabinet that the draft Housing Strategy 2021 – 2025, attached at annex 1, be approved for external and public consultation.

(Proposed by the Chairman)

Reason for the decision

The reason for the decision is to ensure the Council can progress to the next key consultation stage leading to the adoption of the Strategy and have approval with regards to the overall adoption process.

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

17 UPDATE ON TECKAL CONSIDERATIONS

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) informing Members of the intended timetable of activities / reports that will be produced to consider the applicability of a Teckal delivery model to assist in the delivery of the Council's accelerated HRA housing programme.

The content of the report was outlined and it was explained that an all Member briefing would be scheduled for late August or early September. This would be to discuss with Members the basics of Teckal, the associated advantages and disadvantages and whether there were any other mechanisms available to achieve the same aims. Any final decision as to the way forward would need full Council approval. It was also confirmed that there were strong links with the proposed Housing Strategy.

Consideration was given to the following:

- The delay with current housing projects.
- The need to explore the best and most affordable opportunities.
- The proposal was to take an options paper to Cabinet in September and then to full Council for a decision in the autumn which would be likely to coincide with the new Housing Strategy.
- Proposals for the Post Hill development and Teckal were not currently connected.
- Much work was going on behind the scenes regarding the Post Hill development and planning permission was being sought as were design specifications. This was a multi million pound project which needed careful preparation. It was envisaged that the Council would commence development within the current financial year.

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

18 HOUSING SERVICE UPDATE

The Group had before it, and **NOTED**, a report from the Operations Manager for Housing providing an update on enforcement and other activity undertaken by officers in the Housing Service.

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

19 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

In addition to the items already within the work programme for the next meeting, the following was also requested to be on the agenda:

- An update on affordable housing projects
- A specific update on the Post Hill project

(The meeting ended at 4.20 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 15 July 2021 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
Mrs C Collis, N V Davey, R J Dolley, Mrs S Griggs,
B Holdman, D F Pugsley, R F Radford and J Wright

Also Present

Councillors

S J Clist, R M Deed and B G J Warren

Present

Officers

Stephen Walford (Chief Executive), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Paul Deal (Corporate Manager for Finance), Clare Robathan (Policy and Research Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

Also in

Attendance

Andrew Butler, National Farmers Union (NFU)

1 Election of Chairman - Chairman of the Council in the Chair

RESOLVED that Cllr J Downes be elected Chairman of the Policy Development Group for the 2021/2022 municipal year.

2 Election of Vice Chairman

RESOLVED that Cllr N V Davey be elected Vice Chairman of the Policy Development Group for the 2021/2022 municipal year.

3 Apologies and Substitute Members

There were no apologies for absence.

4 Protocol for hybrid meetings

The protocol for hybrid meetings was noted.

5 Public Question Time

There were no members of the public in attendance.

6 Declaration of Interests under the Code of Conduct

No interests were declared under this item.

7 Minutes

The minutes of the meeting held on 11 March 2021 were confirmed as a true and accurate record and signed by the Chairman.

8 Chairman's Announcements

The Chairman informed the Group that he had attended an informal meeting of the Programming Panel recently. Following discussion with members of the Panel the general view had been that the focus for Policy Development Groups going forwards should be more on developing policy rather than receiving reports for noting.

9 Start time of meetings

The Group **AGREED** to continue to hold meetings at 5.30pm on Tuesday evenings for the remainder of the municipal year.

10 Agricultural sector update (00:15:00)

Mr Andrew Butler attended the meeting (remotely) as a representative from the NFU to provide the Group with an update on the Agricultural Sector. Via a presentation he highlighted the following issues:

- The whole food chain within the UK employed circa 4 million people.
- Supply chains had been severely impacted by the pandemic.
- There had been a significant drop in beef prices.
- The tourism sector had also suffered a significant negative impact.
- In food retail initially there had been a massive increase in demand, particularly in certain products such as long life milk and flour.
- It had been hard to move from wholesale to retail for some suppliers, different sized products for different consumers. In the early days of the pandemic there had been significant problems about matching supply with the consumer.
- Against the backdrop of high sales of minced beef, the NFU had worked hard to promote the sale of steaks which had been supported by retailers of British products.
- With Brexit there had been a significant change in the trading relationship between farmers, the Government and Europe. In the early stages exports had been down 21%. Meat and dairy had been the most complicated products to export in terms of the paperwork. However, in quarter two there had been some recovery and significant efforts had been made to secure deals with the rest of the world, Australia in particular.
- The most major concern was that food was produced at a lower standard in the rest of the world than it was within the UK, this remained a core worry for consumers.
- The Farmers Payment Scheme was due to be phased out by 2027 and this presented a major risk factor for mixed farming going forwards.

Discussion took place with regard to:

- The Agricultural sector had suffered a double hit with both Brexit and the pandemic within the last 18 months.
- Whether there was a possibility of a more local abattoir in order to reduce the transport times of livestock. The costs involved with setting up an abattoir were explained including those in relation to regulation, and vets. The Group were further informed that journey time of livestock with the UK was one of the lowest in Europe. It was not ideal but the system was well controlled and regulated.
- The question was asked as to whether there was anything the Council could do to help the sector. It was explained that within the area of planning the Council could do more to support planning policies and the investment in farming. It could support 'Buy British' with its messaging as well as encouraging the public to use the countryside more responsibly.
- The price of land being a barrier to young people wanting to start a farming business. It was explained that different routes could be explored to enter the sector such as shared tenancy / farming.
- Whilst some areas within the sector remained stable in terms of prices there was a great deal of uncertainty moving forwards.
- There had been workforce pressures due the pandemic and these remained.
- Transport issues had also been a significant issue with a need for more lorry drivers transporting all elements of the sector from and to where it needed to be.
- Diversification issues and solar farms being used to produce both renewable energy and livestock grazing.

It was **AGREED** that a meeting would be set up with the NFU representative and relevant Members and officers to progress the discussion and see what could be done by the Council to support the sector further.

Note: Cllr R Dolley declared a personal interest in that he had connections within the agricultural sector and had worked for a meat production company for 15 years.

11 **Meeting management (00:45:00)**

The Chairman informed those present that he would be taking item 14 – Work Programming Session – as the next item of business since this would inform their discussion on a re-evaluation of the work of the Group going forwards.

12 **Work programming session (00:50:00)**

The Scrutiny Policy and Research Officer provided the Group with a summary of the discussions that had taken place at a recent informal Programming Panel meeting and reminded the Group, by way of presentation, of the issues which fell under the umbrella of the 'Economy' area within the Constitution and the Corporate Plan. The purpose of the meeting had been to start a conversation about a co-ordinated approach to work programming across the Council and provided an opportunity for each Group to be ambitious towards achieving its goals within the Corporate Plan.

The Chairman introduced the discussion by explaining that this provided a seed change opportunity. By way of a first step he suggested that the Performance and Risk and Financial Monitoring reports be presented to them on a much less regular basis, perhaps only once a year, however, it was recognised that the Group would still need to be involved in the annual budget setting process. He further explained that it may be necessary to set up a number of working groups to focus on particular issues in order to achieve the realigned goals of the Group.

Consideration was given to:

- The need to use officer time more efficiently
- Performance & Risk and financial monitoring was reported regularly to the Scrutiny Committee, the Audit Committee and the Cabinet. Members could always attend those meetings and if there was an issue of concern they could bring them to the relevant Policy Development Group.
- A need to think 'outside the box' and not continue with the pattern of reporting that Policy Development Groups had fallen into.
- The need for cross Policy Development Group working and an exchange of ideas. This could be supported by more regular meetings of the Programming Panel.
- The need for confidence on the officers 'to do their job' with less regular scrutiny.

It was **AGREED** that following the next formal meeting of the Programming Panel and the discussions to take place therein, the September meeting of the Economy PDG would explore work programming ideas further.

Note: * Work programming slides previously circulated; copy attached to the signed minutes.

13 Covid 19 Local Economic Recovery Plan (01:15:00)

The Group had before it a report * from the Head of Planning, Economy and Regeneration updating members on recovery activities undertaken to date and setting out a proposed way forward with regard to the preparation of a districtwide COVID 19 Economy Recovery Plan.

The contents of the report were outlined with particular reference to:

- The three key stages of the local response to the economic impact of the pandemic across Mid Devon:
 - Stage one: Covid 19 Emergency Response
 - Stage two: Initial Recovery Response
 - Stage three: Longer Term Economic Recovery
- The current Economic Strategy document actions would need some refinement as a result of the pandemic. Long term recovery would need to maximise opportunities to 'Build Back Better' whilst also recognising the Council's commitment to Climate Change.
- There would also be a need to recognise the Council's limitations, maximise partnership working opportunities and a need to prioritise work streams within available resources.

- The involvement of the Group was pivotal to the formulation of the recovery plan. The report proposed that a series of workshops be set up to allow Members of the Group the opportunity to delve into the five key intervention areas previously identified as part of the Economic Strategy work, these being, Employment and Skills, Place, Infrastructure, Hi-Tech, Innovation & Green Energy and Agriculture, Food and Drink. Each of these workshops would be held to link into formal Policy Development Group meetings over the remainder of the municipal year.

Consideration was given to:

- The Council's direct influence over highways issues was limited but it was able to lobby the appropriate people.
- The need to be engaged in all available avenues to apply for funding and investment.
- Due to budgetary pressures it had not been possible to appoint a Town Centre Manager at the current time.
- The proposed workshops would need to be focussed in terms of what could realistically be achieved and how to achieve it. The sessions would need to be well thought through with some refinement along the way if necessary.

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

14 **Performance & Risk Outturn Report (01:33:00)**

The Group had before it, and **NOTED**, a report * from the Chief Executive providing Members with the outturn on performance against the Corporate Plan and local service targets for 2020/2021.

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

15 **Financial Outturn Report 2020/2021 (01:35:00)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2020/2021. This had previously been presented to the Cabinet at its meeting on 6th July 2021.

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

16 **Identification of items for the next meeting (01:37:00)**

Other than the items already listed in the work programme, the following was requested to be on the agenda for the next or a subsequent meeting:

- Looking into forming a relationship with the agricultural sector through the NFU.
- Progress work in relation to the Incubation and Start Up Business Initiatives previously identified by the Group.
- Working with Petroc to support the 'Employment & Skills' intervention area.

(The meeting ended at 7.12 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 27 July 2021 at 2.15 pm

Present Councillors

J Cairney, Mrs C Collis, W Burke,
L J Cruwys, J M Downes, S Pugh,
Mrs E J Slade and Mrs M E Squires

Apologies Councillor(s)

B Holdman

Also Present Councillor(s)

D J Knowles, C R Slade and B G J Warren

Also Present Officer(s):

Jill May (Director of Business Improvement and Operations), Lee Chester (Leisure Manager), Paul Deal (Corporate Manager for Finance), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Clare Robathan (Policy and Research Officer), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (THE CHAIRMAN OF THE COUNCIL IN THE CHAIR) (0.00.22)

Cllr Mrs M E Squires was duly elected Chairman for the municipal year.

2 ELECTION OF VICE CHAIRMAN (0.06.54)

Cllr Mrs E Slade was duly elected Vice Chairman for the municipal year.

3 START TIME OF MEETINGS (0.10.09)

The start time of meetings was agreed at 2.15pm for the remainder of the municipal year.

4 APOLOGIES AND SUBSTITUTE MEMBERS (0.11.26)

Apologies were received from Cllr B Holdman who was substituted by Cllr J Cairney.

5 HYBRID MEETING PROTOCOL (0.11.36)

The Group had before it, and **NOTED**, the *Hybrid Meetings Protocol.

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

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.11.47)

Members were reminded of the need to make declarations where appropriate.

7 MINUTES OF THE PREVIOUS MEETING (0.11.58)

The Minutes of the Meeting held on 23rd March 2021 were approved as a correct record and **SIGNED** by the Chairman.

8 PUBLIC QUESTION TIME (0.13.25)

There were no members of the public present.

9 CHAIRMANS ANNOUNCEMENTS (0.13.40)

The Chairman had no announcements to make.

10 PERFORMANCE AND RISK OUTTURN REPORT (0.13.47)

The Group had before it, and **NOTED**, the *Performance and Risk Outturn report from the Operations Manager for Performance, Governance and Health and Safety.

The Officer explained that the report had been to each of the PDG's and to Cabinet on 6th July.

The Chairman asked the Group to reflect on the content of the reports and if Members felt they enhanced Policy Development. She advised that moving forward the Group would not be presented the Performance and Risk report at each meeting and that if Members were interested in the results these would still be reported at Council, Scrutiny Committee and Audit Committee.

Note: *Report previously circulated and attached to the minutes

11 FINANCIAL OUTTURN REPORT (0.18.53)

The Group had before it, and **NOTED**, a *report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial years 2020/2021.

The Corporate Manager for Finance explained that the report covered the General Fund, HRA Fund and the Capital Program.

He explained that the outturn was a remarkable achievement and the position had improved by year end.

The Chairman explained that following an informal session of the programming panel, the financial forecast would no longer be brought to the PDG but that the Group would be involved in the budget setting process for the Community portfolio as normal.

Note: *Report previously circulated and attached to the minutes

12 6 MONTH LEISURE UPDATE (0.21.18)

The Group received a Leisure Service update from the Leisure Manager by way of a presentation.

He highlighted the following:

- The journey through Covid – impact and plans
- Pre Covid over 900k visits were recorded
- He praised the diversity of the Leisure team who had been redeployed throughout the Council during lockdown restrictions
- The Leisure team had been involved in the shielding hubs by supporting the telephone lines and visits to the vulnerable
- A PCR testing facility had been set up in conjunction with the MOD
- A pragmatic approach was now being taken to minimise and rationalise the numbers of people in the Leisure Centres
- A Leisure recovery would review each of the critical phases and this included reviewing the staffing structure and introducing enhanced training and development for staff
- A number of staff had been contacted by track and trace and had to self-isolate. That currently they were able to backfill the gaps with existing staff but the situation was being monitored
- Future deliverables included an improved leisure app and on line offerings and booking system

The Chairman thanked the Leisure Staff for how well they had adapted throughout the crisis.

In response to questions asked the Leisure Manager responded:

- Current staff parking arrangements at Lords Meadow would be investigated to see if improvements could be made
- Leisure Service had engaged with Property Services and Ground Maintenance to ensure the maintenance of the Leisure Centre grounds to keep them free of weeds
- Pace Clocks would be repaired or replaced.

13 MOTION 564 - MOTION 564 (COUNCILLORS: MISS WAINWRIGHT AND MISS J NORTON – 24 FEBRUARY 2020) (1.00.47)

The Scrutiny Officer explained to the Group that the motion had also gone to Scrutiny where they had been asked to look at the Fawcett review and that a spotlight review was being held to investigate the requirements of the motion.

She suggested that the PDG waited until the spotlight review was complete before the Community PDG instigated any work on the motion.

Members felt the wording of the motion should be amended so that it required the Equality Forum to investigate but with feedback from Members of the PDG.

It was **AGREED** to defer a decision on a way forward until the Scrutiny spotlight review was completed.

14 **WORK PROGRAMMING SESSION (1.05.07)**

The Group received an update from the Scrutiny and Policy Development Officer which gave an overview of the programming panel and the aim of the work programming session.

The Group considered the current *work plan for the Community PDG and suggested the following for further consideration:

- Antisocial Behaviour

Note: *Work Plan previously circulated and attached to the minutes.

(The meeting ended at 3.31 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 July 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch, B G J Warren and
B Holdman

Apologies

Councillor(s)

G Barnell

Also Present

Councillor(s)

R Evans

Present

Officers:

Myles Joyce (Interim Development Management Manager), Arron Beecham (Forward Planning Officer), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Carole Oliphant (Member Services Officer) and Sarah Lees (Member Services Officer)

39 **ELECTION OF VICE CHAIRMAN (0.04.04)**

Cllr P J Heal was duly elected Vice Chairman for the remainder of the municipal year.

40 **APOLOGIES AND SUBSTITUTE MEMBERS (0.05.55)**

Apologies were received from Cllr G Barnell who was substituted by Cllr B Holdman.

41 **HYBRID MEETINGS PROTOCOL (0.06.10)**

The Committee had before it, and **NOTED**, the Hybrid Meetings Protocol.

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

42 **PUBLIC QUESTION TIME (0.06.25)**

Jan Jones spoke in relation to the proposed Solar Farm at Langford..... I am speaking on behalf of the residents of Langford and the surrounding areas who are unable to attend due to work commitments. I have two questions, my first is, can you tell me why this proposal is even being considered if in the Mid Devon Solar PV

development in the landscape document it states that in this area i.e. the Lowlands Plane LCTVE, above 15 hectares, would be classified as a high sensitivity area and this proposal is 4 times that at 60.7 so therefore should be rejected? This question was not answered by the case officer in the planning balance section of his report.

My second question is, after 40 years of operation the soil will be severely degraded and recommissioning would have to be carried out with care to prevent damage to solar panels and leakage of toxic materials i.e. cadmium. How will this be done as the application says nothing about the decommissioning? I understand that after ten years of operation, the site could be reclassified as brown field. Is the Committee happy that this might mean the land is forever lost to agriculture and could become an industrial or housing estate?

Michael Jones spoke in relation to the same application.....At the previous meeting at which this application was discussed a question was asked as to why the reasons for rejection had been reduced to half a page of bullet points. The answer given was that the members of the committee could read all the objections. Surely it is the purpose of the officer's report to present all the facts. Can you state how many members of the committee have actually read all the objections?

Second question, it was stated in the previous minutes and the quote "there would be a financial investment in the local economy with employment opportunities". Given the permanent loss of farm jobs and the supply chain, what are these opportunities? Contractors will use a transient workforce from outside the district and none of the investment will transfer to community jobs.

Third question, please can you clarify what provision has been made for the deer whose natural corridor runs directly from the solar farm along the River Weaver which has been observed by local residents for many years?

Richard Hughes speaking in relation to Deer Barn, Hockworthy stated..... If the investment is hugely disproportionate to the expected income making the proposal financially unviable will the application be refused? If it is not refused on these grounds, where in MDDCs Local Plan is there an indication that financially unviable businesses could be allowed?

If the Full Ecological Appraisal was based on incorrect information (regarding external lighting) and undertaken at a time when bats are hibernating (daylight hours in March) will the applicants be asked to commission a report based on correct facts and at an appropriate time of year for a fair report? Will the appraisal have provided false information on which the Wildlife Trigger Table was based?

With the site entrance being on a blind corner of a mainly single-track lane, and using a public footpath, there are concerns over highway and pedestrian safety - can a visit be made by Highways Agency in order to assess safety? (NPPF Para 109).

A static barn, used for the storage of camping facilities, was built on the site by the applicant last year without planning permission, however, it does not appear on the site plan and no retrospective mention of it seen in the application. Will this barn be addressed by the planning enforcement team at a later date?

The planning statement mentions glamping tents (in its title) but then goes on to mention pods and cabins, can we be assured that only TENTS are being considered as per title?

Are we correct in assuming that as permission is being sought PURELY FOR TWO GLAMPING TENTS all year round, any additional undisclosed structures, to include camping tents or 'pup' tents, will NOT be allowed?

IF the application was approved would the applicant be allowed to run 'permitted development camping' on the same site as the Glamping Tents?

Helen Hitt, also speaking in relation to the Solar Farm stated.....I am asking questions on behalf of all landowners involved in this application.

Our families have been farming in Langford for more than 100 years. We are proud custodians of this landscape and passionate about protecting and nurturing the countryside for the next generation of farmers and we have a responsibility to constantly adapt and respond to the challenges presented to us. In farming we continually hear that diversification is the key to our survival. Our land is an asset, and therefore, my first question is do you recognise the need for us as farmers to use this land to integrate renewable energy production into our farming practices to maintain a business that is both environmentally and economically viable?

My second question to the committee, is have you undertaken a site visit? If so you will have seen for yourselves that the proposed solar development is in an area of countryside where visible impact is incredibly low due to, the topography of the land and the existing trees and hedges that surround the fields.

Are the committee aware of the government's recent climate change policy? In it they state meat consumption should be reduced by 35% over the next 30 years. As a beef farmer I therefore will have to cut production by 35% and will need to find alternative land use.

I also ask the committee are you aware solar developments can only be built on land that is classified as grades 3, 4 and 5 which this project is? My land in particular is classified as grade 4 which I quote, is land which "suffers severe limitations that significantly restrict the range and/or yield of crops to be grown". It is land that is most suited to growing grass and this development will allow for that to continue.

As landowners the last thing we want to do is cover our fields in concrete for housing or destroy the soil through increasingly intensive farming practices. The proposed solar development would result in a conversion of the land to a low input organic permanent pasture. The soil quality will improve due to less compaction, no artificial fertilisers and no chemicals would be applied and sheep will continue to graze on the land. Fauna and flora will flourish. We believe this proposal maximises the full potential of this land area in a way that traditional farming practices just don't allow for.

Climate change is real, is here now and we have the ability to mitigate its impact. The demand for electricity is real, is here now and is only going to increase. Times and needs have changed and so too must our farming practices.

Are you the committee going to back this proposal which will go towards addressing these issues, support sustainable development and meet Mid Devon's net zero

carbon emissions commitment that you have signed up to for the benefit of our future?

Charlie Dowden also spoke in relation to the Solar Farm application at Langford.....As a recent graduate of Exeter University's School of Geography and Sustainability, I - along with many of my peers - have legitimate concerns about the Devon that we will be left with in 50 years time. In May 2021, the Met Office (based down the road in Sowton) recorded that Devon experienced its wettest May on record, with an average of 192mm of rainfall, topping the record set in May 1869. In the spring of 2020 - Devon had its sunniest spring on record, beating the spring of 1948.

Whilst no single event can be linked to a changing climate; the likelihood of these wild fluctuations will only increase with time and demonstrate the increasing challenges the rural community face at a local level, when dealing with a problem of global scale.

The role of a landowner is not to maintain the status quo; it is to utilise the resources we have available to provide social, economic and environmental value for both current residents and for future generations. In supporting this application for renewable energy in Mid Devon; it demonstrates a commitment to the young people of Devon and the future of our county, at a time where we are still in a fortunate enough position to be able to make a positive impact.

The Langford Solar Farm represents a vital addition to the local community - supporting energy for 10,000 Mid Devon homes - at a time of considerable local growth, not least from the proposed Culm Garden village. The Solar Farm will benefit the local community through providing clean, safe and sustainable energy, with an annual CO2 emissions reduction of over 20,000 tonnes. This aligns with guidance from the National Planning Policy Framework that the planning system should "support renewable and low carbon energy and associated infrastructure".

This application is an essential component of the local area's long term growth plan; supporting the success of our area through the provision of sustainable development and presents a unique opportunity to stand up for the needs and concerns of future generations by addressing the climate emergency. We have to act when a large opportunity for positive local change comes about and given this, my question to Mid Devon County councillors is, how are you going to demonstrate your commitment to future generations of Devonians and to young people in rural Devon today who are worried about how the changing climate will impact our lives in years to come?

Roland Smith spoke in relation to the same application.....I could not find any information about the energy storage capacity of the battery facility, say in kWh or MWh, said to have a power of 12MW. I trust you are not recommending approval without knowing this important basic parameter which will indicate how long the stored energy could possibly support the grid. What is the energy storage of the battery facility? Several conditions relate to the solar panels but why aren't there conditions controlling the battery storage facility as part of this proposal?

Under "noise/impact/amenity" the officer states the equipment does not operate during the hours of darkness. As this is the time we most need electricity for heat and

light, may I ask: what is the point of taking 150 acres of land (the average size of one Devon farm) out of food production?

How can a solar farm connected to the national grid specifically benefit an average of 10,077 homes in mid Devon when the contribution of 49.9MW to the grid would generate, on average, a trivial and insignificant 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

Are the committee members aware of recent research by three eminent scientists, published last weekend in the national press, which shows the danger of catastrophic fire hazard of containerised batteries, possibly causing explosions on the scale of that which destroyed the port in Beirut?

In response to a written parliamentary question about the hazards of mass deployment of lithium-ion batteries for grid storage, the minister on 12th July said "There are mechanisms in place at a local level to assess the environmental impacts and benefits of lithium-ion battery storage projects. Any applications for such projects will be carefully assessed by relevant decision-makers against all relevant criteria." Can you say where the environmental impacts (which will include the hazards from fires and explosions and toxic gases) have been carefully assessed by the officer and will they be carefully assessed by the committee members?

In the event of a thermal runaway as I've already described, it would fall on the local fire service to deal with the incident. Is there an adequate water supply available on site to deal with such an incident? Also, on 12th July a government minister said "In addition, for large scale battery storage, there are statutory requirements to notify the Fire and Rescue Service to inform their emergency response planning." Can you tell me if Devon and Somerset Fire and Rescue Services have been informed, and if so, what was their response?

I know that this is not a planning issue, but are the members of the Committee aware of the huge amount of adverse publicity that Mid Devon District Council will receive if you approve this planning application with its London-based applicant profiting from human rights abuses in China?

Robert Deane also spoke in relation to the Solar Farm application.....Thank you for the opportunity to ask a question. If I may, I'll give a little context before asking my question.

I've paid close interest to the application because we neighbour the site, living just 340m from it. After weighing up the issues, I submitted a comment in support of the application, raising points which I hope address some of the concerns of objectors - for instance the negligible effect of the solar farm on food production, the new habitats that will be created and the reduction in greenhouse gas emissions from the land.

I take the view that solar farms like this are a necessary part of the country's transition to net zero. The visual impact on the landscape is a matter of personal opinion and, for me, solar farms are a sign of the changes we should all be making if we want to reduce climate change and keep the lights on.

The site is not in an area of particularly high landscape quality and is largely hidden from public view. Converting the land on which the solar panels will sit from low grade arable and pasture to nature-friendly permanent pasture offers significant benefits such as enhanced biodiversity, reduced greenhouse gas emissions and carbon sequestration in the soil. These benefits would not be achieved from roof-top solar.

So my question – actually two related questions. I would like to ask the Planning Committee, if they decide this solar farm should not go ahead, where they think is suitable in Mid Devon? And related to this, what steps is the Council taking, through its planning policy, to support the switch to renewable energy generation?

Mandy Willis speaking in relation to the same application stated.....can you tell us how many councillors have made any kind of site visit. We have offered access to our property available on many occasions since the March meeting and no member has made contact with us. A view from a road side drive by is not sufficient to understand our concerns as a resident directly affected by this application.

The developers have put in place flood prevention measures. Can you tell us what would happen if these were to fail? The fields that immediately backs onto our property, has been known during heavy rainfall to have a substantial amount of water pour off it into the stream that separates our boundaries coming into our garden and flooding it. I would like to refer Members to photographs taken of our property submitted to the March meeting as a reminder.

Will the security fencing and security lighting and where will this be sighted? If so how ill this impact on the bat colonies that we know inhabit this areas? Will this also impact on the residents whose properties also border the proposed site for this lighting?

Are the Committee members aware how close the panels will be to our house? According to the plans submitted the panels will begin only 25m from our own boundary. Currently there are a few trees shielding the view of this but they are not evergreen and our view for a good part of the year will be a security if this tree line or hedgerow is removed by the developer and any infilling should be evergreen and of a height to prevent any view of security fencing, potential glare, road noise and CCTV to at the very least maintain our privacy, health and well being.

It was a constant disappointment that considering the obvious impact on our house and others in our road that the developer did not in any way reassure us as to any impact the development would clearly have. However, after an email we sent to the developer yesterday, contact has been made and a dialogue opened as to how some of our concerns can be mitigated but we were led to believe that the owner of this field would consider removing it and we would ask that this suggestion is perhaps put to the developer or even better put as a condition of any planning decision the committee should subsequently make.

Heather Wheeler, again speaking in relation to the Solar Farm stated.....the Officer's Report concludes that the scheme will make a valuable contribution to cutting greenhouse gas emissions, allowing Mid Devon to address the Climate Emergency.

The Applicant made a subordinate claim that the scheme could result in net biodiversity gain.

In its early response, the county's premier ecology charity, the Devon Wildlife Trust, concluded its detailed comments by recommending the involvement of a Habitat Restoration Ecologist in the drawing up and subsequent management of an Ecology Enhancement and Management Plan to 'give credibility' to any proposals.

Its status as a Charity with strictly limited resources has precluded further contributions but the recommendation still stands. A Biodiversity Clerk of Works, as later proposed by the Applicant, is not required to have habitat restoration expertise and is not a substitute for a Habitat Restoration Ecologist.

Why has the Council ignored a recommendation by DWT, which could enable the scheme to double its benefit by tackling not only the Climate Emergency but also the equal emergency of Biodiversity loss?

Rupert Grantham spoke in relation to the Buccaneers Bar planning application.....

Policy DM23, of the recently adopted Local Plan, is opposed to the loss of a valued community facility such as this, unless the facility is proved to be no longer economically viable. The Plan (para 4.71) requires that 'Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months'. Yet the report makes no mention of this, choosing instead (p58) to rely on the owner's assertion that the business has not been profitable for the past 4 years. Why has the Plan's test not been applied here?

The report contends (p58) that approval of this application would enable the Dairy to expand their activities and increase their workforce. Yet there is no obligation in place to link this aspiration to the permission, should it be granted. So will any weight be given to this claim?

Tom Devine spoke in relation to the Solar Farm application at Langford.....have the councillors given any thought to the neighbouring solar farm facility at Tidehill which is just 1.2km away at the nearest point which is 158 acres? Although being in East Devon have they considered cumulative impact on the landscape and the possibility of further development of solar farms in this area or other parts of Devon at present potentially totalling 922 acres?

Secondly, developers quoted that the concerns of the local community and business have been met, but have they? There would considerable impact on tourism as they would be deterred from staying in an area surrounded by solar panels as there are several bed and breakfast and holiday lets which have been ignored. Why has this not been considered?

Finally, the proposal has over 20 miles of solar arrays, have you considered the impact of large vehicles visiting the site twice a year that will need to travel along the arrays to clean the panels using deionised water and applying weed killer and cutting the grass?

Barbara Jones, spoke in relation to the straw bale house at Stenhill application.....I understand that Mid Devon Council has declared a Climate Emergency and

committed to be carbon neutral by 2030. If you are serious about that, you have to do things significantly different or as Henry Ford said if you always do things the way you always did you'll always get what you always got!

As planners you've the opportunity to implement the bigger picture. Keeping the Climate Emergency in mind you have the power to interpret planning policy in order to do something that actually makes a difference. Your officers may give a narrow focus that doesn't put the sustainability of the proposal first but as councillors you can be bold and make a statement that says Mid Devon District Council pays more than lip service to becoming carbon neutral.

I would have thought you would want to give a really clear message that says this is what we mean by an exemplar sustainable building but at the moment the recommendation is to refuse a zero carbon house. What message does that give? I personally have guided plenty of these sorts of buildings through the process and worked with some truly forward thinking planners.

My question to you is this ... are you, Mid Devon District Council willing to stand up and be counted and put your decisions where you say your commitments are?

Terry Matthews speaking in relation to the proposed Solar Farm stated.....given that such an installation could be in place for the next 40 years who will be responsible for ensuring that all these unique conditions will be complied with. Who will be responsible for ensuring that these conditions are delivered? What would be the consequences if they are not complied with especially regarding flood control and wildlife habitation? The last part of this question is, what are the consequences of non-compliance enforceable by MDDC over the next 40 years and what assurances do Mid Devon Council have for the long term capability of enforcing them? I ask that question because there are similar solar farms on a smaller scale not a million miles away where complaints have been made for example about screening and the developers have yet to address those.

The second question is, what in lay man terms are the benefits to local residents for such a huge installation?

Sally Matthews speaking in relation to the same application asked is there a minimum term for the duration of the solar panels? Are there any break clauses, for example, due to advances in technology that could lead to the agricultural land being changed to green field leading to its change in use?

Another question, what assurances can be given to the public that the planning decision will not be influenced by the perceived potential financial implications to Mid Devon District Council? I ask this question because the officer recommendation places a heavy weight on perceived potential, financial risks and hazards to MDDC in the event of an appeal or public enquiry?

Tristan Parsons – Provided the following statement which was read out by the Chairman:

Thank you for your invitation to the committee meeting for this application.

Unfortunately, I am unable to attend due to work commitments. I would be grateful if my original letter (forwarded below) could be read for the committee on my behalf or otherwise brought for consideration.

I have summarised my letter as follows:

- Devon and Mid Devon councils have set ambitious climate goals for 2030 and 2050.
- Transitioning away from fossil fuel energy production and towards renewables is essential for achieving these aims.
- These solar panels will significantly contribute to local energy needs, providing for 10,000 homes.
- The scheme will provide £190,000 in business rates for the council to fund other local needs.
- It will also contribute a biodiversity net gain on sub-prime agricultural land.
- The proposals are far more viable than other forms of panelling, such as industrial roofs.

Richard Hughes, again speaking in relation to the Deer Barn application at Hockworthy, specifically the erection of a new reinstated stone wall.....asked..... What are MDDC's Planning Regulations in relation to the removal of an established 'bank' and hedge, or any sort, within a conservation area?

What are MDDC's thoughts about the creation of an entrance way in a conservation area, without planning permission?

If an application and/or its supporting documentation are found to be misleading and/or contradictory in its claims will the application be considered?

This site has had a recent enforcement case against it with major implications on this application – this case appears to have been put on hold – if the terms of the enforcement case are NOT met by this application will the case be reinstated?

The Chairman stated that the questions would be addressed when each item was discussed.

43 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.41.56)

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

44 MINUTES OF THE PREVIOUS MEETING (0.42.04)

The minutes of the meeting held on 23rd June 2021 were agreed as a true record and duly signed by the Chairman.

45 CHAIRMAN'S ANNOUNCEMENTS (0.42.55)

The Chairman announced that Cllr D J Knowles had stepped back from the Planning Committee and she thanked him for his Vice Chairmanship and for the years he had served on the Committee.

46 DEFERRALS FROM THE PLANS LIST (0.43.45)

There were no deferrals from the Plans List.

47 THE PLANS LIST (0.43.51)

The Committee considered the applications in the *Plans List.

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

a) Application 20/01631/FULL - Erection of a dwelling and construction of new vehicular access at Land and Building at NGR 305693 110454, (East Of Butsons Farm), Stenhill.

The Planning Officer outlined the application and explained that the application site was in Stenhill which was not a defined settlement under Policy S13 of the Local Plan. The application site was, therefore, in the open countryside under Policy S14 where development was permitted subject to appropriate conditions. It was subject to the same restrictions defined under Policy DM6 such as affordable housing and local connections for residents.

The Officer outlined the application by way of a presentation which highlighted the block plan, floor plans, elevations, illustrations and photographs of the site.

In response to public questions he stated:

- The authority had recognised the green credentials of the scheme but the location had to be sustainable and not outweigh the emissions created by it. There were no public transport links close to the property

Consideration was given to:

- The siting of solar panels on the garage roof and electric car charging facilities to enable a more sustainable way of living had been incorporated in the design
- Officers views that the development location was not sustainable as it was not in a designated settlement and had no access to public transport or local infrastructure
- The views of the objector who stated it was a significant property in a rural area, there was no need for the dwelling when the applicants family already had a substantial building very close to the site
- The views of the supporter who stated that the applicant had met all the criteria of Policy DM6 apart from the location. The site was 1 mile from the settlement of Uffculme and other properties had been allowed on appeal. The development aligned with a top priority of the Council which was climate change
- The views of the Ward Members who stated the development was a design of exceptional build and quality, refusal was wrong as this was not just a house but a way of life and that the Council should be encouraging these sorts of self builds in rural locations
- The views of Members who felt that the location already had a number of large farmsteads around it and that now and again smaller properties were required in hamlets

- Members views were that any village property would need to rely on private transport due to the lack of public transport in rural areas
- Members views that if there was a barn on the site it would have been granted Class Q permission to turn it into a house anyway the only difference was this was a new build

It was therefore **RESOLVED** that: planning permission be granted subject to conditions delegated to the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B G J Warren and seconded by Cllr L J Cruwys)

Reason for the decision: The application for the erection of a dwelling was considered to be supportable in policy terms, applicants had a local connection, the dwelling was sustainable and within a reasonable distance of a settlement. On this basis it was considered that planning permission could be granted, subject to conditions, in accordance with the development plan.

Notes:

- i.) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the site was within his ward;
- ii.) Lynn Baird spoke as the objector;
- iii.) Stephen Gill spoke as a supporter;
- iv.) Cllr B Evans spoke as Ward Member
- v.) Cllr R J Chesterton provided a written statement which was read out by the Chairman

b) Application 21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building at Rosemount, Kentisbeare, Cullompton.

The Area Team Leader outlined the application and explained that the existing agricultural building had previously been given Class Q approval to turn into a dwelling. The application today was to apply for new dwelling on site as a fall back proposal to the approved Class Q conversion approved, noting that if the dwelling was not approved a dwelling could still be created on the site using the fall back position of the original position for the conversion of the existing agricultural building.. He explained that two additional conditions had been included in the update sheet for a wild flower meadow to be secured and the removal of the existing building.

The Officer outlined the application by way of a presentation which highlighted block plans, the Class Q approval original design, an illustrative site layout, proposed roof and floor plans, proposed elevations and photographs of the site and existing barn.

In response to Member questions the Officer explained that a package treatment plant dealt with the foul drainage and was recommended by Public Health as an alternative to mains drainage or a septic tank.

Consideration was given to:

- The views of the objector who said the site was in a beautiful location and the application was a modern design which did not compliment the area, the site was on a dangerous road and there was no need for additional dwelling in the area. There were concerns with birds flying into glass and that the betterment was for the applicants only
- The views of the agent who confirmed that his permission was refused the applicant would use the fall back position as the Class Q had already been accepted and approved. The new design was a betterment and that the site was well screened
- The views of some Members who felt that the orientation was intrusive to other properties and that the site was on a busy road
- The views of Members who stated that the choice before them was to approve either a conversion of the original barn or allow the barn to be removed and replaced with a new build dwelling
- The views of Members that the current screening could become inadequate if trees had to be removed due to Ash Dieback which was prevalent in the area

It was therefore **RESOLVED** that: planning permission be granted and delegated authority be given to the Head of Planning, Economy and Regeneration to provide an additional condition with regard to:

- The replacement of trees which may need to be removed due to Ash Dieback to retain the screening from neighbouring properties.

(Proposed by Cllr P Heal and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs B G J Warren and S J Clist made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs S J Clist, B Holdman and B G J Warren requested that their vote against the decision be recorded;
- iii.) Rosanna Stancampiano spoke as the objector;
- iv.) Glenn Crocker spoke as the agent;
- v.) Cllr S J Clist spoke as the Ward Member
- vi.) The following late information was received:

21/00229/FULL - Erection of a dwelling and demolition of existing agricultural building – Rosemount, Kentisbeare, Cullompton.

9th July 21

Please see below for two additional conditions recommended to be imposed in order to secure biodiversity gains on site and to prevent an additional dwelling being achieved.

Condition

Prior to the first occupation of the dwelling hereby approved, the Wildflower Meadow as shown on drawing no. A0B REV E and identified as forming part of the ecological mitigation for the development shall be implemented with planting/sowing undertaken with the Wildflower Meadow retained in perpetuity thereafter.

Reason:

To ensure that the development makes a positive contribution to the character and amenity of the area and provides biodiversity gain in accordance with policy DM1 of the Mid Devon Local Plan 2013-2033.

Condition:

The existing building on site shall be demolished and all material not being recycled on site shall be removed within 3 months of the first occupation of the new property or its substantial completion, whichever is sooner.

Reason:

The site is in the open countryside where the provision of an additional dwelling is not supported by policy S14 of the Mid Devon Local Plan (2013-2033)

c) Application 21/00443/FULL - Change of use of land for the siting of 2 glamping tents and associated facilities at Land at NGR 303735 119592, The Deer Barn, Hockworthy.

The Principal Planning Officer outlined the application and explained that there was scope within the Local Plan Policies to consider rural tourism in the open countryside but it must demonstrate that the benefit would outweigh any harm. He explained that the site had been running the two glamping tents with a 28 day permitted use exception which had been extended by the Government to 56 days permitted use during the pandemic.

The Officer outlined the application by way of a presentation which highlighted site location plan, illustrative block plan, tent plans, toilet and W.C. block and photographs of the site.

In response to public questions he responded:

- Enforcement teams would pursue any areas of concern;
- Ecological surveys were carried out by qualified surveyors;
- The Highways Authority had no issues with the site entrance which was shared with Deer Barn, fields and a Class Q;
- Additional buildings did not form part of this application but could be subject to enforcement action if non compliant to Policy
- Noise generators were subject to environmental health conditions
- Enforcement teams would investigate any breach of conditions

Consideration was given to:

- The officers confirmation that with regards to the business case, neighbouring businesses had been investigated but there was not similar offering nearby;
- The Officers confirmation that there was no particular issue with noise on Glamping sites and this business promoted quiet times and star gazing;
- There was no ability for the tents to be changed to other structures without further planning permission;
- The views of the objectors who though was pleased with the changes to the application did not think it was a financially viable proposition. If Members were minded to approved requested conditions were put in place before the site was opened and that a condition be imposed that only solar power be used on site and not generators. A fire management plan should be requested due to the fire pit on site and there was no grey or foul water management plan;
- The views of the agent who stated that applicant was requesting permission to allow part of the site the change use beyond the temporary time limits already permitted under Class A. The land is in agricultural use over the autumn and winter months and this was low impact and sustainable holiday accommodation. A robust business plan had been submitted which justified the countryside location;
- The views of the Ward Members who had concerns about the rural aspect of the site, highways concerns and local residents concerns about the costs involved in setting up the business. Members should give attention to the views of both objectors and supporters;
- Views of Members who felt there was no reason for the tents not to be there and that people were looking for just this type of holiday accommodation in these sorts of areas;
- Confirmation that there was already a management plan in place which covered excessive noise.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr E J Berry and seconded by Cllr B G J Warren)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
- iii.) Cllr S J Clist requested that his abstention from voting be recorded;
- iv.) Richard Hughes spoke as the objector;
- v.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;

- vi.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

d) Application 21/00471/FULL - Erection of new reinstated stone wall and entrance gates and retention of part of rebuilt stone wall at The Deer Barn, Hockworthy, Devon.

The Principal Planning Officer explained that the wall to the north was in the garden of the Deer Barn and permitted development would have allowed it without permission up to a height of 1m. As the wall, as built, was 1.45m permission was required.

The Officer outlined the application by way of a presentation which highlighted site plan, elevations, and photographs of the site as it was now and before the wall was built.

In response to public questions the Officer provided the following:

- The Council had no authority over the removal of banks in private gardens;
- Creation of gateways was dependant on use and what the proposal was for;
- It is for the Authority to determine if the proposal is acceptable;
- Retrospective applications were allowed to rectify any issues and enforcement was always a last resort.

Consideration was given to:

- The views of the objector who stated that his concern was the north end of the wall and the removal of the hedge in a conservation area;
- The views of the agent that permission was being sought to retain a wall that had been built to rectify a stone boundary wall collapse as a result of ash trees having to be removed and that the new wall was on the same footprint using the same local stone. There had been no harm created upon heritage assets and the Conservation Officer had found the proposal acceptable;
- The views of the Ward Members who had concerns that residents believed the removal of the hedge had an impact on biodiversity. Members should give attention to the views of both objectors and supporters;
- The views of Members who felt that the wall was in keeping with the local landscape, local stone had been used and the wall itself would create a biodiverse impact.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr E J Berry and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made

- declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had a friend with holiday lets in the area;
 - iii.) Richard Hughes spoke as the objector;
 - iv.) Naomi Jackson, the agent, provided a written statement which was read out by the Chairman;
 - v.) Cllrs J Norton and Mrs C Collis, Ward Members, provided written statements which were read out by the Chairman

e) Application 21/00461/FULL - Erection of extensions to existing agricultural storage building 660sqm at Land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine.

The Area Team Leader informed Members that a further letter had been received from the CPRE which had been circulated to Members and was before them as part of the update sheet.

The Officer outlined the application by way of a presentation which highlighted site location and block plans, position of recently approved agricultural workers dwelling and photographs of the existing barn.

Consideration was given to;

- The views of the objector who stated that there would be up to 250 animals on site and he had concerns with the number of animals and the available land open to the applicant and concerns about animal density, pollution and waste;
- The views of the agent who stated that the application was supported by Natural England who had provided funding towards the development;
- The views of Members that comments from the Parish Council had not been provided;
- The views of Members that although the late letter from the CPRE had been summarised in the update sheet a full copy had not been provided to Members;
- The views of Members that a full final statement from Public Health had not been made available to them;
- The views of Members that they were unable to make a decision without all the information in front of them;

The Interim Development Management Manager explained to Members that late information was quite common with planning applications and that the Officer had provided them with a verbal update summary where written statements and representations had been received after the agenda had been published. He felt that Members had before them enough information to be able to make a decision.

It was therefore **RESOLVED** that: A decision on the application was deferred to enable the late information received to be included within a revised officer report so that Members could make an informed decision. The additional information requested were:

- The Parish Council response
- The latest Public Health update

- The full contents of the late letter received from CPRE

(Proposed by Cllr C Eginton and seconded by Cllr F W Letch)

Reason for the decision: Members felt that they did not have the full information to make an informed decision.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she had been involved in the case at a Parish level and chose to leave the meeting and did not take part in the debate or the vote;
- iii.) Brian Thompson spoke as the objector;
- iv.) Simon Archer spoke as the agent;
- v.) The following late information was provided;

13.07.2021

1. One additional letter of objection received from Devon CPRE who raise concerns to the justification for the proposed building in terms of need and scale in the open countryside location, noting that the proposal is not supported by an independent agricultural appraisal nor a landscape impact assessment, to robustly support what would be an incongruous development in the rural landscape.

f) Application 21/00709/FULL - Change of use from public house (sui generis) to offices and canteen facility (sui generis) at Buccaneers Bar, 3 Cinema Buildings, East Street.

The Planning Officer outlined the application by way of a presentation which highlighted the site location plan, aerial photographs, block plan and parking layout, google street view and photographs of the interior.

The Officer advised Members that an Asset of Community Value had been listed with the authority but it had yet to be validated and would take up to 8 weeks to be confirmed. It had no material impact on the application before Members.

In response to public questions the Officer confirmed that consideration had been given to the viability of the existing business.

Consideration was given to:

- The views of the objector who stated that the bar was unique and was a purpose built entertainment centre. It held up to 170 people standing and offered good disabled access. That the Dairy did not need a canteen and they had groups who were keen to use the venue on the future;
- The views of Crediton Dairy who stated that their business processed 1% of the UK's milk supply and they put £40m into the local economy. They were a one site business and most of the staff lived locally. They needed a modern

canteen to cater their highly skilled staff and had not been able to secure an alternative site in the proximity of the Dairy;

- The views of the Town Council who supported the Asset of Community Value. It was a great auditorium and a great location which would give opportunities to youth musicians. The local Arts groups had agreed it was an asset and the Dairy would expand anyway;
- The views of Members familiar with the venue who stated that the business had not been viable for many years;
- The views of Members that the Dairy should be supported to expand and invest in Crediton.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr L J Cruwys)

Reason for the decision: As set out in the report

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal, B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllr S J Clist requested his vote against the decision be recorded;
- iii.) Helen Tuffin spoke as the objector;
- iv.) Phil Cork, Crediton Dairy, spoke in support;
- v.) Cllr Brookes-Hocking spoke on behalf of the Town Council;
- vi.) The following late information was provided:

9th July 21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional parking spaces in accordance with the details as shown on drawing number PIN 1032-50.

13.07.21

1. Condition 3 is amended to reflect the updated drawing received and should now read as below. The parking plan has been amended to accommodate a total of 48 spaces including two disabled spaces. This is an increase of 18 from the existing provision, compared to 15 as previously proposed and set out within the officer report.

(condition 3 has been further amended since the update last week)

3. Within 3 months of the first use of the office and canteen hereby approved, the existing office and canteen building shall be demolished and replaced with additional

parking spaces in accordance with the details as shown on drawing number PIN 1032-50. Once provided, the additional parking spaces shall be made available for use at all times by occupiers of the proposed office/canteen use of the site and retained as such thereafter.

2. Committee are advised that an application has been submitted to the Council to seek to list the site as an asset of community value (ACV). As of 13/07/2021 discussions with the Economic Development Team have confirmed that the application is not yet valid. Once validated, it would be subject to a consultation period before a determination is made as to whether it should be listed as an ACV. Guidance on the ACV process states that it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration, taking into account all the circumstances of the case. The provisions do not place a restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. On this basis, and as the site is not currently listed as an ACV, it is your officer's view that the intention to seek to list the site as an ACV would not have a material impact to the assessment set out within the officer report at this stage and it is recommended that planning permission should be granted. Notwithstanding the committee decision as to whether planning permission should be granted, the ACV process may at a later date have implications if the owner seeks to dispose of the site.

48 TREE PRESERVATION ORDER - 21/00002/TPO - 13 The Oaks, Yeoford, Crediton, Devon (4.08.12)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration with regard to an application for a Tree Preservation Order 13 The Oaks, Yeoford, Crediton, Devon.

The Planning Officer outlined the contents of the report by way of a presentation which highlighted the site location plan and photographs of the site and the trees.

It was **RESOLVED** that: the Tree Preservation Order be confirmed.

(Proposed by Cllr C J Eginton and seconded by Cllr B Holdman)

Reason for the decision: As set out in the report.

Notes:

- i.) Cllrs E J Berry and S J Clist requested their vote against the decision be recorded
- ii.) *Report previously circulated copy attached to the minutes.

49 Application 19/01679/FULL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure. (4.12.46)

The Committee had before it a report of the head of Planning, Economy and Regeneration regarding the above application. At the Planning Committee Meeting

on 31st March 2021 Members deferred a decision on the above application in order that a site visit take place and officers provided responses to a number of questions raised.

The Interim Development Management Manager then provided responses to questions previous posed by Members which were set on the annex of this report.

The Officer then went on to outline the conditions agreed with the developer which would mitigate the impact of the development and gave detailed explanations of what the conditions were for and how they would be monitored.

In response to public questions the officer stated:

- Officers did not ignore the Wildlife Trust, revised condition 12 specifies regular monitoring
- He could not comment on Members reading objections, these were available to Members via the Planning Portal
- They are aware of the nearby solar farm but it is on a case by case basis and we must determine the application before us
- The flood defences are required to be maintained and are monitored by way of a condition so if there is a failure it would need to be resolved
- The Deer migration routes would be monitored by way of revised condition 12
- Energy storage capacity of batteries has been covered in the report
- The developers would need to clarify what operations would be happening at night and what happens when the panels are not generating solar energy
- The specific benefits of energy to 10k homes is dependant on the range of the installation
- The fire service was not consulted on any potential fire hazard as they are not a statutory consultee but they would be consulted as part of a building regulations approval
- Forced labour was not a planning issue and we cannot impose a condition for non planning matters
- Landscaping has been dealt with in additional condition 22
- Soil degradation and decommissioning needs to be done with care and is covered by condition 4 and does not mean that it will refer to a brown field site in the future
- Fixture and fittings must be removed once operations on site ceases
- There is no a condition for employment opportunities as such a condition would not pass the 6 tests

The Officer then reminded Members of the application by way of a presentation which highlighted the site location plan, revised site plan, photographs of various locations around the site and additional viewpoints.

In response to Members questions about the District being close to saturated with solar panels the Officer explained there was no cumulative impact of a number of sites and that each application had to be determined in its own right.

Consideration was given to:

- Members concerns with who would monitor all the conditions;
- Members concerns with who would compensate people living nearby;
- There was no upper limit quota prescribed by the Government for the number of solar panels installed in Devon;
- Members concerns with how long the batteries lasted and the lifetime of products was not known;
- Members concerns that there were too many conditions which required further LPA approval and that Councillors should have input in agreeing the final finishes
- The views of the objector who stated that Members could refuse the application on local landscape, substantial harm to listed buildings, loss of agricultural land, limited information of storage capacity and no lifecycle analysis had been provided;
- The views of the agent who stated that the proposed development was acceptable to the local plan and planning policies and that it aligned to the Council's commitment to Carbon reduction. The site would still remain in agricultural use and would provide green electricity for 10k homes within the District
- The views of some Members that the Council had made a commitment to its residents that it would sign up to Climate Change and reduce dependence on fossil fuels. Schemes like this would benefit our children and grandchildren;
- The views of some Members that agricultural roofs should be utilised first;
- The views of some Members that the site was rambling, was close to another solar farm application and it was oversized;

It was therefore **RESOLVED** that: Members were minded to refuse the application and therefore wished to defer the application for an implications report to consider the proposed reasons for refusal that of:

- Adverse impact on the landscape;
- Adverse impact on the Grade 2 Langford Court;
- Additional loss of high grade agricultural land

(Proposed by Cllr C J Eginton and seconded by Cllr B G J Warren)

Reason for the decision – No decision was made the decision was deferred for an implications report.

Notes:

- i.) Cllrs F J Colthorpe, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, C J Eginton, P J Heal , B Holdman, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been contacted by objectors;
- ii.) Cllrs Mrs F J Colthorpe, E J Berry and P J Heal requested that their vote against the decision be recorded;
- iii.) Dr Philip Bratby spoke as the objector;

- iv.) Mark Herbert spoke as the agent:
- v.) The following late information was provided:

19/01679/MFUL - Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure - Land at NGR 303437 103555 East of Langford Mill & Tye Farm Langford.

14th July 21

UPDATE SHEET LIST OF CONDITIONS FOR LANGFORD SOLAR FARM

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring.
3. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
4. Within 3 months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition in accordance with details to be submitted to, and approved in writing by, the local plan authority prior to these works being carried out
5. The Solar PV Panels hereby permitted shall not be erected until samples of the materials to be used in the construction of the solar panel array have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter
6. The site access roads shall be in a sound bound material for the first 20.00m back from its junction with the public highway and drained to prevent no surface water onto the public highway. The site access roads shall be hardened, surfaced, drained and maintained thereafter hardened, surfaced, drained and maintained thereafter.
7. Visibility splays shall be provided, laid out and maintained for that purpose at the primary site access where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.0 metres in a southern direction and as identified on the access plan in the other direction.

8. Visibility splays shall be provided, laid out and maintained for that purpose at the other site accesses in accordance where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 33.00 metres in on coming direction and 33.00 metres to the centre line in the offside direction.

9. No other part of the development hereby approved shall be commenced until the until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

10. No development shall take place until off site highway condition surveys have been undertaken and the details submitted and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority.

11. No development shall take place until:

EITHER

- i) A programme of archaeological work has bene carried out in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. OR
- ii) A construction methodology for the development that avoids any below-ground impact within the area of Archaeological sensitivity in the vicinity of the 7th/8th century iron furnace has bene submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted documentation:

- (a) The Biodiversity Management Plan by avian ecology v4 (Dated 20/07/2020), has been submitted to and approved in writing by the Local Planning Authority.
- (b) The Biodiversity Enhancement Note and Addendum Note Dated 3/12/2020)
- (c) The updated Site Layout Plan

Notwithstanding the details included in the above documentations, the details shall include the details t be submitted including planting plans, specification of species, sizes, planting centres, number and percentage mix and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved plans and details.

13. The Solar PV Panels hereby permitted shall not be erected until details, on a suitably scaled plan, of the soft landscape works have been submitted to, and approved in writing by, the local planning authority. The details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing. The development shall not be carried out other than in accordance with the approved details.

14. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the erection of the panels, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

15. The Solar PV Panels hereby permitted shall not be erected until the full details of the works to the hedges including species adjacent to the residential properties, as shown on Figures 11 and 12 of the Glint and Glare Study Page Power Ltd v 4 dated 16th August 2019, have been submitted and approved in writing by the Local Planning Authority. The works be carried out in the first planting season after the written approval and thereafter retained and maintained.

16. The development hereby approved shall not be brought into use until the surface water drainage arrangements have been provided in full, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained for the life of the development.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report v5 prepared by Calibro, and issued on 30th November 2020, including the level for floodplain compensation outlined in paragraph 7.6.6 of the FRA. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements detailed within the Flood Risk Assessment. The approved measures shall thereafter be retained for the life of the development.

18. No development including any site clearance or groundworks of any kind shall take place within the site until a scheme to minimize the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the agreed scheme.

19. No external form of illumination of the site shall be undertaken other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits.

20. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.

21. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of

the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of wheel washing facilities and road sweeping measures with the respective obligations
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (l) Details of the amount and location of construction worker parking.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

22. No development shall take place until a Landscape and Ecological Management Plan (LEMP) is submitted and approved in writing by the Local Planning Authority. This plan shall provide details of the following:

- a) Retained Ecological and Landscape features
- b) Proposed habitats Ecological and Landscape Features
- c) Habitats and Landscape Management Measures
- d) Monitoring and Review of Plan

The development shall not be carried out other than in complete accordance with the approved details

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To establish the commencement date for the 40 year operational life of the solar farm.

3. For the avoidance of doubt and in the interests of proper planning.
4. For the avoidance of doubt and to establish the duration of the planning permission and in the interests of the visual appearance of the landscape once the plant is redundant in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
5. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
6. To prevent mud and other debris being carried onto the public highway.
7. To provide adequate visibility from and of emerging vehicles.
8. To provide adequate visibility from and of emerging vehicles.
9. To ensure that adequate facilities are available for traffic attracted to the site.
10. To minimise the impact of the development on the highway network in accordance with the National Planning Policy Framework.
11. To ensure, in accordance with EITHER (i) policy DM25 of the Mid Devon Local Plan 2013-2033 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development or (ii) in accordance with policy DM27, the preservation in situ of heritage assets.
12. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
13. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
14. In the interests of the visual amenity of the area and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.
15. To protect the amenities of the adjoining residential properties and in accordance with policy DM2 of the Mid Devon Local Plan 2013 - 2033.
16. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.
17. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.

18. To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal is incorporated into the design and build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the life of the development in accordance with policy DM2 of the Mid Devon Local Plan 2013- 2033.

19. To minimise light pollution in this rural area and in the interests of biodiversity and ecology, in accordance with policies S9 and DM2 of the Mid Devon Local Plan 2013 - 2033.

20. In the interests of local character, and in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013 - 2033.

21. To minimise the impact upon the highway network and the neighbouring residential properties during the construction period

22. In the interests of the visual amenity of the area in accordance with policies DM2 and S9 of the Mid Devon Local Plan 2013-2033.

1. Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to policy DM2 of the Mid Devon Local Plan 2013-2033. The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; flooding risk; ecology or in relation to the availability of agricultural land.

Withdrawn objection

I am writing to you ahead of the planning committee tomorrow in relation to the proposed Langford Solar Farm (19/01679/MFUL). I felt it is worth noting to members that whilst I originally objected to the scheme due to concerns over potential impacts on my business, I have since worked closely with the Applicant JBM Solar and they have agreed to implement a number of mitigation measures including compensation

in order to minimise disruption to my business. As a result I no longer have any objection to the scheme and consider that all of my concerns have been addressed.

Kind regards,
John Pitson,
Yarak birds of prey

50 **MAJOR APPLICATIONS WITH NO DECISION (5.23.14)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

Note: *List previously circulated; copy attached to the minutes

(The meeting ended at 8.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 July 2021 at 2.15 pm

Present Councillors

G Barnell, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch and B G J Warren

Apologies Councillor(s)

Mrs F J Colthorpe and E J Berry

Also Present Councillor(s)

S J Penny and D J Knowles

Present Officers:

Myles Joyce (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Christie McCombe (Area Planning Officer), Oliver Gibbins (Planning Officer), Michelle Woodgates (DCC Highways Officer), Janet Wallace (Public Health Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

51 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.32)**

Apologies were received from Cllrs Mrs F J Colthorpe (Vice Chairman in the Chair) and E J Berry.

52 **HYBRID MEETINGS PROTOCOL (0.03.56)**

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

53 **PUBLIC QUESTION TIME (0.04.09)**

Mr Salter – referring to Item 9 on the agenda (Tiverton EUE)

Nationally, there is a consensus that key requirements for affordable homes on new developments are:

- that there should be proximity to local services, and facilities, and access to public transport,

- that such housing should be indistinguishable from market housing in terms of visual appearance and its location within the development site,
- that it should contribute positively to the high-quality design of the scheme,
- that, on larger developments, this housing should be distributed in small clusters of no more than 10-15 dwellings throughout the development site,
- that social housing should form part of mixed and balanced communities, and,
- that all those living in this type of housing should share and enjoy with other residents equally high levels of quality of life and good health.

In Tiverton Civic Society's first objection to this planning application, we approved of the provision of much needed social housing, but we argued against the construction of the large visually obtrusive three storey Neighbourhood Hub in Plot C, which had been introduced without consultation since the Outline Application, and we suggested that, to encourage greater social cohesion, affordable housing should be distributed throughout the development site. Russell Smith, for Walsingham Planning, countered by stating that the hub will be of an appropriate scale and that it is not a sensitive location, going on to write that 'affordable housing has been provided in a mix of apartments and two storey dwellings, with affordable housing being spread across all phases'.

Examination of the recently posted plan of affordable housing shows this statement to be somewhat economical with the truth. In particular, apart from the Neighbourhood Hub, there is no other housing of this category in Plot C, the extensive development south of Blundell's Road, it being entirely concentrated in the north-west sector in two small Plots, 1A and 1B, of mixed, low- cost, market and affordable housing the affordable housing being located on either side of the new linking road leading to the A361 junction, shared equity housing being located to the west of this road and social housing to the east. In terms many of the criteria listed above it is very hard to justify these locations and this concentration.

We have specific concerns about the line of affordable housing comprising units 140-149, which will face the potentially very busy linking road. At this point the gap between these dwellings and this road will be no more than five metres, thus exposing the occupants to the highest potential levels of air and noise pollution on the complete Redrow site, and compromising the safety of families, especially those with young children.

During meetings with Redrow Homes the MDDC Planning Officer was very aware of the need to establish a green boundary space on the western side of the linking road, thereby setting these affordable properties, much further back. However, this was refused by the applicants, thus suggesting that they have little interest in the quality of life and well-being of the future occupants, as well as laying them open to the charge that they will be treated as second-class citizens. The problems of this location are compounded when it is also considered that, neither Plot 1A or Plot 1B area has any public open green space and no play area, and no controlled crossing point is shown on Blundell's Road giving access to these, as well as other services and facilities.

Question

- a. Do the MDDC Planning Officers consider the location of affordable housing in the Redrow Homes Development, particularly units 140-149, to be equitable

and socially responsible, and do they consider that such housing should be distributed much more evenly throughout the complete application site?

- b. Does the Planning Committee consider that a final decision on this application should be delayed until the many unsatisfactory elements have been resolved?

James Hudson referring to Item 2 on the Plans List (Shortacombe) stated that:

The Applicant has failed to provide a percolation test as required by Public Health and that issue was emphasised by the concerns of Crediton Hamlets Parish Council whose members have direct experience in Vortex water treatment. She has ignored the regulations of South West Water in their submission of April 23rd by already placing hardcore over the water main and not saying how she will meet regulations and move the water main with the additional works required.

The officer has placed conditions of occupancy on the applicant which are unenforceable and I would like to know:

1. Why he has ignored the technical issues raised by Public Health, South West Water and the Parish Council and
2. Which particular statute of planning legislation leads him to believe he can impose conditions on an individual rather than on the site or development in question?

Graham Knight referring to Item 2 (Shortacombe) on the Plans List stated that he lived at Binneford and that given the type of soil which is heavy clay and sets like rock in summer and is waterlogged in winter and will never pass a percolation test and that there is no ditch or water course or public sewage system and public health won't support a compost toilet, can Mr Devereaux please explain what he is saying as the alternative drainage system which is found on page 71 of the public document pack because according to treatment plants installation requirements, there aren't any.

Sasha Scougall Knight also referring to Item 2 on the Plans List stated that her question related to safe and convenient access to local facilities. The nearest shop to the site is in Cheriton Bishop but this is a convenience store for a top up shop, for a full shop the applicant would need to travel to Crediton which is 5 miles from the site. The nearest doctor's surgery is in Cheriton Bishop but it is not the catchment for new arrivals to the site postcode; the applicant would have to travel 5 miles to Crediton. The nearest hospital is in Crediton, but it does not have an A&E department so the applicant would have to travel to Exeter which is 15 miles away. There are no direct public transport links to site so in relation to Policy DM7, can the Planning Officer explain that without a car how can access to local facilities be provided.

Sam Scougall Knight again referring to Item 2 on the Plans List stated that his questions relate to the location and environment of the application. The site is located in open countryside and it has trees overhanging the location of the static caravan and can only be accessed by a single track lane which is narrow, hilly and uneven. In autumn and winter, rainfall flows in rivers down this lane, which can be completely blocked with snow for days in the worst weather. Photographs have

previously been shared with the Planning Department clearly showing these conditions. How can the Planning Officer claim that this location provides suitable environmental quality and is a safe location as per policy DM7?

David Pearson - again referring to Item 2 on the Plans List stated that South West Water clearly stated 23rd April that "that no development would be permitted within 3 metres of the water main and ground cover should not be substantially altered, and should the development encroach on the 3 metre the water main will need to be moved at the expense of the applicant. The planning officer is very well aware of this fact and that there would be building works over the water mains, the hard core placed at the entrance already contravenes south west waters requirement as does the ditch and hard core additions as shown on the plans . Why has the planning officer simply ignored this as this relates to the water supply safety of the community of Binneford?

Stephanie Crawford again referring to Item 2 on the Plans List stated that the plans show a vortex treatment plant and a drainage field, Public Health on 9 April clearly stated that a percolation test must be carried out prior to any decision being made, this is to ensure that there is no risk of contamination that as all inhabitants and farmers know that the clay soil on the site will flood. Can the Planning officer explain why he did not follow this up with the applicant? A percolation test could have easily been arranged in the time frame or was it because the applicant and the planning officer knew it would fail the test and chose to ignore Public Health and the welfare of the inhabitants of Binneford community.

Mr Elston referring to Item 9 (Tiverton EUE) on the agenda stated that page 113 of your briefing notes (section 9) makes reference to a representation relating to a lack of public consultation entered into by the applicant Redrow Homes at the urban design and architectural principles stage of the planning process. The Tiverton EUE Masterplan SPD page 23 section 1.7 design process says that MDDC will expect landowners and developers to follow the prescribed process which is adopted as an integral part of the SPD. This is a prescriptive, must do requirement, there is no scope for any misinterpretation. Specifically and under the urban design principles heading section 177 states that there is a requirement for public consultation, stakeholder workshop and liaison at this stage of the process, none of this requirement happened. Another requirement of section 1.7 not complied with by the applicant is that they failed engage in a design review panel process prior to submitting the reserved matters application. Even the applicants own published EUE planning process for flow chart shows that the design panel will be engaged before submission of the reserved matters application. Redrow failed to engage with the panel experts of which echoing 1.7 says the involvement of the design panel in scrutinising the quality of the designs as they come forward at one or more stages in the design process will provide invaluable support to MDDC as they make planning decisions. This has yet been another very serious noncompliance of the process.

Redrow Homes only engaged with the Design Review Panel on the 9th June 2021, some 12 weeks after submitting the reserved matters application and just 7 days before the application came before the Planning Committee on 16 June. The review panel report was not issued until the 18th June, just 2 days after the first planning meeting. The Design Panel reports makes some very concerning reading, including that the Panel emphasised that much earlier would have made recommendations more compatible, that the panel was mindful of avoiding comment at this late stage,

that the panel gave advice of when the design panel be engaged in future phases and very concerning the panel says that Redrows are responding to requirements of what they consider a UAPD document. The Tiverton EUE SPD design process has become totally corrupted, the design quality has suffered as a result. My question is did the MDDC planning officers at any time attempt to enforce the requirements for Redrow Homes to enter into the public consultation or stakeholder workshops or the Review Panel Process in compliance of 1.7 of the masterplan SPD and at the most critical time of the Tiverton EUE design process.

Mary Seaton again referring to Agenda item 9 stated that her schooling and that of my family have been in Tiverton, I live in one of the 10 existing properties to the south of Blundells Road that was built in the 1950's and please note clearly that these are the only residences that have direct abutment to this proposed development by Redrow Homes. I wish to bring to your attention that they propose to build a street of 21 houses, 230 metres long and just 11 metres from the boundary of our homes on rising ground allowing which is effectively a terrace. Before my questions, the committee members should be aware that a) the original outline plans show just 8 properties, well-spaced and with differing aspects within 20 metres of the existing properties, sympathetically allowing views for all and a feeling of space. Redrow Homes massively increased that number to 18 houses and a road setting when submitting their urban and architectural principles document, they then increased the number to 21 houses in their reserved matters presentation, a terrace with no relief, they also introduced a neighbourhood hub, not on any previous plan, whose sole purpose seems to be to squash more dwellings including flats into the plan. The Design Panel Review on June 18 this year remarked upon the lovely view which makes a significant contribution to the character and the space. Despite this Redrow have reduced the space between the houses, have effectively obliterated the ground floor and far reaching view from the existing residences as well as compromising our privacy. The Design Review Panel was very critical of this row of 21 houses and thought that it should be varied, by having gaps including pockets of trees and the street frontage was relentless in form and could be softened and there was scope to do this in the design. In all correspondence made available to the public, not one mention is made by Planning officers of the following contraventions let alone challenge to the design. Why are Redrow Homes being allowed to be non-compliant with the centre to edge policy as set out originally, i.e. less density of housing to the edge of the plan? Why have Redrow Homes been allowed to create another unplanned area which they call a neighbourhood hub, an area which generates the highest density of housing unsympathetically next to our existing properties? Redrow Homes are in contravention of the Tiverton EUE masterplan SPD and design guide and are not considering the outcome from the Design Review Panel. All of these are material considerations which should encourage committee members to reject this application as it stands, Tiverton deserves and needs something better than this, we are not getting the special tailored design for the promised garden village. This is a piecemeal design for a routine Redrow estate that you could sadly find in any other part of the country built for maximum profit. I respectfully ask you to consider what you have been asked to approve, this is the biggest building programme that Tiverton has seen ever and this is the first step which will be used as precedent for the rest of the huge EUE extension. The whole of the extension need to be cohesively planned and not bit by bit as land becomes available; and this design needs to be seen in the context of the whole development.

Hannah Kearns again referring to Item 9 on the agenda stated that she would like to ask questions in relation to the neighbourhood hub shown in Redrow's plans for development of land immediately adjoining existing dwellings on Blundells Road. For context para 1 of page 104 of your briefing notes makes reference to a representation to you in relation to high density of housing immediately against the original residences and has been justified by a neighbourhood hub. She spoke of the proposed density in the area against that in the residential core and referred to the lack of reference to a neighbourhood hub in that area in the master plan document or the design guide, further there were no drawings of any of the MDDC adopted plan documents. She referred to drawings that stated that the neighbourhood hub would be positioned elsewhere in the development and that outline permission would not have been granted with the hub in the current location and she made reference to the lack of public consultation. She felt that Redrow Homes had fabricated a hub to justify high density housing in the area immediately by the Blundells Road properties and in doing so had freed up the land to the south for higher valued properties to take advantage of the high value vistas that exist commented on by the Design Review Panel. She referred to the centre of edge policy and stated that the plans show the exact reverse. She asked - can the planning officer provide details of where the neighbourhood hub was mentioned in any of the MDDC planning documents and referred to page 79 of the SPD, she asked why officers had not challenged this and why had the area to the north of Blundells Road been treated as a northern gateway hub, where the master plan centre to edge policy was not being adhered too. She referred to the density of properties and the lack of play areas for children in the area.

Sir David Jephcott again referring to Item 9 on the agenda stated: Redrow Homes seek to provide a 1.5 metre or 3 metre buffer strip to the rear of the Blundells Road properties rather than a 5 metre strip that the planning officers had previously expected. Page 105 in your notes states that 3 properties have long gardens so would be subject to only a 1.5 metre buffer, this statement is factually incorrect. Additional one of the properties with a reduced buffer 'Barnshollow', has a swimming pool which covers a significant amount of the garden and therefore an increased buffer is needed for privacy. Redrow indicate that the gardens are reduced from 11 metres to 8.5 this reduction is in the garden rather than where they are actually building the houses, therefore best fit is not compromised. He then referred to emails that were in the public domain between MDDC and Redrow. Why do the planning officers now consider acceptable that the 5 metre strip is no longer required and referred to the detail of the emails which referred to the landscape buffer being 5 metres wide, and in another email with regard to 1 metre planting, and how the officers were uncomfortable with the amount of space identified. He asked why the planning officer was put under such pressure and by whom. He stated that the Head of Planning had changed position with regard to the buffer zone to the detriment of the Blundells Road homes, what caused this change of position? Why should Redrow Homes be treated any different to David Wilson Homes at the top of Post Hill, a 5 metre strip was signed off by the then Planning Manager for David Wilson Homes, the same Planning Manager is now the same for Redrow. He referred to the contents of an email which stated that it would not be equitable to treat the Blundells Road properties any differently.

The Chairman indicated that answers to questions would be provided when the items were debated.

54 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.34.03)**

Members were reminded of the need to make declaration where appropriate.

55 **MINUTES OF THE PREVIOUS MEETING (0.34.43)**

The minutes of the meeting held on 14th July 2021 were agreed as a true record and were duly **SIGNED** by the Chairman

56 **CHAIRMAN'S ANNOUNCEMENTS (0.35.20)**

The Chairman reminded Members that there would be a Special Planning Committee on 18th August 2021 and that Planning Training was being held on 9th August 2021.

57 **DEFERRALS FROM THE PLANS LIST (0.36.18)**

There were no deferrals from the Plans list.

58 **THE PLANS LIST (0.36.27)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) No 3 on the Plans List application 21/01086/HOUSE - Erection of side porch at Bluebell House, 18 Court Barton Close, Thorverton** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for decision – as outlined in the report

Note:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the applicant was known to them

- b) Application 21/00461/FULL – Erection of extensions to existing agricultural storage building 600sqm at land at NGR 288288 107120, Redyeates Cross, Cheriton Fitzpaine**

The Area Team Leader explained that at the Planning Committee on 14th July Members had deferred a decision on the application until additional information had been provided and that the information requested by Members was included within his report.

He then reminded Members of the application by way of a presentation which highlighted the site location plan, proposed plans, the position of the approved agricultural workers dwelling and photographs of the site.

The Officer explained that the proposed extension would house livestock and that Public Health had no objections to the scheme. A waste management plan had been received and approved by Public Health.

The Area Team Leader confirmed that although there was no requirement for the applicant to provide an agricultural appraisal one had been submitted as part of the application for the approved agricultural workers dwelling.

Consideration was given to:

- The views of the Public Health Officer who had no objection to the application
- The views of the objector who stated that there was no business case or management plan provided and evidence was lacking for the need for the scheme
- The views of the applicant who reminded Members that they had granted permission for an agricultural workers cottage on the site specifically to expand his stock and that the scheme was supported and partly funded by Natural England
- The views of Members that the Parish Council had not made strong views known either way
- Members concerns with the size of the building in the open countryside
- Members views that agricultural buildings had to be put in the countryside and that the application was contemporary for agricultural use

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for decision – as outlined in the report

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Brian Thompson spoke as the objector
- iii.) Mr Thorne spoke as the applicant

c) Application 21/00580/FULL - Change of use of agricultural land to allow 1 pitch for the siting of 1 static caravan, 2 touring caravans and associated works for the use of gypsy and traveller family at Land at NGR 276600 96594 (North of Shortacombe Farm), Shortacombe Lane, Yeoford

The Area Team Leader provided Members with a background of the application and explained that the proposal in front of them today was nearly identical to one brought before them in August 2020 which had been refused. The applicant did appeal the previous decision but the submission was not made in time and therefore had not been determined by the Inspectorate. For this reason the Planning Authority had a duty to determine the latest proposal.

The Officer reminded Members of the previous reason for refusal and confirmed that the revised application included a personal condition regarding who could reside at the site. He explained that a personal condition was not common but could be justified in exceptional circumstances.

He then reminded Members of the application by way of a presentation which highlighted the site layout, site elevations, proposed shed, visibility splays and photographs of the site.

In response to public questions he responded that South West Water had commented that should the development encroach on the 3 metre easement, the water main would need to be diverted at the expense of the applicant.

Consideration was given to:

- The Public Health Officer's views that percolation tests were not critical to determine the application and would be used to determine what soakaways would be required
- Issues regarding foul water drainage had been dealt with via condition 7
- The solar panels were portable and therefore did not need planning permission
- The neighbouring property being 200 metres away
- The development did not require any removal of existing hedge bank
- The views of the objector that the applicant and other users would be in mortal danger and that there was a risk of raw sewage from the site running down the hill causing flooding and contamination
- The views of the agent who stated that every traveller site had opposition and the only reason the appeal was not lodged in time was due to a witness catching covid. That drainage would be via a soakaway and that personal conditions were common on traveller sites
- The views of the Ward Member who stated that the application was identical to the previous proposal and that if approved it could increase the population in the hamlet by 20 people. That the gypsy accommodation was destructive to the environment and that there was no need for gypsy sites in this area. There were no local facilities and the proposal had an adverse visual impact and was contrary to Policy DM1
- The advice of the Legal Advisor who confirmed that the fact that the planning application was retrospective had no bearing on the determination of the proposal

- Members views that nothing they had heard minded them to refuse the application and that it complied with current planning policies

It was therefore **RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs C P Daw)

(Vote 4 for – 4 against (Chairman's casting vote)

Reason for the decision: as set out in the report

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii.) Cllr F W Letch declared a personal interest as the applicant was known to him
- iii.) Cllrs P J Heal and C J Eginton declared a personal interest as they knew a neighbour of the site
- iv.) Cllrs C J Eginton, S J Clist and B G J Warren requested that their vote against the decision be recorded
- v.) Cllr F W Letch requested that his abstention from voting be recorded
- vi.) Roderick Crawford spoke as the objector
- vii.) Simon Rushton spoke as the agent
- viii.) Cllr S Penny spoke as Ward Member
- ix.) The following late information was provided:

26th July 21

Response from Public Health Officer – 19/07/21

I think that in view of the new proposed system and the confirmation by the landowner that the land for the drainage field is in his ownership and has shown no signs of being waterlogged it would be fine to accept the system as described. So now the condition should read:

The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.

Therefore condition 7 would be as follows:

7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the package treatment plant shown on the approved plans, have been installed and implemented. The approved measures shall thereafter be retained for the life of the development.

59 APPLICATION - 21/00454/MARM Land East of Tiverton, South of A361, and Both North and South of Blundells Road Upplowman Road Tiverton Devon (2.15.09)

The Committee had before it a report of the Head of Planning, Economy and Regeneration regarding the above application.

The Planning Officer provided the following responses to public questions:

- An overview of the siting and size of affordable housing
- Environmental Health had raised no concerns
- Officers felt that affordable housing was distributed throughout the development
- There had been extensive public consultation through the master planning and planning process
- Early consultation with the Design Review Panel was sought
- Outline applications were illustrative and defined reserved matters applications determined the final design
- There was a minimum separation standard between detached properties
- The applicant had complied with centre to edge principles
- South of Blundells Road was identified a residential core area in the Tiverton EUE Design Guide
- The Neighbourhood hub had been developed through the emerging application process and within the Adopted Masterplan SPD and Tiverton EUE Design Guide centre to edge principles
- The buffer strip would have restricted access
- There was no requirement for a 5 metre buffer within the Adopted Masterplan SPD or Tiverton EUE Design Guide
- The pressure upon Officers was to gain a decision within statutory time frames; within a timely manner

The Officer then provided Members with an overview of the reserved matters application by way of a presentation which highlighted the site location plan, the Tiverton EUE illustrative framework plan, aerial view, character area plans, planning layout, detailed landscape plans, land ownership plan, storey heights plan and photographs of the site.

She explained that the reserved matters proposal included a softer landscape, changes to building types, a buffer strip and detailed landscape plan which were recommendations of the Design Review Panel which met on 9th June 2021.

Consideration was given to:

- The applicant had tried to identify different character areas including a neighbourhood hub
- Justification for smaller flats had been identified in the Housing Needs Survey and was not a reserved matters consideration
- The flats fitted in with the different character areas

- Maintenance of shared areas would be by a management company
- A 5 metre buffer zone was not established or a requirement in the EUE masterplan and would be assessed on a site by site basis
- Approval of the Urban Design and Architectural Principles document had been delegated to the Head of Planning, Economy and Regeneration
- Confirmation from the DCC Highways Officer that there was no Highways Policy which determined there had to be two accesses onto a site if over a certain number of units and that they were content with the layout of the first part of the development
- Concerns of Members that there was no leisure space on the north side of Blundells Road or safe crossing areas
- The views of the objector who felt that the officer had not answered all of the public questions, the master plan had turned into fiction, there had been no recognition of the visual impact and that TPO's had not been protected
- The view of the agent who stated that Redrow had an agreement with Chettiscombe Estate to complete this phase of the EUE, that they were a high quality builder, the application reflected the EUE master plan and local policies and design guide
- The view of the Town Council who stated that they felt the infrastructure should be in place before work began, there were concerns with the types of properties proposed, the lack of recreation facilities and highways concerns. That gas boilers were now redundant and every property should have an electric car charging point
- The view of the Ward Members who felt that there was a previous commitment to a 5 metre buffer zone and concerns about the length of any agreements to maintain the green zones. That they did not agree with the 3 storey houses and the proposal failed to comply with the EUE masterplan. That there were concerns with flooding and environmental risks and there were not sufficient electric car charging points
- The views of Members who had concerns about the size of houses proposed and density of the scheme
- The views of Members that further public consultation on the reserved matters application should be sought

It was therefore **RESOLVED** that:

The decision on the application be deferred and that delegated authority be given to the Head of Planning, Economy and Regeneration, in conjunction with Members of the Planning Committee to renegotiate with the developer with regard to the appearance, scale, characteristics, design and density of the scheme.

(Proposed by Cllr L J Cruwys and seconded by Cllr R Dolley)

Reason for the decision: No decision was made and the determination was deferred

Notes:

- i.) Cllrs G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors

- ii.) Cllr D J Knowles declared a personal interest as may of the objectors were known to him
- iii.) Paul Elstone spoke as the objector
- iv.) Russel Smith spoke as the applicant
- v.) Cllr P Hill spoke on behalf of the Town Council
- vi.) Cllr D J Knowles spoke as the Ward Member
- vii.) Cllr N Davey provided a statement as Ward Member which was read out by the Chairman
- viii.) The following late information was provided:

1 21/00454/MARM - Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT - Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton.

26 July 2021

Consultations

1. Lead Local Flood Authority – 16 July 2021

The Lead Local Flood Authority (LLFA) object to this planning application because as it does not satisfactorily conform to Policy S9/DM1 of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Following my previous consultation response FRM/MD/00454/2021, dated 07.04.21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Drainage Strategy Sheet 1 15255-HYD-XX-XX-DR-C-1600 P06
- Drainage Strategy Sheet 2 15255-HYD-XX-XX-DR-C-1601 P06
- Drainage Statement R402 FN05 Rev A

The above information answers queries raised in my previous response however the submitted information raised further queries.

The applicant should explain where the storage features identified as s14 and s30 within the Micro Drainage Model for the central catchment are located within the Surface Water Drainage Masterplan R402/06 Rev D. According to the model outputs these features are upstream of basins C1A and C1B but it is unclear where they are located.

Only one soakaway test is located in the southern area which is not sufficient coverage for a reserved matters application and is not line with BRE365 Soakaway Design. The LLFA require more coverage of the area of the site proposing soakaways due to the variable nature of the geology and the tests should be undertaken at the proposed depth of the soakaway. The applicant should also submit the calculations for the soakaways for review.

Lead Local Flood Authority – 22 July 2021

Our objection is withdrawn and we have no in-principle objections to the above planning application.

Following the previous consultation response FRM/MD/00454/2021, dated 16.07.2021, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 20/07/2021, for which I am grateful.

- Residential Drainage Statement RN402 FN05 Rev B

Due to the results of the recent site investigation which reported slower infiltration rates and elevated groundwater levels, the drainage strategy has changed to a solely attenuated strategy. All the runoff from the central catchment will now be attenuated within basins C1B and C1A. The applicant has submitted updated Micro Drainage model inputs which indicate that the basins have capacity to accept this additional runoff whilst restricting flows to the Qbar greenfield runoff rate as approved at the outline stage of planning.

Officer Response:

Objection removed. The development proposal will be a solely attenuated strategy. All the runoff from the central catchment will be attenuated within basins C1B and C1A. Micro Drainage model inputs indicate that the basins have capacity whilst restricting flows to the Qbar greenfield runoff rates as approved at the outline stage of planning.

2. Tiverton Civic Society – 19 July 2021

Main issues including:

- a) Lack of consultation, by the applicant, with local residents and stakeholders on Blundell's Road, the wider Post Hill area, Upplowman Road and West Manley Lane.
- b) More consideration is required in the design, as confirmed by the Design Review Panel, to introduce more design features and materials evident in the local vernacular. The design represents a relentless form of similar-feel areas.

Officer Response:

Please refer to Committee report Para. 9.1 confirming that some public consultation was undertaken by the applicant and Para. 3.11 relating to building design.

3. Historic England – 19 July 2021

No comment.

Officer Response:

Noted

4. South West Water – 23 July 2021

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Surface Water facilities

The proposed surface water disposal for this development to a surface water ditch at an attenuated rate) is an acceptable method of disposal.

Officer Response:
Noted

5. Tiverton Town Council – 20 July 2021

For the reasons outlined below Tiverton Town Council are unable to support this application:

a) Area north of Blundell's Road

The road layout precludes any on site access to the proposed plots immediately adjoining Blundell's Road, although these plots are not part of the present application, by approving the proposed amended plan it would confirm the entrances to those houses to be directly onto Blundell's Road; which the town council strongly opposes. We therefore cannot support this part of the application until it shows a road layout within the phase to serve all the plots there in.

Officer response:

The Tiverton EUE Design Guide establishes the principle of semi-detached dwellings facing Blundell's Road (page 58) with shared drives encouraged for the those properties fronting Blundell's Road (page 60 Fig 3.26). This is further supported by section A-A (Page 63) that identifies vehicle parking on the frontage of new residential development.

The Committee report, para 2.8 makes reference to contributions towards traffic calming of Blundell's Road. Traffic calming will result in a change in the character of Blundell's Road.

An indicative layout of properties fronting Blundell's Road, whilst outside of the scope of this application, serves to demonstrate how this application can be delivered in accordance with the Tiverton EUE Design Guide.

b) Area south of Blundell's Road

Plots 1-21, whilst described as 21 detached houses are so close with a maximum of 1m between each other, and therefore will appear to the ten present occupiers in Blundell's Road as a terrace. This is considered, as with most of this phase, to be too dense; more space between each house is required.

Officer response:

The minimum width between houses is 1.35m with the wider gaps (up to 4.7m) between plots 11, 12 & 13. All dwellings (Plots 1-21) have hipped roofs which moderates the impact of the roofline and sense of space between dwellings. The southern parcel has a net density of 22dph. This accords with the Adopted Masterplan SPD and Tiverton EUE Design Guide.

c) It is not clear if the 5m green strip between the existing houses and the proposed new houses has been confirmed as part of the plan.

Officer response:

Please refer to Committee report Para. 3.14-3.17 confirming a 1.5-3m buffer strip south of Blundell's Road. North of Blundell's Road a minimum 3m buffer strip is provided. Please refer to the Planning Layout, Boundary Enclosures Layout, Land Ownership Plan and Landscape details.

d) The affordable properties do not appear to provide owners the same respect in design and facilities that are afforded to the majority of properties.

Officer response:

Please refer to Committee report Para. 3.11, 3.17 and 3.21 for context as regards to green setting and access to public open space including play and health facilities. The identified need for affordable homes is for smaller households (1& 2 bed). The majority of affordable dwellings therefore provided as terraced or apartment dwellings.

e) Will properties be completed before the 2025 Gas Burner rules come into place?

Officer response:

Phasing plan to be submitted by condition but the greater part of completion likely to be prior to 2025. Please also see Committee report, Para 3.25- 3.30 and Low Emission Strategy. Properties are required to accord with Building Regulations and relevant provisions and proposals to achieve carbon reductions through energy efficiency measures, sustainable design and construction.

f) There seems to be no provision for electric car charging points

Officer response:

Please see Committee Report, Para 3.12. Provision is made for 26 EV charging points equating to 15% (in excess of the Local Plan requirement of 10%).

g) There is a lack of refuse and recycling storage facilities on this plan.

Officer response:

The Refuse Collection Layout shows wheelie bin storage locations and refuse collection points.

h) There are concerns regarding drainage facilities for this amount of housing

Officer response:

Please see point 1 above. The Local Lead Flood Authority have confirmed that drainage facilities are acceptable.

There does not seem to be any provision for a pedestrian crossing on Blundell's Road to accommodate the additional foot traffic generated by this proposal.

Officer response:

The provision of pedestrian crossings on Blundell's Road lies outside the scope of this application.

j) We feel that the proposed roundabout should be installed as soon as possible and not later in the scheme

Officer response:

The construction of the roundabout on Blundell's Road lies outside of the scope of this application. Nonetheless, application 20/01787/NMA provides triggers for the delivery of the roundabout.

k) Concerns expressed by both elected members and the public at the growing number of amendments to this proposal.

Officer response:

The amendments that have arisen have sought to respond to comments raised from the Local Planning Authority, consultees, residents and the Design Review Panel. A single change results in the need for multiple plans to be amended each time.

Other Representations

6. RSPB – 6 July

We remain disappointed that the Habitat Assessment and Mitigation Plan remains unchanged as regards to nest box provision

Officer response:

The Habitat Assessment and Mitigation Plan, March 2021 (para 3.3.4) now makes provision for 42 Schweglar Lightweight Type 1A swift boxes, or similar, to be integrated into the walls of new buildings.

Representations

7. Objections from a number of individuals, the main points assimilated:

a) Redrow Homes say that because the landowner did not sell the complete parcel of land to them they cannot comply with the Adopted Tiverton EUE Masterplan SPD or Tiverton EUE Design Guide. This creates a damaging precedent.

Officer response:

Please refer to the Committee Report that seeks to set out the details of the appearance, landscaping, layout and scale of the proposed development and its compliance with the Adopted Mid Devon Local Plan 2013-2033, the principles established in the Adopted Masterplan SPD, Tiverton EUE Design Guide, as well as other Adopted Mid Devon Supplementary Planning Documentation and the National Planning Policy Framework.

b) Failure to comply with the Tiverton EUE Masterplan SPD or Design Guide key principle requiring a Centre to Edge housing density. i.e., the lowest densities at the edge and the highest in the centre. Redrow Homes doing the exact reverse and for commercial profit.

Officer response:

Please refer to the Committee report (Para 3.10) that sets out the details of net densities and centre-to-edge concept.

c) Failure to treat young families living in affordable plus the lower priced homes with any level of proper consideration. This as Redrow Homes have located the higher density affordable and low-cost homes immediately adjacent to the Linking Road (The Northern Gateway) exposing these families to far higher levels of noise

and pollution than anywhere else on the whole of the Tiverton EUE Development. Similarly, the Nursing home.

Officer response:

For point of reference please refer to the Land Ownership Plan identifying location of affordable housing units north and south of Blundell's Road.

The means of access and principle of development was approved with outline planning application 14/00881/MOUT. The Environmental Statement submitted at outline planning stage set out the risk of air, noise, odour and light nuisances arising during and after construction with mitigation measures. The Planning Statement and Statement of Community Involvement submitted through this application sets out accordance with the Environmental Statement, Policy DM3 and DM4 of the Adopted Mid Devon Local Plan 2013-2033. Please also refer to Committee report 6.1 – 6.3 regarding air quality.

d) Failure to comply with the requirement to limit the Tiverton EUE visual impact on Key Receptors this in respect of Blundell's School when placing a 3-story apartment block in a dominant position to the south of Blundell's Road and with the very minimum of screening. Even the proposed architectural design including roof tile colour further impacting on the 3 story apartment blocks appearance.

Officer response:

Please refer to Committee report Para 3.20 – 3.21 referencing the east bound approach along Blundell's Road, the setting of West Manley Lane, Blundell's School and the conservation area including dwellings set back behind a 10m landscape buffer and retention of existing hedgerow and other planting.

e) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing 10 Blundell's Road South Properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

f) Failure to provide a 5-meter-wide landscape buffer strip bordering the existing Poole Anthony Drive properties.

Officer response:

Please refer to Committee Report paras 3.14 – 3.17.

g) Failure to provide suitable clearance for trees with TPO's on them and at the rear of the Blundell's Road properties which will very likely cause a high degree of friction between the existing and new Redrow Home property owners.

Officer response:

Please refer to Committee Report para 4.4. Also Arboricultural Impact Assessment (March 2021) identifying TPO trees and Detailed Landscape Design – Public Open Space (Sheet 3) for canopy spread and root protection areas.

h) Construction of a wall of 21 houses over 8 meters high immediately backing against the existing 10 Blundells Road South Properties and with the absolute minimum spacing between them.

Officer response:

Please refer Committee Report para 3.22 and Point 4b above.

- i) Failure to provide a Children's Play Area to the north of Blundell's Road and serving Phases 1A, 1B and 1D of the development.

Officer response:

Please refer to Committee Report para 3.11. Also the Adopted Masterplan SPD Illustrative Framework establishing principle locations for children's play.

- j) Failure to provide suitably sized Communal Amenity Areas for use by Apartment Residents.

Officer response:

Please refer to Committee Report para 3.11

- K) Failure to provide a neighbourhood hub of green space on the western side of the linking road at the northern gateway i.e to the north of Blundells Road.

Officer response:

Please refer to Committee Report para 3.21

- l) The masterplan calls for sensitivity to be exercised in design and layout in relation to existing properties. Redrow have not acknowledged the existing character of the area. In so doing, they set a precedent for future development in the Posthill, Mayfair and Manley Lane areas.

Officer response:

Please refer to the Committee Report paras 3.1 - 3.13 and 3.18 – 3.24 for principles of development, design and layout and accordance with adopted planning policy and guidance.

- m) What provision have Redrow made for accommodating wildlife?

Officer response:

Please refer to Committee Report para 7.4

- n) The buffer zone to the rear of three properties (south of Blundell's Road) is hugely reduced. This is discrimination.

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- o) A 5m buffer was a condition of outline planning approval 14/00881/MOUT

Officer response:

Please refer to Committee Report para 3.14 – 3.17.

- p) The provision of a Poynton style roundabout would be inappropriate for the volume and speed of traffic along Blundell's Road

Officer response:

Please see point 4j above.

P) A hedgebank is identified to the rear of Barnsmead but not on the eastern boundary adjacent to the spine road. How will the property be secured from intruders?

Officer response:

The landscape proposals on the eastern boundary of Barnsmead relate to Application 21/00374/MARM and are outside the scope of this application. However, Officers are aware that the Applicant is in discussion with the occupiers of Barnsmead with an ambition to resolve concerns.

Supporting Information: Updated
Arboricultural Impact Assessment

Committee Report Amendment:

Typo: para 3.15, final sentence: 'retained' not 'remained'.

27 July 2021

Revised Drawings

- Planning Layout: POST – 21-04-02 Rev F
- External materials Layout: POST-21-04-03 Rev D
- Boundary Enclosures Layout: POST-21-04-04 Rev E
- Storey heights Layout: POST-21-04-05 Rev C
- Refuse Collection: POST-21-04-06 Rev C
- Affordable Housing: POST-21-04-07 Rev C
- Meter Box Location: POST-21-04-08 Rev C
- Land Ownership layout: POST-21-04-09 Rev F
- Parking and EV Charging: POST-21-04-10 Rev D
- Site Location Plan: POST-21-04-01 Rev C

Officer Response:

Following Officer feedback from the Planning Committee site visit (22 July 2021) the applicant has introduced further amends, principally to the boundary enclosures and land ownerships plans. Amendments introduced include:

- Adjusted garden boundary to Plots 162 & 163 (north of Blundell's Road) to provide a deeper landscape buffer adjacent to Poole Anthony Drive – approx. 6m deep; this acknowledging the more direct relationship with existing single storey properties. The Detailed Landscape Design – Public Open Space (Sheet 8 of 8) confirms the retention of the existing hedge and understorey planting with new planted hedge to supplement the existing, along with new meadow rich grassland within the landscaped buffer.
- Enclosure of the landscaped buffers north and south of Blundell's Road, with secure means of access to prevent unwanted admission and misuse.
- The increased area of land identified as landscape buffer (north of Blundell's Road) identified for adoption by a Management Company.
- All other revised drawings (detailed above) have been updated for consistency.

(The meeting ended at 7.11 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 August 2021
at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, S J Clist, L J Cruwys,
R J Dolley, C J Eginton, P J Heal,
F W Letch, B G J Warren and Mrs C Collis

Apologies

Councillor(s)

Mrs C P Daw

Present

Officers:

Myles Joyce (Interim Development
Management Manager), Angharad Williams
(Area Team Leader), Nick Hill (Interim
Planning Solicitor), Sarah Lees (Member
Services Officer) and Sally Gabriel (Member
Services Manager)

60 APOLOGIES AND SUBSTITUTE MEMBERS (00-03- 50)

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr Mrs C Collis.

61 HYBRID MEETING PROTOCOL (00-04-11)

The protocol for hybrid meetings was noted.

62 PUBLIC QUESTION TIME (00-04-26)

There were no questions from members of the public present.

63 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-04-35)

Members were reminded of the need to make declarations were appropriate.

64 MINUTES OF THE PREVIOUS MEETING (00-04-46)

The minutes of the meeting held on 28 July 2021 were agreed as a true record and were duly **SIGNED** by the Chairman.

65 CHAIRMAN'S ANNOUNCEMENTS (00-05-52)

The Chairman made the following announcements:

- She reminded Members of a special meeting of the Planning Committee to take place the following week (Wednesday 18 August 2021).
- She informed those present that Mrs Jenny Clifford (Head of Planning, Economy and Regeneration) would be leaving the authority on 13 August. She paid tribute to Mrs Clifford highlighting her long service, her friendly and helpful manner, her 'can do' attitude and she wished her well for the future.

66 DEFERRALS FROM THE PLANS LIST (00-08-38)

There were no deferrals from the Plans List.

67 THE PLANS LIST (00-08-50)

The Committee considered the applications in the *Plans List.

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

- a) Application 21/00072/MARM – (reserved matters for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane, following outline approval 19/01839/MOUT – land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane, Cullompton)***

The Area Team Leader outlined the contents of the report informing the meeting of the history of the site, the outline planning permission which had been granted in September 2020 and explained that the current reserved matters application dealt with layout, appearance, landscape and scale and that the access to the development had been considered as part of the previous outline application.

She provided a presentation which highlighted: the site layout, the main vehicular access via Siskin Chase, the construction access via Colebrooke Lane (both agreed at outline), the proposed street scene, the landscaping layout which was predominately to the south of the site; the affordable housing layout and the position of the accessible and adaptable homes; the parking strategy, soft landscaping and the play equipment set up, the allotments proposals and photographs from various aspects leading to the site.

Consideration was given to questions from the committee with regard to:

- The maintenance of the open space and who would be responsible for the allotments, where was the cycle way and whether the location of the bird boxes could be identified.
- Concerns with regard to surface water run off
- The tree planting scheme, the location of the affordable housing, whether the allotments would be bunded and the lighting to the pedestrian access
- Housing standards associated with the 'Ashenford' – 2 bed properties and the views of Public Health and that this would be a Building Control matter.

- Play space for older children
- The pinch point in Siskin Chase which had already been considered at outline.

Further consideration was then given to:

- The views of the objector with regard to the lack of cycle paths within the development, the high car use encouraged on the site by way of the additional parking spaces which was thought to be excessive, the excessive parking at the allotments and concerns with regard to flooding on the pedestrian path to the site.
- The views of the agent with regard to the access consented at the outline stage, what was being considered as part of the reserved matters application, the high quality design of the development with ample open space and parking, the involvement of the Design Review Panel, the affordable housing on the site, the electric charging points for every dwelling, the adaptable and accessible homes, the contributions through the S106 agreement and the dialogue that had taken place with the Town Council.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions, as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- i.) Cllrs: E J Berry, S J Clist, R J Dolley and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had spoken with and received correspondence from interested parties;
- ii.) Mrs Mako-Yule spoke in objection to the application;
- iii.) Mr Harrison (Agent) spoke;
- iv.) Cllr E J Berry spoke as Ward Member for Cullompton South;
- v.) Cllr E J Berry requested that his vote against the decision be recorded.

b) Application 20/00748/FULL – (Change of use of land from commercial to residential use, including the demolition of a building and the erection of a single storey dwelling – 22 Lower Town, Sampford Peverell)

The Interim Development Management Manager outlined the contents of the report explaining to those present the background to the application, the consultation process that had taken place, including the issues raised by the Parish Council and the issues covered by the informative notes within the report. He provided a presentation which highlighted the location of the site, the existing and proposed block plan, the floor plans, elevations, the position of the lights on the tennis court, the retention of the perimeter wall and explained the measures that had been put in

place to mitigate the flood risk. He also provided photographs from various aspects of the site.

The officer then further highlighted the headlines within the report that of: the principle of development, the design and appearance of the proposal, the amenity, managing the flood risk, environmental impact, heritage matters, access and highways issues

Consideration was given to questions from Members which included:

- Whether there was any precedent with regard to properties being built alongside recreational facilities.
- The relevance of the sequential test
- The removal of the PD Rights
- Possible flood issues and the installation of the mezzanine floor
- The closeness of the boundary wall to the proposed dwelling
- Whether the officer was content with the land contamination report

Further consideration was given to:

- The views of the applicant with regard to the maintenance that was required to the current building, the need for the business to move to larger premises as it had outgrown the site and that the site would be much better as a dwelling.
- The views of the Ward Members with regard to: their thoughts that the development was not appropriate in the proposed location, the refuge above ground floor to overcome the flood risk, the closeness of the play area and local sporting facilities to the proposed dwelling, the closeness of the access route to the canal, that the proposed dwelling would not appeal to potential residents and the impact of the tennis court lighting on the property.
- The views of the Parish Council with regard to the history of the site and that the building had originally been the Cadet Hut, the proposal was adjacent to the play park and the public toilets, the tennis courts were used every day and more so at weekends and the impact of this on the residents of the property, the access to the public car park and the siting of food retail vans would impact on the property and that the building should have been considered for other uses.

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr G Barnell)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr Mrs C A Collis made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she was the Ward Member;
- ii) Cllr R J Dolley made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he knew members of the Parish Council;

- iii) Marie Yaxley (Applicant's partner) spoke;
- iv) Cllr Mrs Culpin spoke on behalf of the Parish Council;
- v) The Chairman read a statement on behalf of Cllr Miss Norton (Ward Member);
- vi) Cllr Mrs C A Collis spoke as Ward Member;
- vii) Cllr Mrs C A Collis requested that her vote against the decision be recorded;
- viii) Cllr C J Eginton requested that his abstention from voting be recorded.

68 MAJOR APPLICATIONS WITH NO DECISION (1-57-42)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

Note: *List previously circulated; copy attached to the Minutes

(The meeting ended at 4.14 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 7 July 2021 at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
C R Slade, Mrs M E Squires, A White,
Mrs N Woollatt, A Wyer and R M Deed

Apologies

Councillor(s)

L D Taylor

Also Present

Councillor(s)

Mrs F J Colthorpe, R F Radford and B G J Warren

Also Present

Officer(s):

Maria De Leburne (Operations Manager Legal and Monitoring), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

Also in

Attendance:

John Smith (Independent Person)

1 ELECTION OF CHAIRMAN (00-10-00) - CHAIRMAN OF THE COUNCIL IN THE CHAIR.

The Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2021/22.

Cllr R M Deed **MOVED**, seconded by Cllr C R Slade that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2021/22.

It was therefore:

RESOLVED that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2021/22.

2 ELECTION OF VICE CHAIRMAN (00-04-52)

Cllr C R Slade **MOVED**, seconded by Cllr Mrs M E Squires that Cllr R M Deed be elected Vice Chairman of the Committee for the municipal year 2021/22.

It was therefore:

RESOLVED that Cllr R M Deed be elected Vice Chairman of the Committee for the municipal year 2021/22.

3 **APOLOGIES AND SUBSTITUTE MEMBERS (00-05-45)**

Apologies were received from Cllr L D Taylor who was substituted by Cllr A White.

4 **PROTOCOL FOR HYBRID MEETINGS (00-06-04)**

The protocol for hybrid meetings was **NOTED**.

5 **PUBLIC QUESTION TIME (00-06-08)**

There were no questions from members of the public present.

6 **MINUTES (00-06-23)**

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

7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-17)**

Members were reminded of the need to make declarations of interest when necessary.

8 **CHAIRMAN'S ANNOUNCEMENTS (00-07-32)**

The Chairman had no announcements to make.

9 **TO CONSIDER ANY MATTERS OR MOTIONS REFERRED FROM COUNCIL (00-07-43)**

i) MOTION 569 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The Council at its meeting on 24 February 2021 agreed that the Standards Committee be asked to look into the following:

That this Council resolves to ask the Standards Committee to review Rule 14.4 (Automatic Reference to Committee) and to recommend whether this Council should either:

- a) completely remove rule 14.4 or
- b) amend the rule to re-enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion (and for any further discussion to take place on that Motion that the Chairman may see fit), before that Motion shall stand referred to a Committee or
- c) make no changes

The Chairman stated that although Cllr Wilce had been invited to attend the meeting, he had declined to do so but had emailed members of the committee..

The Monitoring Officer outlined the options within the Motion and that any rewording of a procedure rule within the constitution would require Council approval.

Consideration was given to:

- The need for the following wording to remain within the procedure rule: “unless an alternative proposition is put forward and accepted”.
- The opportunity for the mover and the seconder of a motion to be able explain the reasoning for the Motion, which was felt would be useful to Council.
- The number of times the mover and seconder would be allowed to speak and for how long and if the decision was made to consider the Motion at the meeting, the mover would have the ability to sum up.
- A proposal to reword procedure rule 14.4 to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion before that Motion shall stand referred to a Committee.
- The fact that the Chairman had the discretion to allow further discussion prior to the item being referred to the appropriate place.

It was therefore:

RECOMMENDED to Council that option (b) be supported in part to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion, before that Motion shall stand referred to a Committee and that Procedure Rule 14.4 be reworded as follows:

If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet, Committee or Policy Development Group, it shall, upon being formally moved and seconded (with those moving and seconding the motion being invited to speak at this point) stand referred to the Cabinet, Committee or Policy Development Group as the Chairman may determine for consideration and report unless an alternative proposition is put forward and is accepted; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

(Proposed by Cllr R M Deed and seconded by Cllr Mrs N Woollatt)

ii) MOTION 570 (COUNCILLOR A WILCE - 8 FEBRUARY 2021)

This motion has been passed from Council (February 2021) to the Standards Committee for consideration and report:

That, to improve local planning consultation processes and to regularise current Planning Committee practises, this Council resolves to amend Rule 27.5 as follows:

After (Appendix J to the Constitution), is inserted: in addition, the Chair will also permit the following to speak for no more than 3 minutes, without prior notice being required:

1 Adjacent Ward Members

2 Any Member having previously submitted a comment to that application that permission to speak being limited solely to the raising of material planning considerations relating directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

So as to read:

27.5 Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution); *in addition, the Chairman will also permit the following to speak for no more than 3 minutes, without prior notice being required:*

1 Adjacent Ward members

2 Any Member having previously submitted a comment to that Application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

The Monitoring Officer outlined the contents of the motion.

Consideration was given to:

- What would qualify an adjacent ward member to speak to an application and whether it was just the impact of the application on an adjacent ward
- The history behind the motion and the use of the Chairman of the Planning Committee's discretion to allow an adjacent ward member to speak if it was felt that an application did impact on an adjacent ward and that this already happened if an adjacent ward member notified the Chairman of the committee of their wish to speak.
- The number of occasions that this had already taken place.
- The Chairman of the committee was usually amenable to any request
- Whether the motion removed the Chairman's discretion.
- The implications of the second part of the motion which would allow any member to speak to any application within the district, even if it did not impact on their ward.

It was therefore

RECOMMENDED to Council that Motion 570 not be supported.

(Proposed by the Chairman)

iii) Any other matters or motions referred from Council on 1st July 2021

To consider items passed to the Standards Committee from the Council meeting held on 1 July 2021.

There had not been any items referred to the committee from Council.

iv) To consider and note the resolutions of Council with regard to the Governance Review

The committee were requested to consider the resolution of the Council on 17 March 2021 with regard to the Governance Review:

Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: the Council asks the Standards Committee to review any proposals for constitutional change which the Head of Legal (Monitoring Officer), the Chairman of the Scrutiny and Audit Committees and/or the Chairmen of the Policy Development Groups put forward in support of the working arrangements for those committees and groups.

The Chairman indicated that no official proposals had been put forward to the committee following the Governance Review and suggested that an item be added to the agenda for the next meeting to consider any requests for constitutional change, to include the number of members on the Audit Committee and the outcome of any discussions following the meeting of the Programming Panel.

RESOLVED that this item be deferred to the next meeting.

(Proposed by the Chairman)

10 ANNUAL REPORT OF THE MONITORING OFFICER (00-50-20)

The Committee had before it the annual *report of the Monitoring Officer providing it with an overview of the preceding year.

RESOLVED that the report be noted and circulated to all Town and Parish Councils for information.

(Proposed by the Chairman)

Note: *Report previously circulated copy attached to minutes.

11 AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL (00-51-50)

Members were requested to consider the amendments to the Constitution approved by Council in the period since the last meeting.

The meeting **NOTED** that the following Motion 568 (Councillor A Wilce) was approved by Council on 24 February 2021 and that amendments had been made to the Constitution accordingly.

That, to prevent further ambiguity by making the wording more concise, this Council resolves to amend Rule 14.4 (Automatic reference to Committee) by removing the reference to ‘Council’ and replace it with ‘Chairman’ and to insert after ‘report’ ‘unless an alternative proposition is put forward and is accepted’

So as to read:

14.4 Automatic Reference to Committee

*If the subject matter of any Motion, of which notice has been duly given, comes within the province of the Cabinet or any Committee or Committees it shall, upon being formally moved and seconded, shall stand referred, without the mover or seconder of the Motion speaking on the substance of the Motion and without any other discussion, to the Cabinet or such Committee or Committees, or to such other Committee or Committees as the **Chairman** may determine, for consideration and report, **unless an alternative proposition is put forward and is accepted**; and that the mover (or in his absence, the seconder) of the Motion should be invited to the Meeting of the Cabinet, Committee or Committees to amplify the Motion, but without any right to vote except as a Member of such Committee. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.*

12 **MODEL CODE OF CONDUCT (00-52-06)**

At the previous meeting the Committee resolved that a working group be formed consisting of Cllrs Mrs F J Colthorpe, C J Eginton and L D Taylor (the Independent Persons also be requested to attend) to consider the model code once the detailed guidance had been received along with Appendix K of the Constitution. To date the guidance has not been received, but members were asked if they wished to consider starting work in advance of the receipt of the guidance.

The Chairman indicated that detailed guidance had still not been received and therefore suggested that any discussion on the model code be deferred until the guidance was available. This was **AGREED**.

13 **START TIMES OF MEETINGS**

There was a need for the committee to consider the start times of meetings, it was **AGREED** that the committee continue to meet at 6.00pm for the remainder of the municipal year.

14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

It was suggested that the following items be added to the agenda for the next meeting of the committee to be held on 13 October 2021:

- To consider the Governance Review - in particular the membership of the Audit Committee and the outcome of any discussions from the Programming Panel meeting to be held in the near future.
- Complaints.
- The Model Code of Conduct and any work that had taken place by the working group, once the detailed guidance had been received.

(The meeting ended at 6.55 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 6 August 2021 at 11.00 am

Present Councillors

J Bartlett, J Cairney, Mrs F J Colthorpe,
L J Cruwys, J M Downes, D J Knowles,
Miss J Norton and Mrs E J Slade

Apologies Councillor(s)

R J Chesterton, D R Coren, S J Penny and L D Taylor

Also Present Councillor(s)

Mrs E M Andrews

Also Present Officer(s):

Thomas Keating (Specialist Lead (Licensing) Officer),
Deborah Sharpley (Solicitor), Sarah Lees (Member
Services Officer) and Carole Oliphant (Member Services
Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR) (00.09)

Cllr J Cairney was elected Chairman of the Licensing Committee for the municipal year 2021-2022

2 ELECTION OF VICE CHAIRMAN (09.24)

Cllr Mrs E Slade was elected Vice Chairman of the Licensing Committee for the municipal year 2021-2022

3 HYBRID MEETING PROTOCOL (10.52))

The Committee had before it, and NOTED, the *Hybrid meeting protocol.

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

4 APOLOGIES AND SUBSTITUTE MEMBERS (11.00)

Apologies were received from Cllrs R J Chesterton, D R Coren, S J Penny and L D Taylor who was substituted by Cllr L J Cruwys

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (11.46)

Cllr J Cairney declared a personal interest as he was a current licence holder.

6 PUBLIC QUESTION TIME (12.07)

There were no members of the public present

7 **MINUTES (12.28)**

The Minutes of the meeting held on 15th October 2020 were approved as a true record subject to the removal of the following bullet point:

- Enforcement of parking on pavements was a function of Devon County Council

And were duly **SIGNED** by the Chairman

8 **LICENSING UPDATE (15.45)**

The Specialist Lead Licensing Officer provided a verbal update on the Licensing Service which included:

- Summary of the different responsibilities of the Licensing and Regulatory Committees
- Impact of COVID on licensing work – particularly licensing act inspections
- COVID enforcement
- A total of 4 hearings had been held for Premises Licence applications in just over the last year
- Gambling Act - the Council was required to have a Statement of Principles under the Act and this had to be reviewed every 3 years. The new Statement of Principles would take effect from 31 January 2022 and the Council would be consulting on this soon
- COVID had reduced the number of applications / notices received by the Licensing Team during 2020
- The Business and Planning Act 2020 – Mid Devon District Council would be responsible for issuing pavement licences for an additional year (until September 2022)

(The meeting ended at 11.25 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 6 August 2021 at 12.00 pm

Present Councillors

J Bartlett, Mrs F J Colthorpe, J Cairney,
L J Cruwys, J M Downes, D J Knowles,
Miss J Norton and Mrs E J Slade

Apologies Councillor(s)

R J Chesterton, D R Coren, S J Penny and L D Taylor

Also Present Officer(s):

Deborah Sharpley (Solicitor), Sarah Lees (Member Services Officer) and Carole Oliphant (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR) (00.06)

Cllr J Cairney was elected Chairman of the Licensing Committee for the municipal year 2021-2022

2 ELECTION OF VICE CHAIRMAN (05.12)

Cllr Mrs E Slade was elected Vice Chairman of the Licensing Committee for the municipal year 2021-2022

3 HYBRID MEETINGS PROTOCOL (05.57)

The Committee had before it, and NOTED, the *Hybrid meeting protocol.

Note: *Protocol previously circulated and attached to the minutes

4 APOLOGIES AND SUBSTITUTE MEMBERS (06.15)

Apologies were received from Cllrs R J Chesterton, D R Coren, S J Penny and L D Taylor who was substituted by Cllr L J Cruwys

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (06.31)

Cllr J Cairney declared a personal interest as he was a current licence holder

6 PUBLIC QUESTION TIME (7.00)

There were no members of the public present

7 MINUTES (07.08)

The Minutes of the meeting held on 15th October 2020 were approved as a true record and were duly **SIGNED** by the Chairman

8 **REGULATORY UPDATE (07.52)**

The Specialist Lead Licensing Officer provided a verbal update on the Regulatory Service which included:

- The Hackney Carriage and Private Hire Policy was due to be reviewed this year and this follows on from the Department for Transport's Statutory taxi and private hire vehicle standards that were issued last year
- The team were currently working on a review of the hackney carriage tariff which would be presented to Cabinet for approval
- A summary of the enforcement action taken over the last year, including the number of hearings held via Regulatory Sub-Committees
- 4 Hackney Carriage licences had been revoked in 2020 and 10 had been suspended

(The meeting ended at 12.11 pm)

CHAIRMAN

COUNCIL

25 AUGUST 2021

COMMUNITY GOVERNANCE REVIEW

Cabinet Member(s): Leader of the Council, Cllr Bob Deed
Responsible Officer: Jill May, Returning Officer

Reason for Report: To provide Council with an opportunity to review the proposed Community Governance Review (CGR) of parish boundaries in Mid Devon.

Recommendation: That the Council agrees the following:-

- 1) The Council undertakes a Community Governance Review;
- 2) The formation of a cross party, politically balanced, group of twelve Members to undertake this Community Governance Review and form an Electoral Review Committee. The selection of the participants of the review committee to be undertaken via the relevant Group Leaders. The committee would be assisted by a consultant who would support them to formulate terms of reference and undertake the consultation process.
- 3) The Electoral Review Committee to report to Council on the interim findings and to subsequently make final recommendations to any changes in parish boundaries felt to be necessary.

Financial Implications: £45k has been set aside in the budget to undertake this review.

Budget and Policy Framework: None arising directly from this report.

Legal Implications: Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and how it is styled (e.g. parish, town or village).

The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

Risk Assessment: Local democracy and representation is impeded.

Equality Impact Assessment: No equality issues highlighted in this report.

Relationship to Corporate Plan: This report highlights the need to undertake a Community Governance Review to support/facilitate local democracy and local representation.

Impact on Climate Change: No climate change issues highlighted in this report.

1.0 Introduction/Background

- 1.1 The Local Government & Public Involvement in Health Act 2007 significantly changed the way that Community Governance Reviews (CGR) are undertaken. It streamlined the process and delegated powers to principal authorities (districts and unitaries). They now have responsibility for undertaking such reviews, for deciding the outcome and for implementing the outcome. Central government no longer has a direct role in the process. Guidance suggests that it is good practice that reviews should take place every 10-15 years.
- 1.2 The last review of parish boundaries within Mid Devon took place in 1997. There have been major changes since this time and several parish councils have approached MDDC asking for a review to be undertaken, however they have not fulfilled the criteria to request a review formally. It had been originally envisaged to undertake this review three years ago, however the Boundary Commission for England undertook its review on warding in Mid Devon and the CGR was put on hold as the two reviews could not be conducted at the same time. Subsequent elections and Covid 19 have also reduced the opportunity to undertake this review until now.
- 1.3 The CGR process needs to be completed within one year of commencement of the process and the results should be implemented at the next ordinary election date which would be May 2023.

2.0 Process for a review

2.1 Trigger for a review

- A valid community petition; or
- A principal authority's own decision

2.2 Decision to hold a review

- A principal authority takes a formal decision;
- This can be to review all or part of its area;
- Must have valid grounds for a refusal if there has been a petition.

2.3 Terms of reference

- A principal authority must draw up and publish terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- This must state the matters and geographic area to be covered;
- Notifying other local authorities which have an interest.

2.4 Undertaking a review

- A principal authority must consult electors in affected area(s);

- It should consult other bodies with an interest, including any affected local councils;
- It must consider any representations received.

2.5 Making recommendations

- These must bear in mind representations, the criteria and other factors;
- There could include alternative forms of governance in the area e.g. residents associations, neighbourhood forums;
- The principal authority formally recommends an outcome from the review;
- It must then publish its recommendations and the reasons for them, informing those with an interest.

2.6 Implementing a review

- A principal authority makes a Reorganisation Order to put into effect any changes;
- It must include a detailed map of the boundaries;
- It should publish the Order and map for public inspection;
- It must inform specified bodies e.g. Ordnance Survey;
- It should include in the Order any agreed incidental issues e.g. the transfer of assets.

2.7 Next steps

- An Order is often written to come into force the following April;
- Typically a new local council is then elected in May.

3.0 Electoral Review Committee

3.1 In order to expedite a CGR the Council would need to set up a group of members; this should be politically balanced and cross-party. This group of twelve members would form the Electoral Review Committee and would need to meet to set out the terms of reference of the review. The political make-up of this group would therefore be six Conservative members, three Liberal Democrat members, two Independent members and one Green Party member.

3.2 An external contractor would be required to assist the committee to review whether the whole district should be subject to review or just those parishes who have raised concerns. The contractor would also assist with the initial consultation process and writing the interim recommendations. The interim recommendations will then need to be reviewed by Council and consulted upon again. Finally, the contractor would work with the Members through to a Reorganisation Order being written, albeit this would be done in conjunction with the Council's Legal services.

3.3 The contractor will also assist with the planning of the whole exercise and officers from the Communications team, the Elections team, the Gazeteer service and the Planning service will assist with the process.

Contact for more Information: Jill May, Returning Officer (jmay@middevon.gov.uk)

Circulation of the Report: Cllr Bob Deed, Leader of the Council, Leadership Team

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