

Cabinet

Tuesday, 7 January 2025 at 5.15 pm
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 4 February 2025 at 5.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Meeting ID: 315 918 894 791

Passcode: GwGU44

Membership

Cllr L Taylor	Leader of the Council
Cllr S J Clist	Cabinet Member for Housing, Assets and Property and Deputy Leader
Cllr J Lock	Cabinet Member for People, Development and Deputy Leader
Cllr N Bradshaw	Cabinet Member for Environment and Climate Change
Cllr J Buczkowski	Cabinet Member for Governance, Finance and Risk
Cllr G Duchesne	Cabinet Member for Parish and Community Engagement
Cllr S Keable	Cabinet Member for Planning and Economic Regeneration
Cllr J Wright	Cabinet Member for Service Delivery and Continuous Improvement
Cllr D Wulff	Cabinet Member for Quality of Living, Equalities and Public Health

A G E N D A

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

1. **Apologies**
To receive any apologies for absence.
2. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
3. **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.
4. **Minutes of the Previous Meeting** (*Pages 7 - 26*)
To consider whether to approve the minutes as a correct record of the meeting held on 10 December 2024.
5. **2025/26 Budget Update** (*Pages 27 - 66*)
To receive a report from the Deputy Chief Executive (S151 Officer) on the 2025/2026 Budget Update.
6. **Award Contract for CHP Plant/ Battery Storage at Exe Valley**
(*Pages 67 - 70*)
To receive a report from the Head of Finance, Property and Climate Resilience on the Award Contract for CHP Plant/ Battery Storage at Exe Valley.
7. **CCTV Policy and Code of Practice** (*Pages 71 - 136*)
To receive a report from the Head of Service for Finance, Property and Climate Resilience on the CCTV Policy and Code of Practice.
8. **Information Security and Information Security Incident Policies**
(*Pages 137 - 168*)
To receive a report from the Head of Digital Transformation & Customer Engagement on the Information Security and Information Security Incident Policies.
9. **Investment in Community Land Trust projects using Devolution funding** (*Pages 169 - 174*)
To receive a report from the Director of Place and Economy on the Investment in Community Land Trust projects using Devolution funding.
10. **Willand Neighbourhood Plan - decision on Examiner's report**
(*Pages 175 - 348*)
To receive a report from the Director of Place and Economy on the Willand Neighbourhood Plan - decision on Examiner's report.

11. **Green Enterprise Grants** (*Pages 349 - 352*)
To receive a report from the Head of Service for Finance, Property and Climate Resilience and the Climate and Sustainability Specialist on the Green Enterprise Grants.
12. **Waste and Recycling Options** (*Pages 353 - 360*)
To receive a report from the Operation Manager, Street Scene and Open Spaces on the Waste and Recycling Options.
13. **Notification of Key Decisions** (*Pages 361 - 372*)
To note the contents of the Forward Plan.

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

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MINUTES of a **MEETING** of the **CABINET** held on 10 December 2024 at 5.15 pm

**Present
Councillors**

L Taylor (Chair), S J Clist, J Lock,
N Bradshaw, J Buczkowski, G Duchesne,
J Wright and D Wulff

**Apology
Councillor**

S Keable

**Also Present
Councillor**

E Buczkowski

**Also Present
Officer(s):**

Stephen Walford (Chief Executive), Richard Marsh (Director of Place & Economy), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Matthew Page (Head of People, Performance & Waste), Jason Ball (Climate and Sustainability Specialist) and Laura Woon (Democratic Services Manager)

**Councillors
Online**

G Czapiewski, L Knight, R Roberts and S Robinson

Officers Online

Dean Emery (Head of Revenues, Benefits and Leisure), Lisa Lewis (Head of Digital Transformation and Customer Engagement), Elaine Barry (Planning Obligation Monitoring Officer), Stephen Carr (Corporate Performance and Improvement Manager), Adrian Welsh (Group Manager for Growth, Economy & Delivery), Heather Nesbitt (Senior Enforcement Officer), Stephen Bennett (Building Surveyor Planning Maintenance), Carole Oliphant (Housing Policy Officer), and Sophie Richards (Customer Engagement Officer)

93. APOLOGIES

Apologies were received from Councillor S Keable.

94. PUBLIC QUESTION TIME

Paul Elstone

Question 1:

There was no column shown on the spreadsheet providing details of previous year's expenditures on these projects. This information was required in order to provide clarity on the total project cost. Why was this information not provided?

Response from Cabinet Member for Finance, Governance and Risk:

The previous year's expenditure was reported in the appropriate reports at that time, and fully within the outturn report each year.

Question 2:

Would such information be added to the budget sheet going forward? And if not why not?

Response from Cabinet Member for Finance, Governance and Risk:

The Council would look to see how historic information could be provided going forwards.

Question 3:

Project 41 Fir Close, Willand shown a revised total 2025/30 budgeted amount of £175,000. After the addition of the £50,000 shown as spent in 2024/25, this means the total cost of this single person's accommodation would be £225,000. How could such high expenditure be justified?

Response from Cabinet Member for Finance, Governance and Risk:

Any budgeted amount was the total project cost, so costs included all aspects of any projects not just the structure itself. Details such as parking, fencing, biodiversity net gain, planning fees, officer time and renewables were included within the total spend.

Question 4:

Was the Project 23 the ZED PODS Old Road Tiverton development?

Response from Cabinet Member for Finance, Governance and Risk:

Project names would not be published until such time as planning permission and local consultation had been undertaken.

Question 5:

The project budget for the Project 23 had increased from £4.1 million to £7.45 million. Could it be explained exactly why this project cost had nearly doubled?

Response from Cabinet Member for Finance, Governance and Risk:

As with any of the sites identified within the Housing Revenue Accounts (HRA) Development Programme the sites were identified at an early stage before any massing or designs were fully carried out and as such movement in unit numbers which could be both up and down could occur during any design process.

Question 6:

What or where was Project 20?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 7:

Project 20 was shown as a massive budget of £16.49 million but there seems to be no intention to develop it within the next 5 years. It was known that the Council paid ZED PODS £435,360 in 2023 for work on this project.

Was this payment to ZED PODS not a waste and a very poor use of public funds?

Response from Cabinet Member for Finance, Governance and Risk:

The Housing Revenue Accounts (HRA) Development Programme was under constant monitoring and assessment with many aspects affecting when projects began or were moved. Each project's viability, in terms of cost and attainable external funding, played a major role in any decision making.

Question 8:

What or where was Project 8?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 9:

Why had the cost of Project 8 increased by £1.37 million from £2.44 million to £3.61 million?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to question 5 above.

Question 10:

Why exactly had the School Close Bampton Project cost increased by over 1 million pounds to £5.5 million?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to question 5 above.

Question 11:

What or where were projects 29, 33 and 54?

Response from Cabinet Member for Finance, Governance and Risk:

See the response to Q4 above.

Question 12:

The £5.5 million School Close Bampton cost equates to £4,590 per square metre. The Shapland Place, Tiverton cost was around £5,000 and St Andrews Cullompton was around £4,600 Fir Close Willand could be over £6,000 per square metre. Would Cabinet agree there was a common and very high cost theme developing?

Response from Cabinet Member for Finance, Governance and Risk:

Those figures were taking total project cost as indicated in Q3, whereas construction cost, and therefore build cost/m², was only one element of total project cost. It should also be remembered that those properties were net zero carbon with far higher energy efficiency elements incorporated. As such, while there may be extra costs involved to achieve this, which could be perceived as optional, the Council had committed to aiming for net zero, with the added benefit of this efficiency translating into lower running costs for tenants over the life of the asset (home).

Nick Quinn

In the press that 1200 Council properties had been overcharged on their rents while 1600 had been undercharged. The Housing Rents report states that it was being proposed to recompense those tenants who had been overcharged and the Council had already said they were not going to recover any undercharges from renters. But it was not clear, from the report, whether corrections were to be put in place for all tenancies, once the formula calculations had been done to work out the correct rent for every property. If this was not done, the overcharged renters had their correct rent put in place, but the undercharged tenancies continue on the incorrect base rent for the remainder of their tenancy. This would mean this Council were subsidising those tenants and would be paying for this error for years to come. Surely, this was wrong. Rather than agreeing to recommendation 2 and leave undercharged tenancies unchanged, as was suggested at point 19 on the table in paragraph 2.2 of the report: Would Cabinet look to undertake moves to implement the correct rent, properly calculated in compliance with the Statutory Social Rent Formula, to all their social rental properties over a phased period which was yet to be determined?

This was answered within the debate at item 6 on the agenda.

95. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

The following Councillors J Buczkowski, S Clist and D Wulff referred to item 7, updating Election Fees and declared they were Members of the Town Councils.

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

96. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 12 November 2024 were **APPROVED** as a correct record and **SIGNED** by the Leader.

Note: * the Leader abstained from voting due to not being present at the last meeting.

97. 2025/2026- DRAFT BUDGET

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the 2025/2026 draft Budget Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- At the last Cabinet meeting, the projected shortfall stood at £431k. Since then, a thorough review had shown that some previously identified savings were not achievable for 2025/26 and would need to be revisited in future years. However, the Council had been able to reduce other pressures and identify additional savings, bringing the shortfall down to £191k.
- Appendix 1 provided a detailed breakdown of movements at the service unit level, highlighting where pressures were being felt and where savings had been achieved. A full review of corporate budgets, combined with the possibility of further government grants, could help bridge the remaining gap.

- The Council were deeply disappointed by the government's decision to remove the Rural Services Delivery Grant. This, along with the uncertainty of the funding settlement, expected on 19 December 2024; this was unacceptably late in the budget-setting cycle, and had created significant challenges for financial planning.
- As a Council, strong representations would be made directly to central government at a senior officer level and through the membership of the Rural Services Network, urging them to address the dire state of local authority funding.
- Appendix 2 outlined the plans for the Capital Programme over the next 5 years. The commitment to invest £138m into maintaining and enhancing assets. A large portion of this would be directed towards increasing housing stock, delivering much needed social and affordable homes. Whilst this programme currently assumed significant borrowing, the Council remained optimistic that further successful grant applications would help reduce this burden, as they had done in the past.
- Housing Revenue Account, Appendix 3 provided an update on the Medium-Term Financial Plan. This included refreshed assumptions around income, particularly in relation to rent corrections. The Council were in the process of finalising a robust 30-year plan to enable more accurate budget profiling over the next 5 years and to identify ways to address the projected shortfall.
- This administration stood firm in its pledge to uphold fiscal responsibility whilst listening to the needs of the communities. The combined efforts of dedicated officers, alongside the support of Members across the Council, had made it possible to present a realistic and achievable draft budget, even in the face of uncertainty and challenging financial conditions.

Discussion took place regarding the internal borrowing and where this was reported.

RESOLVED that:

1. The contents of this report, specifically the inclusion in the 2025/26 adjustments be **APPROVED** and
 - a) Cabinet requests were considered at the last meeting (para 3.4);
 - b) The adjustments to previously **AGREED** budget options (para 4.2);
 - c) The proposed budget options (Section 5) that would be calculated as data or when Government announcements were made.
2. The proposed Capital Programme covering the period 2025/26 to 2029/30 be considered.
3. The updated Housing Revenue Account Medium Term Financial Position be considered.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

None directly arising from this report, although there was a legal obligation to balance the budget. There were legal implications arising from any future consequential decisions to change service provision, but those would be assessed at the time.

Note: * Report previously circulated.

98. **HOUSING RENTS**

The Cabinet had before it a report * from the Deputy Chief Executive (S151) presenting the Housing Rents Report.

The Cabinet Member for Governance, Finance and Risk outlined the contents of the report with particular reference to the following:

- The report related to a historical issue that affected the calculation of social rents within the Council's Housing Revenue Account (HRA). This error related to the original valuations used in the nationally prescribed formula for setting social rents.
- While annual increases had been correctly applied over the years, the historic valuation figures needed adjustments to bring them in line with the requirements.
- It was clear that, as an administration, the Council had no control over the historical issues.
- However, the Council's priority was to resolve it swiftly and effectively. The Cabinet Member for Finance, Governance and Risk reassured the Cabinet, and importantly the tenants, that they were secure in relation to their tenancies. The HRA remained financially sound, with sufficient reserves to address this matter responsibly and without jeopardising its long-term viability.
- It was highlighted in the report the steps that had already been taken, including a self-referral to the Regulator for Social Housing (RSH) and engagement with the Department for Work & Pensions (DWP), the Council's auditors, and the Valuation Office Agency (VOA). To ensure the actions were legally robust, external legal advice had been sought from a King's Counsel.
- Internally, a dedicated working group had been established to manage the actions required, and internal processes for setting rents had already been strengthened to prevent similar issues in the future. Based on initial calculations, the correction was estimated at approximately £1.8 million, which was within the HRA reserve balance. A strategy to replenish this reserve would be developed as part of the longer-term financial planning.
- The corrective actions prioritised current tenants, followed by former tenants, and refunds would likely be issued in tranches to ensure a controlled and efficient process. The Council were working closely with partner organisations to address any associated impacts on Housing Benefits, Universal Credit, and Council Tax liabilities.

The Cabinet Member for Finance, Governance and Risk wanted to emphasise that the Council's tenants were absolutely at the forefront of every decision made. Their interests would guide the approach, and the Council were committed to resolving this issue with urgency and transparency. Regular updates on progress would be brought back to Cabinet.

Discussion took place with regards to:

- The feedback from residents was low in some wards.
- The communication about the Housing rents and had it been delivered correctly?
- How many residents had come forward after receiving the communication?

- The legal position and that the Council cannot increase the rent in relation to a live tenancy other than the usual process.
- What methodology would be used when a property became vacant?
- Changes of tenancy if a family chose to pass it on to another family member within the same household and was there provision in place.

RESOLVED that:

1. All of the tasks that had already been progressed in order to correct this situation were **NOTED**.
2. The future proposed actions and solutions required to fully resolve the housing rents error identified in Table 1 para 2.2 were **AGREED**.
3. To request a further report be brought back for consideration once the proposed actions had been completed and the Regulator for Social Housing (RSH) had clarified their opinion, in order that any lessons identified could be sufficiently mitigated through the Council's Risk Register in future.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for Decision:

External Kings Counsel's advice had been secured which had been used to underpin the recommendations made within this report.

Note: * Report previously circulated.

99. UPDATING ELECTION FEES

The Cabinet had before it a report * from the Chief Executive on the updated Election Fees.

The Cabinet Member for People, Development and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The level of Election fees should be reviewed regularly to take into account inflation as well as any changes in legislative responsibility.
- Locally-originated fees had not been reviewed or updated for over 20 years and this report was an update to that position.
- The Returning Officer had to pay for polling staff, postage, mileage and venue hire at prevailing rates in order to run elections. Those had increased over time, while the core team fees were set in the context of the headline Returning Officer fee as set by the Council.
- The difference between the Council's current fees and the most up to date schedule adopted within Devon in 2023, was broadly equivalent to the increase that would have taken place if normal Consumer Price Inflation (CPI) had been applied each year.

Discussion took place with regards to:

- Could it be confirmed that the proposal line in the table included in the report at 3.3 be adopted?

- Would the calculated fees make the election cost neutral or be expected to subsidise those or was there a surplus?

RESOLVED that:

1. The revised fees for Mid Devon District and Parish elections, as per section 3, take effect from 1st April 2025 and be **APPROVED**.
2. That the fees would be updated annually from 2026 onwards in line with either the uplift of the previous year's staff pay award, or by the CPI at the prevailing rate from the previous September, should the annual pay award be expressed as a flat cash rate rather than as a percentage.

(Proposed by Cllr J Lock and seconded by Leader of the Council)

Reason for Decision:

The running of elections by the Returning Officer was overseen and monitored by the Electoral Commission. There were no legal implications associated with this decision.

Note: * Report previously circulated.

100. **CORPORATE PERFORMANCE QUARTER 2 INCLUDING PERFORMANCE DASHBOARD**

Cabinet had before it a report * and **NOTED** from the Corporate Manager for People, Governance and Waste and the Corporate Performance and Improvement Manager on the Corporate Performance Report including the Performance Dashboard.

The Leader of the Council and the Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

- The Corporate Plan included an ambition to avoid carbon emissions (renewables and green transport). This was an aggregated indicator, made up of two indicators as outlined. By generating electricity through solar panels, the Council had avoided 259t CO2 emissions this financial year.
- Through the use of electric vehicles in the fleet, the Council avoided a further 8.8t CO2e against an annual target of 10t CO2 emissions. This result demonstrated that electric vehicles were becoming embedded and well used as part of the fleet.
- Planning applications determined within 8 weeks was 99% for the year to date, and minor applications overturned at appeal was 0.4%.
- Under the 'The Support the Voluntary, Community and Social Enterprise (VCSE) sector by securing additional external funding', data showed that for the financial year to date indicated that £182k had been secured.
- Household waste recycled in the financial year to date was 59.8% and was above target (58.5%).
- The dashboards contained 99 performance measures on how services were performing across the Council, and included the indicators that were part of the Corporate Plan. Those dashboards had also been reviewed by all the relevant Policy Development Groups and the Planning Committee.

- Section 2 of the report provided performance analysis on a theme by theme basis, focusing on Corporate Plan performance indicators.
- The total number of open planning enforcement cases was 338. Having reviewed this, it should have stated 319.

Discussion took place regarding:

- The total number of missed bin collections was going in the right direction.
- The staff turnover percentage increase.
- The Council should be acknowledged for the effort they were putting into delivering their Corporate Plan.
- The Planning Environment and Sustainability Policy Development Group's dashboard seemed a bit light on performance measures.
- The absence of air quality metrics, especially considering two designated air quality improvement areas within the district – Cullompton and Crediton.
- Behind the scenes to reinstate real-time air quality monitoring within those zones, which was not funded by the previous administration and therefore switched off in June 2023
- The Director of Place and Economy had confirmed that real-time monitoring would be back in place by January 2025, after a rather elongated process that started in July 2023
- Given the significance of this development, could air quality be monitored as a key metric on the dashboard?
- It was **AGREED** to include real-time air quality monitoring within the two air quality management areas as a performance metric on either the Planning Environment and Sustainability Policy Development Group, or Communities, People and Equalities Policy Development Group dashboard moving forward.

(Proposed by the Leader)

Note: * Report previously circulated.

101. CORPORATE RISK QUARTER 2

Cabinet had before it a report * and **NOTED** from the Corporate Manager for People, Governance and Waste and the Corporate Performance and Improvement Manager on the Corporate Risk Quarter 2.

The Leader of the Council and the Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

- Considerable progress had been made over the past year to manage the most significant risks. Many of the risks on the register had seen their risk scores reduced through the work of the Council for example 3 Rivers, Cullompton Town Centre Relief Road, and Homes for Ukraine Scheme.
- Even where risk scores had not improved, there had been a huge amount of work to ensure the Council had maintained its risk position and was in a position to improve – such as in the areas of cyber security, climate change, and financial sustainability.

- A robust process was in place for managing corporate risks and presenting this information to the Audit Committee and to Cabinet. Members further strengthened the process through their check and challenge and there had been positive engagement in the past year. The approach had proved effective in 2024, and would provide the Council with a strong foundation to manage the risks of 2025.
- The Council's current corporate risks with their updated position as of early November. Those were the risks which had been identified that may be most likely to impact the Council meeting its objectives.
- Any significant changes to the Risk Register since it was last reported to Cabinet were listed in the covering report, at paragraph 2.3.
- Audit Committee Members asked that Corporate Risk 9 and 9a related to 3 Rivers be reviewed by the Leadership Team given the closure of the company, with the remaining risk to focus on reputational risk.

Discussion took place regarding:

- The risk rating 3, failure to meet Climate Change Commitments by 2030, would this be reviewed before the next quarter?
- Had the Council been subject to any Cyber-attacks and what security was in place to measure this?
- 3 Rivers Developments Limited was formally dissolved on 29th November 2024. This dissolution would be formally reported to Cabinet as part of the next financial report, but it was relevant to the discussion today regarding the review of the Risk Register.
- CR9 related specifically to the risks surrounding the closure of 3 Rivers Developments Limited. CR9a, on the other hand, pertained to the reputational risks experienced by the company and, by extension, the Council as its shareholder. At a recent Audit Committee meeting, there was a robust debate on whether those risks would remain on the Risk Register in their current form. Audit Committee's input was a vital advisory body to the Council and this administration.
- CR9 and CR9a be replaced with one combined risk that reflected the current circumstances and identified the tangible risks and mitigation actions relevant today. This approach ensured the Corporate Risk Register remained focused on the strategic risks most likely to impact the corporate priorities of the Council.

Note: * Report previously circulated.

102. MID DEVON HOUSING (MDH) ASSET MANAGEMENT STRATEGY

Cabinet had before it a report * from the Head of Housing & Health on Mid Devon Housing's (MDH) Asset Management Strategy.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- Mid Devon Housing (MDH) had a requirement to understand the condition and demand of the housing stock and other buildings it was responsible for, by establishing the current position, identifying future maintenance costs as well as providing new homes to meet demand.

- This Strategy set out how this would be achieved during the financial years 2025-2029. This was a review of the existing Asset Management Strategy and had been undertaken to bring the document up to date in the context of the new consumer regulation regime that included the statutory consumer standards as set out within the report and background papers.

RESOLVED that the updated MDH Asset Management Strategy attached in Annex A be **ADOPTED** as recommended by the Homes PDG.

(Proposed by the Cllr S Clist and seconded by Cllr J Buczkowski)

Reason for Decision:

As a registered provider of social housing, the Council was obliged to take account of the standards contained within the revised regulatory framework which was administered by the RSH as well as The Health and Safety at Work etc Act 1974 and other building safety legislation. This placed a duty on MDH to maintain legal compliance within its housing stock.

Note: *

- (i) Report previously circulated.
- (ii) Cllr N Bradshaw abstained from voting due to not being present for the debate.

103. MID DEVON HOUSING (MDH) TENANT COMPENSATION POLICY UPDATE

Cabinet had before it a report * from the Head of Housing & Health on Mid Devon Housing's (MDH) Tenant Compensation Policy Update.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The Policy was last approved in January 2022, and was due to be reviewed after 3 years.
- Since the current Compensation Policy was adopted the Housing Ombudsman (HO) had issued guidance notes to Registered Providers that relevant policies should provide redress to restore a person to the position they would had been in had the service failure not occurred.
- In line with the Housing Ombudsman (HO) guidance the revised policy set out compensation payments that were fair, consistent and proportionate whilst recognising that each case would be considered on its individual merits.
- The Council had also recently received specific guidance and recommendation from the Housing Ombudsman (HO) in respect of compensation for the additional cost of temporary heaters.

Discussion took place regarding monitoring and performance and the figures in regard to compensation.

RESOLVED that the updated MDH Tenant Compensation Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by the Homes PDG be **ADOPTED**.

(Proposed by the Cllr S Clist and seconded by Cllr N Bradshaw)

Reason for Decision:

It would be necessary to ensure that the Tenant Compensation Policy addressed all the legal obligations the Council had as a Landlord under within the parameters of the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994, the Housing Act 1985 and the Leasehold Reform, Housing and Urban Development Act 1993.

Note: * Report previously circulated.

104. NATIONAL ASSISTANCE BURIAL PROCEDURE

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience on the National Assistance Burial Procedure.

The Cabinet Member for Service Delivery and Continuous Improvement outlined the contents of the report with particular reference to the following:

- The Policy was last reviewed in June 2019 and had become due for review after 5 years.
- The report presented the revised Policy for National Assistance Burials.

RESOLVED that the National Assistance Burials Policy as recommended by the Service Delivery & Continuous Improvement Policy Development Group be **ADOPTED**.

(Proposed by the Cllr J Wright and seconded by Cllr J Lock)

Reason for Decision:

The Council had a statutory duty to carry out National Assistance Burials under Section 46 of The Public Health (Control of Disease) Act 1984.

Note: * Report previously circulated.

105. THE STATUTORY DUTY TO CONSERVE AND ENHANCE BIODIVERSITY

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience and Climate and Sustainability Specialist on the Statutory Duty to Conserve and Enhance Biodiversity.

The Cabinet Member for Environment and Climate Change outlined the contents of the report with particular reference to the following:

- The Statutory Duty plan encouraged innovation and set out achievable goals. However, service teams had identified new ways to report on how to make a difference with Biodiversity Net Gain.
- The plan aimed to support ecological awareness in the service teams, it aimed to boost nature on Council owned land, and it set a goal for partnership schemes to boost nature at a landscape scale.

- As explained in the report, the Local Planning Authority role had set duties to discharge in line with National Policy and this was separate and distinct from anything which the Council chose to do as a corporate land / property owner.
- The consultation had been to the Planning and Policy Advisory Group (PPAG) and each of the Policy Development Groups.

Discussion took place regarding:

- Under the Planning, Environment and Sustainability Policy Development Group, they were looking at new builds and legal requirements as to what was stipulated from a house building perspective.
- New build houses and the approach from developers to help towards biodiversity and to consider bird houses and bricks for bees to be included in this document.
- The ecological surveys on developments.
- As a Council to put pressure on developers to provide more eco-friendly projects.
- Rewilding of farms this would contribute greatly towards biodiversity net gain.
- Support the environment locally and the hope of support, from the Climate Nature and Water Bill that was currently going through Parliament.

RESOLVED that the draft Biodiversity Duty Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group be **APPROVED**.

(Proposed by the Cllr N Bradshaw and seconded by Cllr S Clist)

Reason for Decision:

The Council's environmental sustainability duties were underpinned by legislation e.g. Environment Act 2021 as noted.

Note: * Report previously circulated.

106. CLIMATE STRATEGY ACTION PLAN

Cabinet had before it a report * from the Head of Finance, Property & Climate Resilience and the Climate and Sustainability Specialist on the Climate Strategy Action Plan.

The Cabinet Member for Environment and Climate Change and Climate and Sustainability Specialist outlined the contents of the report with particular reference to the following:

- This was an important milestone for the Council. The Climate Change Strategy and Climate Action Plan, was a response to the Council declaring a climate emergency in 2019 and the Council's targets of achieving net zero by 2030.
- Officers had worked persistently to bring this strategy together. A Draft Climate Strategy was considered by the Planning, Environment and Sustainability Policy Development Group (PDG) on 26 November 2024 and was now recommended to Cabinet for approval.

- The Strategy was a starting point for engagement with communities, businesses and other partners, to co-create a vision for a sustainable future including the themes and expressed ambitions about the benefits for Mid Devon residents.
- The Climate Change Strategy was aligned with the Corporate Strategy and with the Devon Carbon Plan, and related to all of the Council's Policy Development Groups:
 - Planning, Environment and Sustainability- Vibrant landscapes at the heart of Mid Devon.
 - Community, People and Equalities- Climate Resilient Communities.
 - Homes- Healthy Homes.
 - Economy & Assets- Green Growth and Bright Futures.
 - Service Delivery & Continuous Improvement- Sustainable Services and Spending.
- Mid Devon's 2022 territorial carbon footprint, excluding land use change, was 907,684 tonnes of carbon dioxide equivalent (tCO₂e). The largest climate impacts came from:
 - Agriculture at 43% (394,256t), mainly from livestock farming;
 - 29% from transport (267,527t) almost all from road transport; and
 - 9% from heating fuels in buildings (78,68t) with most of that (68,643t) from homes.
- The Council's own organisational carbon footprint, the 2023-2024 emissions were 16,545 tCO₂e. Components of the carbon footprint under direct control of the Council comprised only 2,103 tCO₂e.
- Potentially, Net Zero for the 'direct control' footprint could be achieved by a combination of reducing the impact of what the Council could directly control (mitigation was the top priority) and by balancing actions that reduced the impact of the other elements in the wider footprint. The Climate Action Plan indicated ways that carbon emissions could be avoided, reduced offset and inset emissions.
- Steps as a Council to further reduce it's own footprint included: Lower emissions for their fleets, facilities and services, Renewable energy projects and support for trees and habitat schemes which absorbed carbon.
- The Council only directly controlled a tiny fraction of the district's annual impact, but could influence a significant part of local activity and infrastructure.
- In the years between now and 2030, a series of projects were set to deliver important reductions to the Council's annual carbon footprint.
 - Renovating sports centres could save up to 200 tonnes per year.
 - Workplace energy efficiency could save up to 200 tonnes annually.
 - Replacing 57 vans with EV by 2030 would save over 140 tonnes annually.
 - More renewable energy projects could save 200 - 600 tonnes annually.
 - A programme to replace 22 old residential properties with Net Zero homes by 2030 would save up to 136 tonnes annually.
 - Renovating Council homes would save over 400 tonnes annually.
- The next steps the Council could lead and influence through best practice. In 2025 the Council intended to host Mid Devon's first Climate Forum that would bring the Council's strategy to communities, businesses and partners. This had to be a collective effort, working together and providing feedback to Central Government where it could see barriers to the necessary change.

Discussion took place regarding:

- Did the Council have a policy about the use of weed killer?
- How serious were the Council about energy when there was a procurement process and measurement in place to be affordable moving towards net zero.
- The Council could lead by example. This would play a small part in making a difference to climate change.
- The importance of climate change and considerations about wind power, solar power and greenhouse gas emissions.
- Working towards net zero and the collaborative approach.
- The work that had gone into the Climate Strategy Action Plan and the great foundation this would provide in order to move forwards.
- How close were the Council to net zero for 2030?
- The Council to have a strong vision for a sustainable future.
- Cop29 fossil fuels that caused the problem. The ambitions of the Council and the importance for the community and changing the world.
- Should the focus be on resilience for the future?
- Flourishing and happiness within the community and the benefits this would have and the leadership was important.

RESOLVED that the Climate Change Strategy and Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group be **APPROVED**.

(Proposed by the Cllr N Bradshaw and seconded by Cllr G DuChesne)

Reason for Decision:

The Council's environmental sustainability duties are underpinned by legislation e.g. Environment Act 2021. All local authorities had obligations under the Climate Change Act 2008 with regard to climate change adaptation (resilience) and mitigation (emission reductions). Full Council declared a Climate Emergency in June 2019.

Note: * Report previously circulated.

107. S106 GOVERNANCE FRAMEWORK

Cabinet had before it a report * from the Director of Place and Economy on the S106 Governance Framework.

The Cabinet Member for Housing, Assets and Property outlined the contents of the report with particular reference to the following:

- This was an update to the existing S106 governance arrangements.
- It had been revised to ensure the most appropriate and effective approach to S106 management and monitoring, to ensure that they were consistent with the latest government regulations and to provide Members with more visibility and input into the spend process.
- Any financial planning obligations must be spent in accordance with the terms of the S106 agreement. Those agreements were used to offset the

implications of an individual development as identified through the planning process and therefore it was important to have a robust and appropriate governance to ensure the effective and appropriate use of S106 monies.

- The proposed governance framework (Appendix 1), which set out the arrangements on the nature of the S106 spend, and provided clarity in terms of when decisions were delegated to planning officers, and the conditions where more significant decisions needed to go the Governance Board for consideration.
- Also included, were the Terms of Reference, which set out the purpose and expectations of the Board and the decision making process, including composition of the Governance Board and regularity of meetings.

The framework document and appended terms of reference were considered by the Planning, Environment and Sustainability Policy Development Group at a meeting on 26 November 2024. The Group agreed that the framework document and appended terms of reference be recommended to Cabinet for approval, with one minor amendment, which was to add the word 'Infrastructure' at the end of bullet point 9, at 4.0 Planning obligations (Section 106 agreements) so that the bullet point read 'Highways and Transport Infrastructure', to ensure wider transport schemes such as rail related projects were captured.

Discussion took place regarding:

- The timelines on spending and the balance of priorities.
- Key challenges, such as balancing local and district-wide strategic priorities and enhancing Member oversight.
- Clarity was needed in certain areas. Delegated decisions allowed for more streamlined approvals, what was the route of appeal should a validation or delegated decision be contested?
- Were the Governance Board decisions final?
- Disappointed by the lack of progress on the Community Infrastructure Levy (CIL).
- Opportunities to review the structure to further enhance inclusivity and transparency, particularly with respect to representation from Ward Members and Town and Parish Councils.
- Further clarity on the new government's direction regarding the emerging Infrastructure Levy (IL), and would the Council prioritise preparing for this transition and consider aligning infrastructure planning processes accordingly?

RESOLVED that the revised S106 Governance arrangements (Appendix 1; Mid Devon District Council S106 Governance Framework) be **APPROVED** with the following exceptions.

- a) This would require a change to the Terms of Reference section 4 under the Fixed Panel heading before bullet point four the following words to be added "three Cabinet Members from the following:"
- b) A new seventh bullet point to be added to this section with the words "Cabinet Member for Parish and Community Engagement".
- c) The Quorum arrangements would remain unaltered at two Members and
- d) That the S106 Governance arrangements returned to the Planning, Environment and Sustainability Policy Development Group within the next 12 Months.

(Proposed by Cllr S Clist and seconded by Cllr N Bradshaw)

Reason for Decision:

S106 agreements may include obligations on the developer to make a financial contribution in order to make the development acceptable in planning terms. Contributions become due on a trigger point set out in the legal agreement.

Note: * Report previously circulated.

108. INFRASTRUCTURE FUNDING STATEMENT- INFRASTRUCTURE LIST

Cabinet had before it a report * from the Director of Place and Economy on the Annual Infrastructure Funding Statement, the Infrastructure List.

The Cabinet Member for Housing, Assets and Property and the Deputy Leader outlined the contents of the report with particular reference to the following:

- The report related to infrastructure that could be funded partly or wholly by developer contributions.
- Local Planning Authorities were required to publish an Infrastructure Funding Statement annually. The Statement included a summary of developer contributions collected and spent by the authority in the previous financial year, and an Infrastructure List which identified the infrastructure required to facilitate the delivery of the adopted Local Plan.
- The list was not exhaustive, it was a live document that continued to evolve and could be reviewed and updated anytime.

The Planning, Environment and Sustainability Policy Development Group (PDG) were asked to consider the Infrastructure List at a meeting held on the 26 November 2024. The Group recommended the infrastructure list for approval by Cabinet with the following suggestions:

- Under Priority 2 - Sustainable Travel the group suggested widening reference to Cullompton Rail improvements to include rail improvements elsewhere in the district by referring to District Wide Railway Infrastructure.
- Under Priority 1 – Education Category to include specific reference within the 2nd line to include Post 16 provision.

Discussion took place regarding the process, when items were added to the list in the future, and would this be reported back to Policy Development Groups and Cabinet.

RESOLVED that:

1. The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intended to fund, either wholly or partly, by developer contributions as recommended by the Planning, Environment and Sustainability PDG be **APPROVED**.
2. The Infrastructure List was included within the Annual Infrastructure Funding Statement (IFS) to be published on the Council's website by 31st December 2024 as recommended by the Planning, Environment and Sustainability PDG.

(Proposed by Cllr S Clist and seconded by Cllr J Lock)

Reason for Decision:

There was a legal requirement placed through Regulation 121A of the Community Infrastructure Levy largely applicable to CIL charging authorities to publish no later than 31st December in each calendar year an annual infrastructure funding statement which comprised “a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (“the infrastructure list”)”

Note: * Report previously circulated.

109. PLANNING ENFORCEMENT- ENFORCEMENT POLICY UPDATE

Cabinet had before it a report * from the Director of Place and Economy on the Planning Enforcement- Enforcement Policy Update.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- The proposed Planning Enforcement Policy brought the operations of the Enforcement Team in line with the Council’s current approach.
- Formal adoption and publication of the policy should make it easier for the public to understand Mid Devon’s approach to Planning Enforcement. It would set a much clearer framework for when enforcement action would be taken, and how it would be taken, together with clarity on what types of cases would be investigated as high priority, medium priority and lower priority accordingly.
- Following a public question directed to the Scrutiny Committee, an amendment was suggested to be made to the flow chart in the Enforcement Policy to add an additional arrow to clarify that complainants would get feedback in relation to their complaint. This will be added between “Breach identified and no further investigation required” and “Investigation Results”. There would also be a spelling error amendment in the box “Possible Breach Identified”.

Discussion took place regarding:

- The concerns about planning enforcement in Councillors ward areas and how this would be reflected.
- When criticism had been received with regard to this report and had this been looked into?
- Any changes to planning enforcement and was there a record of this.
- Cabinet Members thanked all officers involved for the work that had been achieved in the report.

RESOLVED that:

1. The report and the updated Planning Enforcement Policy which had been discussed and noted by Scrutiny be **NOTED**.
2. The updated Planning Enforcement Policy, as recommended by the Planning Policy Advisory Group (PPAG) be **APPROVED** and **ADOPTED**.

3. Delegated authority be given to the Development Management Manager, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make any future revisions to the Planning Enforcement Policy to ensure it accorded with the National Planning Policy Framework be **APPROVED**.
4. The flow diagram contained at page 14 of the Policy to be updated to include an arrow between “Breach identified and no further investigation required” and “Investigation Results” to demonstrate that complainants would receive feedback on their complaint be **APPROVED**.

(Proposed by Cllr S Clist and seconded by Cllr G DuChesne)

Reason for Decision:

Matters of enforcement were bound by strict data protection rules and the authority must be mindful of the rights of individuals concerned. This meant that specific details and ongoing enforcement activity could not be shared beyond those within the authority who were immediately and necessarily involved in cases.

Notes: *

- (i) Report previously circulated.
- (ii) Cllr N Bradshaw abstained from voting.

110. NOTIFICATION OF KEY DECISIONS

The Cabinet had before it, and **NOTED**, the Notification of Key Decisions *.

The Clerk identified the changes that had been made to the list since it was published with the agenda. This included the following:

- The work agreement for the Measured Term, Internal Painting Contract 2025-2029.
- The Award of contract for CHP Plant/ Battery Storage at Exe Valley

Note: * Key Decisions report previously circulated.

(The meeting ended at 20:17)

LEADER

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Report for: Cabinet

Date of Meeting:	7 January 2025
Subject:	2025/26 Budget Update
Cabinet Member:	James Buczkowski – Cabinet Member for Governance, Finance and Risk
Responsible Officer:	Andrew Jarrett – Deputy Chief Executive (S151)
Exempt:	N/a
Wards Affected:	All
Enclosures:	Appendix 1 – Revised General Fund, Housing Revenue Account and Capital Programme Appendix 2 – Fees & Charges – For Approval Appendix 3 – Fees & Charges – For Noting

Section 1 – Summary and Recommendation(s)

To present to Member's the revised budget position after the Government Funding Settlement was announced on the 18 December 2024.

Recommendation(s):

- 1. Cabinet note and approve the revised position.**
- 2. Cabinet approve and note the comprehensive Fees & Charges included in Appendices 2 and 3.**

Section 2 – Report

1.0 Introduction

- 1.1 The Council's budget has been reviewed and considered at a number of PDG and Cabinet meetings over the past few months and at the most recent meeting of Cabinet on the 10 December 2024 had an estimated budget gap of £191k for the General Fund, a budget gap of £515k for the Housing Revenue Account (HRA) and a funded Capital Programme.

2.0 Impact of the Funding Settlement

- 2.1 On the 18 December 2024 the Government announced the national Funding Settlement for all Councils. This has clarified a number of items, but has also left some key issues, notably the compensation funding for the National Insurance increase, until the final settlement which is not made until mid-January. Initial modelling, based on the methodology they included in the Funding Settlement indicates that Councils are unlikely to receive the full quantum of these increased costs.
- 2.2 Appendix 1 summarises the key components of our Funding Settlement, which is effectively a cash freeze grant position, leaving our Core Spending Power (CSP) frozen at £11.7m. The Government calculation of Council's CSP is based on increasing Council Tax by the maximum permissible Referendum Limit, an inflationary increase in Business Rates and then adding in all available non-ring fenced grants.
- 2.3 The impact of the Funding Settlement, confirmations on grant funding that sit outside of this, our initial view on the National Insurance compensation and some further reflections on a few areas that need to be adjusted since the £191k budget gap reported to the 10 December 2024 Cabinet meeting, we now have a potential new gap of circa £450k. Work is still ongoing to finalise this position in order to recommend a balanced budget at the Cabinet meeting on the 4 February 2025.
- 2.4 In addition to the revised budget position we have also received feedback from our Resident Survey. This has indicated a similar level of budgetary prioritisation as in previous surveys but has also indicated a very positive direction of customer satisfaction across a number of categories of service delivery and performance. A detailed report on this will be included on the February Cabinet agenda.

3.0 HRA update

3.1 The Funding Settlement had no impact on the HRA, however Appendix 1 shows that since the December Cabinet meeting a number of additional/revised costs have been identified. However, they have been offset by savings and other measures have resulted in a balanced HRA budget.

3.2 This revised balanced budget position has taken account of the rent corrections referred to previously and some of the additional funding from changes to the utilisation of Right to Buy Receipts and additional funding available from Homes England. Both of these changes will effectively reduce the quantum of borrowing that has been estimated to fund the Housing development strategy.

4.0 Capital Programme update

4.1 Since the December update the core project costings remain unaltered, however, work is still ongoing to finalise the overarching funding position as new/improved announcements have been made by Govt. over the past weeks which will predominantly focus on the HRA development programme, e.g. changes to Right to Buy and support from Homes England as referred to in paragraph 3.2 above.

5.0 Fees and Charges

5.1 The Council has a wide cross section of fees and charges, some are discussed/recommended at PDGs, others are delegated to Members and/or officers and some require agreement by Cabinet. In order to provide a comprehensive picture of all of our fees/charges 2 appendices have been included, one for Cabinet agreement and the other simply for noting.

6.0 Conclusion

6.1 Now we have received the provisional Funding Settlement we can move forward with finalising the budget. The Housing Revenue Account and Capital Programme are substantially complete, but officers are still working on the General Fund position to reduce the current estimated budget gap of £450k before the final Cabinet meeting in February 2025.

Financial Implications

By undertaking regular reviews of the MTFP the Council can ensure that its Corporate Plan priorities are affordable. The implications of the budget gap are set out within the paper. Many areas require greater clarity, particularly around national funding and possible changes to Government Policy. Therefore a number of key assumptions underpin the reported position, which will be refined as greater clarity is received through the budget setting process.

Legal Implications

None directly arising from this report, although there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

Risk Assessment

The MTFP makes a number of financial assumptions based on a sensible/prudent approach, taking account of the most up to date professional advice that is available. These continue to be kept under review and updated where necessary.

Impact on Climate Change

The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change, as the MTFP sets the broad budgetary framework for the Council over the coming years. However, some provision has already been included in the base budget. Significant investment is currently forecast within the Capital Programme, however this will be dependent upon full options appraisals and levels of Grant funding available.

Equalities Impact Assessment

No implications arising from this report.

Relationship to Corporate Plan

The Medium Term Financial Plan (MTFP) sets out the financial resources available to deliver the Council's ongoing Corporate Plan priorities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 20 December 2024

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 20 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Andrew Jarrett – Deputy Chief Executive (S151)

Email: ajarrett@middevon.gov.uk

Telephone: 01884 234242

Background papers:

- Cabinet Papers: 10 December 2024 and 15 October 2024
- Govt. Grant Funding Settlement

Update after the Funding Settlement (+ balancing the 2025/26 Budget)

Cabinet of the 10/12/24 had an estimated Gfund budget gap of £191k

Changes announced in the Funding Settlement

	Prev Estimate	FS 18/12/24	
Revenue Support Grant	104990	139800	
Rural Services Delivery Grant	633784	0	repurposed based on deprivation levels
Services Grant	15451	0	ditto
New Homes Bonus	413761	498147	
Funding floor grant	564370	739653	this effectively ensures no Council has a funding cut
Recovery grant - new for 25/26	0	57495	
Total	1732356	1435095	

The summary of our FS position is a cash freeze leaving our overall core spending power at £11.7m - which is the same as our 24/25 Govt. funding position

The £11.7m CSP includes Govt assumption on Ctax (@ the max Ref. limit) and Business Rates revenue + the additional non ring fenced grants we receive.

The above table shows the impact on our non ring fenced grants from Govt - i.e. a reduction of £297k
The Ctax referendum limit was confirmed at 3.0% for District Councils - this had already been assumed in our earlier working assumptions

Other announcements that sit outside of the FS

No details on precise allocations of the £515m to compensate for the NIC for employers - will be given in Jan 25 with the final FS - our GF costs our circa £370k

NB - but looking at the methodolgy they have announced and the national control total Councils may only receive about 1/3rd of these additional costs!!!!

Extra homelessness allocations give us an extra £270k for 25/26 - mostly ring fenced to specific actions/duties
Our Extended Producer Responsibility funding has been announced at £927k - however this is a 1year only payment and will then be subsumed into the future

medium term financial settlements promised from 26/27. It should also be noted that this is the final year of the Devon Waste Shared Saving Agreements which will see us lose the annual payment of circa £450k from DCC

Other budgetary changes since the Cabinet paper of the 10/12/24

Finalised salary budgets have resulted in a revised recharge of cost to the HRA of £35k

Income performance in leisure for 24/25 is very strong so we will increase the fees/charges budget by an additional £150k
Still need to finalise our Business Rates position in Jan 25

Summary of new position

£k

Position as at Cabinet 10/12/24

191

Impact of Funding Settlement

297

NIC ers compensation - shortfall

247

Utilisation of extra homelessness funding

-100

Extended Producer Responsibility	?
Finalisation of HRA recharges	-35
Increase to leisure fees/charges	-150
Final Business Rates position	?

New position **450**

Work is still ongoing to establish whether any other savings can be secured and ultimately a decision will need to be made on either a temporary utilisation of reserves/balances or allocating some of the new EPR funding.

HRA update

Cabinet of the 10/12/24 had an estimated Gfund budget gap of £515k

Position as at Cabinet 10/12/24	515
Updated Vehicle Lease Forecast	26
Movement on Internal Recharges	35
Revenue Impact of Budgeted Capital Programme	90
Reduction in Investment Income Forecasts	196
NIC ers compensation - shortfall	65
Sub Total	927
Possible Savings	
Reductions Across Repairs & Maintenance Budgets	-330
Reduce Contribution to Impairment Allowance to £150k (£142k in 2023/24)	-50
Delay Borrowing by Using HMF - Interest	-166
Delay Borrowing by Using HMF - MRP	-29
Contributions from Renewable & Affordable Rents EMRs	-352

New position **0**

Capital Programme Update

This was fully funded when reported to the December Cabinet. However, Govt. announcements made over the last month will reduce the borrowing assumptions made to fund the Housing Revenue Account's development strategy.

Appendix 2 – Service Fees and Charges for Cabinet Approval

Markets (Inclusive of VAT where applicable)

Stalls 2025/26	Casual Trader	Regular Trader (cash)	Regular trader (invoice – 10% discount)
Stall type/size (with number of tables included)			
Wooden Unit:			
Single unit (0)	N/A	N/A (£1,975 per year)	£1,777.50 per year (billed at £148.13 per month)
Inside:			
Standard bay (2)	£ 15.00	£ 12.00	£ 10.80
Large bay (3)	£ 22.50	£ 18.00	£ 16.20
Undercover:			
Standard bay (1)	£ 12.00	£ 9.50	£ 8.55
Large bay (2)	£ 15.00	£ 12.00	£ 10.80
Gazebo supplied and erected by trader:			
3m x 3m (0) (0 weights)	£ 15.00	£ 12.00	£ 10.80
6m x 3m (0) (0 weights)	£ 30.00	£ 24.00	£ 21.60
Gazebo supplied and erected by market (if no covered bays available):			
3m x 3m (2) (8 weights)	£ 18.00	£ 15.00	£ 13.50
6m x 3m (4) (12 weights)	£ 36.00	£ 30.00	£ 27.00
Gazebo supplied and erected by market (if covered bays available):			
3m x 3m (2) (8 weights)	£ 20.00	£ 17.00	£ 15.30
6m x 3m (4) (12 weights)	£ 40.00	£ 34.00	£ 30.60
Van, trailer, street food, ice cream or bar at general markets/events:			
Location TBC (0)	£ 21.50	£ 18.50	£ 16.65
Street food, ice cream or bar at largest events:			
Van or trailer (0)	£ 54.00	N/A	N/A
3m x 3m trader gazebo (0)	£ 43.00	N/A	N/A
3m x 3m market gazebo (2)	£ 45.00	N/A	N/A
Undercover (2)	£ 43.00	N/A	N/A
Food or drink not for immediate consumption (2 inside, 1 outside)	£ 21.50	N/A	N/A
Bar (0)	£ 54.00	N/A	N/A

Other Discounts

Bulk – 6 inside bays for price of 5 (16.7% discount)

Farmers market/6-date package (invoice) – same as regular trader fee (10% discount)

Charities or community groups – 12 free stalls per calendar year, and then half of regular trader fee (50% discount)

New trader offer – £5 on Tuesdays. Offer available for up to 6 months, inside or undercover. Open to those who have never traded here before, or not in the previous 12 months (66.7% discount for first 6 dates).

Negotiable Fees

Non-standard pitch sizes, including larger gazebos and oversize shop unit; café space;kitchen; store rooms; other storage; trading on non- market days.

Notes

Wooden unit traders must pay by invoice. The cash figure shown is for reference only.

A casual trader becomes a regular trader after 6 days of trading

A regular trader ceases to become a regular trader after 6 months without trading at the market

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Venue Hire	Standard	Regular	Charity
South Hall	£ 111.00	£ 78.00	£ 66.00
North Hall	£ 74.00	£ 52.00	£ 44.00
Market Site	£ 185.00	£ 130.00	£ 110.00

Other fees

Parking permit £2 each

Negotiable fees

Hourly or half-day rates; smaller areas of market; staff support; abnormal electricity usage

Notes

Additional charges may be applied in the event of a breach of the terms and conditions, such as for repairs, cleaning or replacement of council-owned equipment or keys

Item	2024/25		2025/26	
Additional parking permit	£	1.00	£	1.00
Standard table	£	3.00	£	3.00
Round table	£	2.00	£	2.00
Heater	£	1.00	£	1.00
Blanket	£	1.00	£	1.00
Large chalkboard sign	£	2.00	£	2.00
Small chalkboard sign	£	1.00	£	1.00
Gazebo weights (up to 4)	£	1.00	£	1.00
Extension lead	£	1.00	£	1.00
Bungee straps (up to 2)	£	1.00	£	1.00
Sponsored social media post	£	10.00	£	10.00

Notes
The market provides 1 parking permit per stall, free of charge. Larger stalls are eligible to receive more than 1 permit, if appropriate. The fee shown here is for anything over and above the normal number for each stall.
Additional tables must fit within the existing pitch size
With the market's agreement, we can issue a sponsored post on our social media channels to promote a trader, over and above our usual promotion of traders. To avoid saturation, each trader can have a maximum of 1 post in every 3 calendar months.

Street Scene

(Inclusive of VAT where applicable)

Garden Waste	2024/25		2025/26	
240l bin	£	70.00	£	72.00
140l bin	£	60.00	£	61.00
Compostable sacks	£	1.70	£	1.80

Bulky Waste	2024/25		2025/26	
Bulky waste first item	£	27.00	£	28.00
Bulky waste subsequent items	£	15.00	£	16.00

General Fund Housing (Inclusive of VAT where applicable)

Community Alarms	2024/25		2025/26	
Lifeline Service - old analogue units (quarterly charge)*	£	52.00	£	52.00
Lifeline Service - new digital units (quarterly charge)*	£	80.99	£	80.99
Installation charge (new clients)	£	40.00	£	40.00

*Openreach plan to switch off the copper analogue phone network in January 2027, which will cause the existing Lifeline units to stop working. All units will be replaced over the next year with new digital units that will work on the new digital phone service.

Housing Revenue Account (Inclusive of VAT where applicable)

HRA General Discretionary Fees and Charges	2024/25		2025/26	
Rent reference	£	78.96	£	81.09
Area Technical Officer visit	£	78.96	£	81.09
Copy of offer document	£	28.80	£	29.58
Copy of RTB plans following sale (coloured)	£	10.25	£	10.53
Leaseholders questionnaire	£	80.03	£	82.19
Valuation for transfer of land	£	600.00	£	616.20
Removal of possessions charge after notice served under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982	£	49.01	£	50.33
Daily storage of possessions charge after notice served under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982	£	1.14	£	1.17
**Legal fees for transfer of land	£	180.00	£	184.86
**Responses to RTB owners wishing to make alterations to their property which is covered by a covenant – response is added to legal package for property	£	180.00	£	184.86
**Tenancy at wills legal fees (renting bits of MDH land not suitable for amenities or development)	£	180.00	£	184.86

HRA Charges Relating to Rechargeable Repairs		2024/25		2025/26	
Missed visit fee	£	22.00	£	22.59	
Wasted visit fee	<p>Cost of labour is recharged at an hourly rate, or equivalent emergency rate uplift. Wasted visits could include:</p> <ul style="list-style-type: none"> • Where tenants call to report something as an emergency that is clearly not an emergency • Where tenants report a repair which turns out to be a tenant responsibility • Where repairs are reported as 'fair wear and tear' but in fact have been caused by tenant action 				

HRA Charges for Use of Mid Devon Housing Common Room at Westfield Road		2024/25		2025/26	
Hours:					
1 Hour	£	10.00	£	10.00	
1.5 Hours	£	15.00	£	15.00	
2.0 Hours	£	20.00	£	20.00	
2.5 Hours	£	25.00	£	25.00	
3.0 Hours	£	30.00	£	30.00	
3.5 Hours	£	35.00	£	35.00	
All Day	£	50.00	£	50.00	

**If the booking event is attended by at least 50% Council tenants there will be no charge, an attendance sheet will need to be provided before or after the event.*

Land Charges (Inclusive of VAT where applicable)

CON29 - Standard search		2024/25		2025/26	
CON29 - Standard search	£	72.36	£	86.76	
Each additional property or land for a standard search	£	12.24	£	12.24	
An additional fee is payable for a search submitted separately from a full search	£	18.00	£	14.40	
Optional enquiry added by a Solicitor/Conveyancer	£	17.04	£	17.04	

CON29 Optional Enquiries Fee Schedule					
Question number	Description	2024/25		2025/26	
4 a,b	Road proposals by private bodies	£	6.12	£	6.12
5.1, 5.2, 5.3 a,b,c,d,e	Advertisements	£	6.12	£	6.12
6	Completion notices	£	2.88	£	2.88
7.1 & 7.2	Parks and countryside	£	6.12	£	6.12
8	Pipelines	£	3.60	£	3.60
9	Houses in multiple occupation	£	6.00	£	6.00
10	Noise abatement	£	3.60	£	3.60
11	Urban development areas	£	0.30	£	0.30
12	Enterprise zones, local development orders and BIDS	£	0.30	£	0.30
13	Inner urban improvement areas	£	0.30	£	0.30
14	Simplified planning zones	£	0.30	£	0.30
15	Land maintenance notices	£	4.08	£	4.08
16	Mineral consultation areas	£	3.72	£	3.72
17	Hazardous substance consents	£	1.20	£	1.20
18	Environmental and pollution notices	£	3.60	£	3.60
19	Food safety notices	£	3.60	£	3.60
20	Hedgerow notices	£	2.40	£	2.40
21	Flood defence and land drainage consents	£	3.72	£	3.72
22	Common land, and town or village greens	£	6.12	£	6.12
Admin fee on a CON29 Optional only search (submitted seperately from a full search)		£	18.00	£	14.40

CON29 Fee schedule				
Question number		2024/25		2025/26
1.1 (A-I)	£	10.68	£	10.68
1.1 (J-L)	£	9.60	£	9.60
1.2	£	9.72	£	9.72
2 (A-D) 2.2, 2.3, 2.4, 2.5	£	2.40	£	2.40
3.1	£	0.72	£	0.72
3.2	£	1.08	£	1.08
3.3 (A-C)	£	5.04	£	5.04
3.4 (A-F)	£	3.60	£	3.60
3.5 A and B	£	1.80	£	1.80
3.6 (A-L)	£	5.28	£	5.28
3.7 (A-G)	£	1.44	£	1.44
3.8	£	1.08	£	1.08
3.9 (A-N)	£	8.16	£	8.16
3.10 (A-H)	£	0.36	£	0.36
3.11 A and B	£	0.72	£	0.72
3.12	£	2.04	£	2.04
3.13 (A-C)	£	0.72	£	0.72
3.14	£	3.60	£	3.60
3.15 A & B	£	4.32	£	4.32
Admin fee on a CON29	£	-	£	14.40

Revenues and Benefits (Inclusive of VAT where applicable)

Court Fees		2024/25		2025/26
Committal	£	400.00	£	400.00
Liability Order	£	80.00	£	80.00

Bereavement Services (Inclusive of VAT where applicable)

Interment fees	2024/25	2025/26
Interment fees of a coffin (Adults)	£ 1,460.00	£ 1,495.00
Interment fees of ashes (Adults)	£ 240.00	£ 245.00
Interment fees of a coffin (Under 18)	£ -	£ -
Interment fees of ashes (Under 18)	£ -	£ -

Exclusive Rights	2024/25	2025/26
Adults - Exclusive Rights of Burial and Right to Erect a Memorial 30 Years	£ 1,580.00	£ 1,675.00
Adults - Exclusive Rights of Burial and Right to Erect a Memorial 75 Years	£ 3,880.00	£ 3,995.00
Childs - Exclusive Rights of Burial and Right to Erect a Memorial 30 Years	£ -	£ -
Childs - Exclusive Rights of Burial and Right to Erect a Memorial 75 Years	£ 850.00	£ 895.00
Crem Plot - Exclusive Rights of Burial and Right to Erect a Memorial 30 Years	£ 460.00	£ 490.00
Crem Plot - Exclusive Rights of Burial and Right to Erect a Memorial 75 Years	£ 1,150.00	£ 1,220.00

Other charges	2024/25	2025/26
Hire of Chapel followed by interment (Half an hour)	£ 220.00	£ 230.00
Exhumation- Standard administration fee.	£ 170.00	£ 180.00
Total charge quoted upon request and on a case-by-case basis		
Donation towards tree plot	£ 60.00	£ 65.00
To carry out a trial dig	£ 210.00	£ 220.00
Saturday/Bank holiday supplement (Ashes only interments)	£ 250.00	£ 265.00
Administration fees for Transfer of Rights/Assignments, etc.	£ 50.00	£ 50.00
Permission to erect:		
Erect a headstone	£ 250.00	£ 265.00
Headstone & Kerbing	£ 610.00	£ 645.00
Additional Inscription	£ 150.00	£ 160.00
Place Tablet (18x18) vase	£ 150.00	£ 160.00
Tablet / Ledger (18x36)	£ 280.00	£ 295.00
Tablet / Ledger larger than (18x36)	£ 450.00	£ 475.00
Place open kerbing up to (7x3)	£ 390.00	£ 410.00
Place open kerbing up larger than (7x3)	£ 720.00	£ 760.00
Place fully enclosed kerbing	£ 840.00	£ 890.00

Venue Hire (Inclusive of VAT where applicable)

Venue Hire - Crediton Town Square	2024/25		2025/26	
Whole Day (4 + hours)	£	213.00	£	220.00
Half Day (Less than 4 hours)	£	126.00	£	130.00
Whole Day Electricity (Per day)	£	45.00	£	50.00

Meeting Rooms - Phoenix House	2024/25		2025/26	
Exe Room (per half day session)	£	146.40	£	150.00
Lowman (per half day session)	£	92.40	£	95.00
Creedy / Bathern (per half day session)	£	84.00	£	85.00
Use of Kitchen and Staff (per half day session)	£	230.40	£	240.00

Amory Park	2024/25		2025/26	
Hire of Amory Park for Adult football - with Pavillion	£	45.00	£	45.00
Hire of Amory Park for Youth football - with Pavillion	£	34.00	£	34.00
Hire of Amory Park for Adult football - without Pavillion	£	37.00	£	37.00
Hire of Amory Park for Youth football - without Pavillion	£	28.00	£	28.00

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Play Area Inspections (Inclusive of VAT where applicable)

Play Area Inspections	2024/25		2025/26	
First inspection	£	100.80	£	100.80
Second inspection	£	60.00	£	60.00
Subsequent Inspections	£	30.00	£	30.00

Bus Station Operators (Inclusive of VAT where applicable)

Bus Station Departures	2024/25		2025/26	
Mass Operators - over 5,000 departures per annum	£	0.60	£	0.66
Local Operators - Less than 5,000 departures per annum	£	0.96	£	1.02
Intercity Operators	£	1.92	£	1.98

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Appendix 3 – Fees and Charges for Noting

Building Control (Inclusive of VAT where applicable)

Building Control - New Dwellings		2024/25	2025/26
Number of Dwellings			
1		£ 1,089.00	£ 1,235.00
2		£ 1,383.00	£ 1,569.00
3		£ 1,729.00	£ 1,961.00
For sites with more than 3 dwellings or where a dwelling exceeds 300m ² , please contact Building Control on 01884 234345 for an individual quotation			

Domestic Work		2024/25	2025/26
Single storey extension and loft conversions - floor area not exceeding 15m ²		£ 650.00	£ 737.00
Up to two storey extension, total floor area not exceeding 40m ²		£ 767.00	£ 870.00
Up to two storey extension, total floor area exceeding 40m ² but not exceeding 60m ²		£ 920.00	£ 1,043.00
Loft conversion exceeding 15m ²		£ 767.00	£ 870.00
Erection or extension of domestic garage or carport up to 100m ²		£ 435.00	£ 493.00
Conversion of a garage		£ 435.00	£ 493.00
Single window replacement		£ 111.00	£ 126.00
Up to 10 windows replaced		£ 166.00	£ 188.00
Electrical work that is subject to a BS7671		£ 166.00	£ 188.00
Electrical work not subject to a BS7671		£ 457.00	£ 518.00
Re-roofing		£ 159.00	£ 180.00
Installation of a solid fuel burning appliance		£ 325.00	£ 369.00

Other Works	2024/25	2025/26
Up to £,1000	£ 163.00	£ 185.00
£1000 - £5,000	£ 320.00	£ 363.00
£5,001 - £10,000	£ 463.00	£ 525.00
£10,001 - £20,000	£ 594.00	£ 674.00
£20,001 - £30,000	£ 726.00	£ 823.00
£30,001 - £40,000	£ 850.00	£ 964.00
£40,001 - £50,000	£ 989.00	£ 1,122.00
£50,001 - £60,000	£ 1,099.00	£ 1,246.00
£60,001 - £70,000	£ 1,224.00	£ 1,388.00
£70,001 - £80,000	£ 1,335.00	£ 1,514.00
£80,001 - £90,000	£ 1,452.00	£ 1,647.00
£90,001 - £100,000	£ 1,570.00	£ 1,781.00

Leisure (Inclusive of VAT where applicable)

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Pay as You Go	2024/25	2025/26
Fitness Studio	£ 8.00	£ 8.40
Adult Concessionary	£ 6.00	£ 6.80
Group Exercise - 1 Hour	£ 7.50	£ 7.90
Group Exercise - 1 Hour Concessionary	£ 5.70	£ 6.30
Virtual Classes	£ 4.50	£ 4.80
Teen Gym	£ 5.50	£ 5.80
Yoga	£ 8.80	£ 9.80
Yoga Concessionary	£ 6.80	£ 7.80

Pay as You Go	2024/25	2025/26
Public Swim	£ 6.00	£ 6.30
Junior Swim	£ 3.50	£ 3.70
Junior Swim Concessionary	£ 2.50	£ 3.00
Adult Concessionary	£ 4.20	£ 5.10
Aquafit	£ 7.50	£ 7.90
Aquafit Concessionary	£ 5.70	£ 6.30
Adult Stamina/Swimfit	£ 8.50	£ 9.00

Memberships	2024/25	2025/26
Lifestyle – All Inclusive	£ 39.00	£ 42.00
Lifestyle All Inclusive - Concessionary	£ 30.00	£ 30.75
Lifestyle – Gym/Aqua	£ 34.00	£ 35.00
Lifestyle Junior with Bolt on	£ 29.80	£ 31.00
Lifestyle Junior Concessionary with Bolt on	£ 26.80	£ 27.90

Pay as You Go	2024/25	2025/26
Sauna	£ 5.50	£ 5.80
Sauna Concessionary	£ 4.95	£ 4.70
Squash	£ 5.70	£ 6.00
Squash Concessionary	£ 4.00	£ 4.80
Badminton	£ 4.90	£ 5.20
Badminton Concessionary	£ 4.00	£ 4.20
Table Tennis	£ 5.70	£ 6.00
Table Tennis Concessionary	£ 4.00	£ 4.80
Pickleball	£ 4.90	£ 5.20
Pickleball Concessionary	£ 4.00	£ 4.20
Tennis	£ 4.40	£ 4.70
Tennis Concessionary	£ 2.60	£ 3.70

Pay as You Go	2024/25	2025/26
Junior Fitness Studio (Supervised Session)	£ 5.25	£ 5.60
Junior Fitness Studio (Supervised Session) Concessionary	£ 3.60	£ 4.50
Junior Fitness Classes	£ 4.80	£ 5.80
Junior Fitness Classes Concessionary	£ 3.00	£ 4.70
Aqua Tots	£ 6.50	£ 6.90
Junior Squash	£ 4.00	£ 4.20
Junior Squash Concessionary	£ 3.45	£ 3.40
Junior Badminton	£ 3.55	£ 3.80
Junior Badminton Concessionary	£ 3.00	£ 3.00
Junior Table Tennis	£ 4.00	£ 4.20
Junior Table Tennis Concessionary	£ 3.45	£ 3.40
Junior Pickleball	£ 3.55	£ 3.80
Junior Pickleball Concessionary	£ 3.00	£ 3.00
Junior Tennis	£ 2.60	£ 2.80
Junior Tennis Concessionary	£ 2.35	£ 2.20

Bookings	2024/25	2025/26
Sports Hall	£ 49.85	£ 45.00
Sports Hall - Off peak*	£ 38.85	£ 38.20
Half pitch 1/3	£ 39.10	£ 31.25
half pitch 1/3 with lights 1st Oct - 31st Mar	£ 45.90	£ 37.25
Whole pitch	£ 68.35	£ 62.50
Whole pitch with lights 1st Oct - 31st Mar	£ 96.90	£ 68.50
Whole pitch per match	£ 75.00	£ 75.00
Whole pitch per match with lights 1st Oct - 31st Mar	£ 96.00	£ 87.00
Half Pitch o/p 1/3rd - Off peak all sites*	£ 28.75	£ 29.00
Netball per court	£ 28.00	£ 15.00
Netball per court + lights 1st Oct- 31st Mar	£ 28.75	£ 18.00
Studio Hire (hr) Exe Valley	£ 30.00	£ 30.00
Studio Hire (hr) Culm Valley / Lords Meadow	£ 20.75	£ 20.40
Football Party	£ 65.00	£ 65.00
Party Jnr Jumble Tumble (No bouncy castle)	£ 65.00	£ 65.00

*Use before 5pm + weekends only. However, Culm Valley and Exe Valley have dual use agreements so this option is not available during school term times.

Planning (Inclusive of VAT where applicable)

Pre-App Fee Description	2024/25		2025/26	
House Holder - Desktop no meeting no site visit	£	294	£	304
House Holder - One meeting no site visit	£	512	£	530
Listed Building advice where the works do not require planning permission	£	294	£	304
Listed Building site visit (where agreed)	£	455	£	471
House Holder/Listed Building site visit	£	832	£	862
Small Minor				
Residential – 1 dwelling - Desk top evaluation with one meeting	£	455	£	471
Residential – 1 dwelling - Desk top evaluation no meeting	£	294	£	304
Non-residential – Less than 200 sq m floor space	£	371	£	384
Change of use with no works	£	294	£	304
Site visit - additional fee	£	114	£	118
Medium Minor				
Residential – 2 – 4 dwellings	£	1,191	£	1,232
Non-residential – 200 – 499 sq. m floor space	£	1,063	£	1,100
Site area less than 0.5 Ha (where no. of dwellings or floor space is unknown)	£	525	£	543
Large Minor				
Desktop Evaluation & one meeting & 1 Written Response				
Residential – 4 – 9 dwellings	£	2,279	£	2,359
Non-residential – 500 – 999 sq m floor space	£	2,279	£	2,359
Site area 0.5 to 0.99 Ha (where no. of dwellings or floor space is unknown)	£	755	£	782
Small Scale Major *				
Desktop Evaluation & one meeting & one written response				
Residential – 10 - 30 dwellings*	£	3,790	£	3,922
Non-residential 1,000 – 4,999 sq m floor space *	£	3,790	£	3,922
Site area - 1 – 1.99 Ha (where no. of dwellings or floor space is unknown) *	£	832	£	862
Medium Scale Major				
Desk Top Evaluation & 2 meetings & two written response *				
Residential - 31-149 dwellings *	£	7,554	£	7,818
Non-residential 5,000 – 9,999 sq m floor space *	£	7,554	£	7,818
Site area - 2 – 3.99 Ha (where no. of dwellings or floor space is unknown) *	£	2,279	£	2,359

Pre-App Fee Description	2024/25	2025/26
Large Scale Major		
Desktop Evaluation up to 3 meetings and written Response *		
Residential – more than 150 dwellings *	£ 13,636	£ 14,114
Non-residential – over 10,000 sq m floor space *	£ 13,636	£ 14,114
Site area more than 4 Ha(where no. of dwellings or floor space is unknown) *	£ 3,035	£ 3,141
Anaerobic Digesters *	£ 4,552	£ 4,711
Solar pv *	£ 3,790	£ 3,922
Wind turbines *	£ 3,790	£ 3,922
Lawful development certificate	£ 294	£ 304
Affordable housing scheme 100%	50% of relevant fee	50% of relevant fee
Enforcement		
Confirmation of compliance with an enforcement notice / case closure (includes site visit)	£ 629	£ 652
Others		
To provide a planning history	£ 235	£ 243
To search for TPO protected tree	N/A	£ 199
To provide a planning history and advise whether there are conditions restricting the use, occupation or permitted development rights	£ 336	£ 348
Validation of applications that are incorrect second time around	10% of Statutory Fee applied for	25% of Statutory Fee applied for
Printing of scanned applications	£ 0.60	£ 0.60
Retrievals of microfiche records	£ 192	£ 199

Please note those * includes option for bespoke fee

Car Parking

(Inclusive of VAT where applicable)

Becks Square, Tiverton	2024/25		2025/26	
Monday to Saturday (8.00am to 6.00pm)				
Up to 1 hour	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Sunday and Bank Holidays (8.00am to 6.00pm)	£	2.00	£	2.10
Up to 10 hours				
Overnight (6.00pm to 8.00am):				
Up to 30 mins	£	-	£	-
Up to 14 hours	£	2.00	£	2.10

Market Place, Tiverton	2024/25		2025/26	
Monday to Saturday (8.00am to 6.00pm)				
Up to 1 hour	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Up to 3 Hours		N/A	£	3.30
Sunday amd Bank Holidays (8.00am to 6.00pm)				
Up to 10 hours	£	2.00	£	2.10
Overnight (6.00pm to 8.00am):				
Up to 30 mins	£	-	£	-
Up to 14 hours	£	2.00	£	2.10

Multi Storey Car Park, Tiverton	2024/25		2025/26	
Monday to Sunday - Open 24 hours:				
Up to 2 hours	£	2.70	£	2.90
Up to 5 hours	£	4.00	£	4.30
Up to 10 hours	£	6.00	£	6.40
Up to 1 day	£	15.00	£	16.00
Up to 2 days	£	24.00	£	26.00
Up to 3 days	£	36.00	£	38.00
Up to 4 days	£	48.00	£	51.00
Up to 5 days	£	60.00	£	64.00
Up to 7 days	£	84.00	£	90.00
Release charge	£	80.00	£	85.00

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Phoenix House, Tiverton	2024/25		2025/26	
Monday to Sunday (8.00am to 6.00pm) inc. Bank Holidays:				
Up to 30 mins	£	0.50	£	0.50
Up to 1 hour	£	1.50	£	1.60
Overnight (6.00pm to 8.00am):				
Up to 30 mins	£	-	£	-
Up to 14 hours	£	2.00	£	2.10

Wellbrook Street, Tiverton	2024/25		2025/26	
Monday to Saturday (8.00am to 6.00pm)				
Up to 1 hours	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Up to 3 hours	£	4.00	£	3.30
Up to 4 hours		N/A	£	3.80
Up to 5 hours		N/A	£	4.30
Up to 10 hours		N/A	£	6.40
Up to 24 hours	£	12.00	£	13.00
Sunday and Bank Holidays (8.00am to 6.00pm)				
Up to 10 hours	£	2.00	£	2.10
Overnight (6.00pm to 8.00am):				
Up to 14 hours	£	2.00	£	2.10

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Westexe South, Tiverton	2024/25		2025/26	
Monday to Saturday (8.00am to 6.00pm):				
Up to 30 mins	£	1.00	£	1.10
Up to 1 hour	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Up to 3 hours	£	4.00		N/A
Up to 4 hours		N/A	£	4.30
Sunday and Bank Holidays (8.00am to 6.00pm):				
Up to 10 hours	£	2.00	£	2.10
Overnight (6.00pm to 8.00am):				
Up to 30 mins		Free		
Up to 14 hours	£	2.00	£	2.10

William Street, Tiverton	2024/25		2025/26	
Monday to Friday 8.30am to 9.30am and 3.00pm to 4.00pm:				
Up to 30 mins	£	-	£	-
Monday to Saturday (8.00am to 6.00pm):				
Up to 30 mins (outside the free parking periods above)	£	1.00	£	1.10
Up to 1 hour	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Sunday and Bank Holidays (8.00am to 6.00pm):				
Up to 10 hours	£	2.00	£	2.10
Overnight (6.00pm to 8.00am):				
Up to 30 mins	£	-	£	-
Up to 14 hours	£	2.00	£	2.10

Station Road, Cullompton	2024/25		2025/26	
Monday to Saturday (8.00am to 6.00pm):				
Up to 1 hour	£	1.50	£	1.60
Up to 2 hours	£	2.70	£	2.90
Up to 3 hours		N/A	£	3.30
Up to 4 hours		N/A	£	3.80
Up to 5 hours		N/A	£	4.30
Up to 10 hours	£	6.00	£	6.40
Up to 24 hours	£	12.00	£	13.00
Sunday and Bank Holidays (8.00am to 6.00pm):				
Up to 10 hours	£	2.00	£	2.10
Overnight (6.00pm to 8.00am):				
Up to 30 mins	£	-	£	-
Up to 14 hours	£	2.00	£	2.10

High Street, Crediton		2024/25	2025/26
Monday to Saturday (8.00am to 6.00pm):			
Up to 1 hour		N/A	£ 1.60
Up to 2 hours	£	2.70	£ 2.90
Up to 3 hours		N/A	£ 3.30
Up to 4 hours		N/A	£ 3.80
Up to 5 hours	£	4.00	£ 4.30
Up to 10 hours	£	6.00	£ 6.40
Up to 24 hours	£	12.00	£ 13.00
Sunday and Bank Holidays (8.00am to 6.00pm):			
Up to 10 hours	£	2.00	£ 2.10
Overnight (6.00pm to 8.00am):			
Up to 30 mins	£	-	£ -
Up to 14 hours	£	2.00	£ 2.10

Market Street, Crediton		2024/25	2025/26
Monday to Saturday (8.00am to 6.00pm):			
Up to 1 hour	£	1.50	£ 1.60
Up to 2 hours	£	2.70	£ 2.90
Sunday and Bank Holidays (8.00am to 6.00pm):			
Up to 10 hours	£	2.00	£ 2.10
Overnight (6.00pm to 8.00am):			
Up to 30 mins	£	-	£ -
Up to 14 hours	£	2.00	£ 2.10

Car Parking permit charges	Period of use	2024/25		2025/26	
Permit Type					
Overnight permit for use in all Pay & Display car parks 5.00pm to 9.00am	Annual	£	160.00	£	160.00
Overnight permit for use in all Pay & Display car parks 5.00pm to 9.00am	Monthly	£	16.00	£	16.00
Day & Night permit for use in 1 allocated long stay car park 24 Hours	Annual	£	491.00	£	491.00
	Half Yearly	£	267.00	£	267.00
	Quaterly	£	149.00	£	149.00
	Monthly	£	49.00	£	49.00
Allocated space permit for use in a residential or business permit car park - 24 Hours	Annual	£	491.00	£	491.00

Licensing (Inclusive of VAT where applicable)

Beauty	2024/25		2025/26	
Beauty - Premises and 1 personal registration	£	275.63	£	260.00
Beauty - Personal registration	£	124.20	£	112.00
Beauty - Amendment (i.e. name change)	£	34.99	£	34.00

Animal Fees	2024/25	Part A	Part B	2025/26
Animal Boarding - Kennels - 1 Year	£ 802.00	£ 347.00	£ 358.00	£ 705.00
Animal Boarding - Kennels - 2 Years	£ 913.00	£ 347.00	£ 448.00	£ 795.00
Animal Boarding - Kennels - 3 Years	£ 1,136.00	£ 347.00	£ 626.00	£ 973.00
Animal Boarding - Catteries - 1 Year	£ 802.00	£ 347.00	£ 358.00	£ 705.00
Animal Boarding - Catteries - 2 Years	£ 913.00	£ 347.00	£ 448.00	£ 795.00
Animal Boarding - Catteries - 3 Years	£ 1,136.00	£ 347.00	£ 626.00	£ 973.00
Animal Boarding - Day Care - 1 Year	£ 802.00	£ 347.00	£ 358.00	£ 705.00
Animal Boarding - Day Care - 2 Years	£ 913.00	£ 347.00	£ 448.00	£ 795.00
Animal Boarding - Day Care - 3 Years	£ 1,136.00	£ 347.00	£ 626.00	£ 973.00
Animal Boarding - Home Boarding - 1 Year	£ 802.00	£ 347.00	£ 358.00	£ 705.00
Animal Boarding - Home Boarding - 2 Years	£ 913.00	£ 347.00	£ 448.00	£ 795.00
Animal Boarding - Home Boarding - 3 Years	£ 1,136.00	£ 347.00	£ 626.00	£ 973.00
Dog Breeding - 1 Year	£ 887.00	£ 430.00	£ 358.00	£ 788.00
Dog Breeding - 2 Years	£ 998.00	£ 430.00	£ 447.00	£ 877.00
Dog Breeding - 3 Years	£ 1,221.00	£ 430.00	£ 626.00	£ 1,056.00
Hiring out Horses - 1 Year	£ 954.00	£ 495.00	£ 358.00	£ 853.00
Hiring out Horses - 2 Years	£ 1,253.00	£ 495.00	£ 651.00	£ 1,146.00
Hiring out Horses - 3 Years	£ 1,553.00	£ 495.00	£ 943.00	£ 1,438.00
Selling Animals as Pets - 1 Year	£ 889.00	£ 432.00	£ 358.00	£ 790.00
Selling Animals as Pets - 2 Years	£ 1,000.00	£ 432.00	£ 447.00	£ 879.00
Selling Animals as Pets - 3 Years	£ 1,223.00	£ 432.00	£ 626.00	£ 1,058.00
Exhibition Animals (3 Year only)	£ 766.00	£ 312.00	£ 358.00	£ 670.00
Variation of a licence - No inspection	£ 80.00			£ 78.00
Variation of a licence - With inspection	£ 283.00			£ 275.00
Re-evaluation of rating	£ 250.00			£ 243.00
Appeal of rating - No inspection (decision upheld)	£ 167.00			£ 162.00
Appeal of rating - Inspection (decision upheld)	£ 344.00			£ 334.00
Additional Activity (Each one)	£ 115.00			£ 112.00
Dangerous Wild Animal - 2 Year	£ 1,192.00	£ 294.00	£ 715.00	£ 1,009.00
Zoo - New Year	£ 3,147.00	£ 1,329.00	£ 1,431.00	£ 2,760.00
Zoo - Renewal - 6 Year	£ 3,409.00	£ 718.00	£ 2,146.00	£ 2,864.00
Zoo - Transfer	£ 159.00			£ 155.00

Driver (Dual licence for Hackney / Private Hire)	2024/25		2025/26	
HC/PH Driver licence - New 1 Year	£	192.00	£	190.00
HC/PH Driver licence - New 3 Year	£	358.00	£	346.00
HC/PH Driver licence - Renewal 1 Year	£	144.00	£	171.00
HC/PH Driver licence - Renewal 3 Year	£	323.00	£	338.00
DBS	£	66.00	£	71.00
New driver interview	£	96.00	£	93.00
New driver interview re-test	£	54.00	£	52.00
Replacement driver badge	£	25.00	£	24.00

Vehicle (Hackney Carriage / Private Hire)	2024/25		2025/26	
Hackney Carriage Vehicle - New	£	212.00	£	217.00
Hackney Carriage Vehicle - Temp (2 month)	£	89.00	£	103.00
Hackney Carriage Vehicle - Renewal	£	187.00	£	205.00
Private Hire Vehicle - New	£	198.00	£	213.00
Private Hire Vehicle - Temp (2 month)	£	86.00	£	99.00
Private Hire Vehicle - Renewal	£	184.00	£	201.00
Transfer of interest	£	34.00	£	42.00
Replacement vehicle plate	£	21.00	£	21.00

Private Hire Operator	2024/25		2025/26	
Private Hire Operator - New 1 Year	£	138.00	£	156.00
Private Hire Operator - New 3 Year	£	300.00	£	329.00
Private Hire Operator - New 5 Year	£	466.00	£	454.00
Private Hire Operator - Renewal 1 Year	£	112.00	£	179.00
Private Hire Operator - Renewal 3 Year	£	273.00	£	352.00
Private Hire Operator - Renewal 5 Year	£	440.00	£	477.00

Mobile Homes	2024/25		2025/26	
Mobile Homes Fit & Proper Person	£	343.13	£	501.00

Pavement Licenses	2024/25		2025/26	
New	£	100.00	£	500.00
Renewal	£	100.00	£	350.00

Scrap Metal Licence Fee	2024/25	2025/26
Site Licence Fee	£ 480.00	£ 442.00
Variation with change of site Manager	£ 95.00	£ 85.00
Variation Other	£ 83.00	£ 70.00
Collectors Fee	£ 304.00	£ 282.00

Gambling Fees	2024/25	2025/26
Gaming Machines (up to 2 machines)	£ 50.00	£ 50.00
Gaming Machines (More than 2 machines)	£ 100.00	£ 100.00
Annual fee (more than 2)	£ 50.00	£ 50.00
Betting shops (Yearly permits)	£ 300.00	£ 300.00
Small Society Lottery - New	£ 40.00	£ 40.00
Small Society Lottery - Renewal	£ 20.00	£ 20.00
Club Gaming Permits (Yearly permits)	£ 50.00	£ 50.00
Adult Gaming Centres (Yearly permits)	£ 500.00	£ 500.00

Permitted Temporary Activities, Personal Licences And Miscellaneous	2024/25	2025/26
Application for grant or renewal of personal licence	£ 37.00	£ 37.00
Temporary event notice	£ 21.00	£ 21.00
Theft, loss etc. of premises licence or summary	£ 10.50	£ 10.50
Notification of change of name or address	£ 10.50	£ 10.50
Application to vary licence to specify individual as premises supervisor	£ 23.00	£ 23.00
Application for a provisional statement where premises being built, etc.	£ 315.00	£ 315.00
Application for transfer of premises licence	£ 23.00	£ 23.00
Theft, loss etc. of certificate or summary	£ 10.50	£ 10.50
Notification of change of name or alteration of rules of club	£ 10.50	£ 10.50
Theft, loss etc. of temporary event notice	£ 10.50	£ 10.50
Theft, loss etc. of personal licence	£ 10.50	£ 10.50
Duty to notify change of name or address	£ 10.50	£ 10.50
Minor variation (premises 7266, club 7267)	£ 89.00	£ 89.00
Right of freeholder etc. to be notified of licensing matters	£ 21.00	£ 21.00

Additional Fees for Exceptionally Large Scale Events		
Number of Persons	2024/25	2025/26
5,000 to 9,999	£ 1,000.00	£ 1,000.00
10,000 to 14,999	£ 2,000.00	£ 2,000.00
15,000 to 19,999	£ 4,000.00	£ 4,000.00
20,000 to 29,999	£ 8,000.00	£ 8,000.00
30,000 to 39,999	£ 16,000.00	£ 16,000.00
40,000 to 49,999	£ 24,000.00	£ 24,000.00
50,000 to 59,999	£ 32,000.00	£ 32,000.00
60,000 to 69,999	£ 40,000.00	£ 40,000.00
70,000 to 79,999	£ 48,000.00	£ 48,000.00
80,000 to 89,999	£ 56,000.00	£ 56,000.00
90,000 and over	£ 64,000.00	£ 64,000.00

Band	A	B	C	D	E
Non-domestic rateable value	None-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001 & above
Premises licence	A	B	C	D	E
New application or variation - 2025/26	£ 100.00	£ 190.00	£ 315.00	£ 450.00	£ 635.00
Multiplier applied to premises used exclusively or primarily for alcohol for consumption on the premises (Bands D & E only)	N/A	N/A	N/A	x2 = £900.00	x2 = £1905.00
Annual charge - 2025/26	£ 70.00	£ 180.00	£ 295.00	£ 320.00	£ 350.00
Annual charge multiplier for (Bands D & E only)	N/A	N/A	N/A	x2 = £640.00	x2 = £1050.00
Club Premises Certificates	A	B	C	D	E
New application or variation - 2025/26	£ 100.00	£ 190.00	£ 315.00	£ 450.00	£ 635.00
Annual charge - 2025/26	£ 70.00	£ 180.00	£ 295.00	£ 320.00	£ 350.00

Public Health (Inclusive of VAT where applicable)

Part B Application Fees	2024/25	2025/26
Type of Charge		
Standard process (includes solvent emission activities)	£ 1,650.00	£1,650.00
Additional fee for operating without a permit	£ 1,188.00	£1,188.00
PVRI, and dry cleaners	£ 155.00	£ 155.00
PVR I & II combined	£ 257.00	£ 257.00
Vehicle (VRs) and other reduced fee activities	£ 362.00	£ 362.00
Reduced fee activities: Additional fee for operating without a permit	£ 99.00	£ 99.00
Mobile plant**	£ 1,650.00	£1,650.00
for the third to seventh applications	£ 985.00	£ 985.00
for the eighth and subsequent applications	£ 498.00	£ 498.00
Where an application for any of the above is for a combined Part B and waste application, add an extra £310 to the above amounts	£ 808.00	£ 808.00

Part B Annual Subsistence charge		Subsistence charge		
		Low	Medium	High
Page 61	Standard process	£ 772.00	£ 1,161.00	£ 1,747.00
	PVRI, and dry cleaners	£ 79.00	£ 158.00	£ 237.00
	PVR I & II combined	£ 113.00	£ 226.00	£ 341.00
	Vehicle refinishers and other reduced fees	£ 228.00	£ 365.00	£ 548.00
	Mobile plant, for first and second permits	£ 646.00	£ 1,034.00	£ 1,551.00
	for the third to seventh permits	£ 385.00	£ 617.00	£ 924.00
	eighth and subsequent permits	£ 198.00	£ 314.00	£ 473.00
	Late payment fee	£ 52.00		

Part B Transfer and Surrender	2024/25	2025/26
Standard process transfer	£ 169.00	£ 169.00
Standard process partial transfer	£ 497.00	£ 497.00
New operator at low risk reduced fee activity (extra one-off subsistence charge - see Art 15(2) of charging scheme)	£ 78.00	£ 78.00
Surrender: all Part B activities	£ -	£ -
Reduced fee activities: transfer	£ -	£ -
Reduced fee activities: Partial transfer	£ 47.00	£ 47.00

Temporary Transfer for Mobiles	2024/25	2025/26
First Transfer	£ 53.00	£ 53.00
Repeat following enforcement or warning	£ 53.00	£ 53.00

Part B Substantial change	
Standard Process	£ 1,050.00
Standard process where the substantial change results in a new PPC	£ 1,650.00
Reduced fee activities	£ 102.00

Part B LAPPC mobile plant charges (Not using simplified permits)		Subsistence fee		
Number of Permits	Application fee	Low	Medium	High
1	£ 1,650.00	£ 646.00	£ 1,034.00	£ 1,506.00
2	£ 1,650.00	£ 646.00	£ 1,034.00	£ 1,506.00
3	£ 985.00	£ 385.00	£ 617.00	£ 924.00
4	£ 985.00	£ 385.00	£ 617.00	£ 924.00
5	£ 985.00	£ 385.00	£ 617.00	£ 924.00
6	£ 985.00	£ 385.00	£ 617.00	£ 924.00
7	£ 985.00	£ 385.00	£ 617.00	£ 924.00
8 and over	£ 498.00	£ 198.00	£ 316.00	£ 473.00

Part A2 Fees	Local Authority Element
Type of Charge	
Application	£ 3,363.00
Additional fee for operating without a permit	£ 1,188.00
Annual Subsistence Low	£ 1,446.00
Annual Subsistence Medium	£ 1,610.00
Annual Subsistence High	£ 2,333.00
Late Payment Fee	£ 52.00
Substantial Variation	£ 202.00
Transfer	£ 235.00
Partial Transfer	£ 698.00
Surrender	£ 698.00

High Hedge investigation	2024/25				2025/26			
	Part 1	Part 2	Part 3		Part 1	Part 2	Part 3	
High hedges	£ 40.00	£ 336.00	£ 98.00	£ 474.00	£ 36.00	£ 296.00	£ 86.00	£ 418.00

Green Burial	2024/25			2025/26		
	Part 1	Part 2	Total Fee	Part 1	Part 2	Total Fee
Green burial permission	£ 54.00	£ 310.00	£ 364.00	£ 48.00	£273.00	£ 321.00

Food Export Certificates	2024/25	2025/26
Export Certificates	£ 74.00	£ 68.00
Additional charges per hour	£ 21.00	£ 20.00

Food Safety Visits	2024/25	2025/26
Food safety revisit	£ 179.00	£ 161.00

Water Safety	2024/25	2025/26
Risk Assessment		
Risk Assessment (including write-up) up to 2 hours	£ 298.00	£ 235.00
Risk Assessment per hour after 2 hours	£ 41.00	£ 40.00
Risk Assessment report per hour after 2 hours	£ 41.00	£ 40.00
Sampling visit	£ 110.00	£ 86.00
Investigation	£ 86.00	£ 67.00
Authorisation	£ 112.00	£ 88.00
Missed or Cancelled visits	£ 64.00	£ 51.00
Laboratory/analysis costs	Set by the lab	
Regulation 9	£ 108.10	£ 108.10
Regulation 10	£ 27.65	£ 27.65

Private Sector Housing: (Inclusive of VAT where applicable)

HMO Licensing New Application		2024/25			2025/26		
New Licence	Part 1	Part 2	Total Fee	Part 1	Part 2	Total Fee	
3-5 Units	£ 816.00	£ 270.00	£1,086.00	£ 727.00	£ 246.00	£ 973.00	
6-10 Units	£ 906.00	£ 270.00	£1,176.00	£ 806.00	£ 246.00	£1,052.00	
11 + Units	£ 995.00	£ 270.00	£1,265.00	£ 885.00	£ 246.00	£1,131.00	

HMO Licensing Renewal	2024/25	2025/26
Renewal		
3-5 Units	£ 768.00	£ 543.00
6-10 Units	£ 813.00	£ 583.00
11+ Units	£ 858.00	£ 622.00

Charging for enforcement action	2024/25	2025/26
Improvement notice	£ 689.00	£ 606.00
Prohibition Order	£ 689.00	£ 606.00
Emergency Remedial Action	£ 689.00	£ 606.00
Emergency Prohibition order	£ 689.00	£ 606.00
Demolition Order	£689.00 plus survey fees	£606.00 plus survey fees

HMO Licensing Public Register	2024/25	2025/26
Request for full register electronically	£ 6.00	£ 6.00
Request for full register hard copy	£ 9.00	£ 9.00

Immigration Housing Request Visits	2024/25	2025/26
All requests	£ 431.00	£ 378.00

Works with or without agreement (work in default)	2024/25	2025/26
Interest on works and associated costs	Cost of work plus officer time (including travel) plus £155 admin fee. 3% interest per annum added where invoices is un-paid after initial 28 days	Cost of work plus officer time (including travel) plus £150 admin fee. 3% interest per annum added where invoices is un-paid after initial 28 days

Financial (civil) penalties	Penalty
Housing Act offences	Financial penalty as alternative to prosecution up to £30,000
Electrical safety standards	Up to £30,000
Breach of a banning order	Up to £30,000

Smoke and carbon monoxide alarms Regulations	Penalty
Failing to comply with a remedial notice	£5,000

Energy Efficiency Regulations	Penalty
Renting out a non-compliant property	Less than three months in breach - £2,000 and Publication penalty Three months or more in breach - £4,000 and Publication penalty
Providing false or misleading information on the Exemption Register	£1,000 and Publication Penalty
Failing to comply with a compliance notice	£2,000 and Publication Penalty

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Report for: Cabinet

Date of Meeting: 7th January 2025

Subject: **Award of contract to supply, install and commission new Combined Heat and Power (CHP) plant and battery energy storage system (BESS) at Exe Valley Leisure Centre (EVLC) entirely grant funded by Sport England**

Cabinet Member: Cllr Simon Clist, Deputy Leader and Cabinet Member for Housing and Property

Responsible Officer: Paul Deal Head of Finance, Property & Climate Resilience

Wards Affected: All

Enclosures: None

Section 1 – Summary and Recommendation(s)

Cabinet are asked to consider the report and recommend to approve the decision to go out to market for a new gas turbine CHP unit and BESS for EVLC. There is only one supplier that can fulfil the contract within the time scale required by the funder Sport England who have confirmed the award of the one off contract to the value of £375,681. This installation will replace the old unserviceable CHP at EVLC.

Recommendation(s) that Cabinet be asked:

1. **To approve the decision to award this one off contract for supply, install and commissioning of a CHP and BESS to Pure World Energy the only supplier of the Capstone gas turbine CHP in the UK.**
2. **To authorise the MDDC funding element of £61K in support of this project.**

Section 2 – Report

1.0 Introduction – the request to approve the contract award

- 1.1 EVLC has an old unserviceable CHP unit that was installed as part of original site construction; intended to provide resilience and support for the old boilers which have been recently replaced under the ground source and air source heat pump (GSHP & ASHP) project.
- 1.2 The new CHP would provide the same level of resilience for the new GSHP & ASHP technology.
- 1.3 CHP is a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process by generating heat and power simultaneously. CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a boiler and power station.
- 1.4 The heat generated during this process is supplied to an appropriately matched heat demand that would otherwise be met by a conventional boiler. CHP systems are highly efficient, making use of the heat which would otherwise be wasted when generating electrical or mechanical power. This allows heat requirements to be met that would otherwise require additional fuel to be burnt.
- 1.5 CHP systems can operate completely off grid avoiding network losses; a disruption in heat and power supply in large Leisure facilities and commercial buildings can pose a threat to the health and wellbeing of the public. CHP systems provide reliable, 24/7 electrical and thermal power even when the grid is down, ensuring energy security for our business and ensuring EVLC will always have electricity and thermal energy when they need it.
- 1.6 The BESS will augment the existing solar PV installation. When the energy generated is over or under the required amount, capacity left on the table will instead be used to charge the BESS. This system can then be used to extend its capacity above and below the PV operating range.
- 1.7 Mid Devon District Council (MDDC) were successful in being awarded £249,177 from the Sport England Swimming Pool Fund earlier this year to replace the old CHP; with an additional £126,504 to provide a BESS to the existing solar PV installation.
- 1.8 Pure World Energy will provide a complete design, supply, install and commissioning service, integrating the proposed CHP into the recently commissioned new Building Energy Management System. Once commissioned, the CHP gives an even greater resilience to the heat pump installations. On low heat demand days at EVLC it would be possible, if needed, to run on the CHP alone.

- 1.9 The saving in energy cost of this CHP for electricity is conservatively estimated to be in the region of £6K - £7K per month, after taking into consideration the gas running costs for the CHP.
- 1.10 If this was a totally funded capital expenditure (capex) project, the payback on the CHP would be 4.8 years but because of the grant awarded, MDDC only needs to fund £61K giving a capex payback period (generally the amount of time to break even) of around 10 months. The project cost will include a fully comprehensive 10 year maintenance plan so no unforeseen spend will be incurred in this time.
- 2.0 **Conclusion**
- 2.1 This CHP project is mainly funded by a grant of £249,177 and £126,504 for the BESS. The MDDC funding element of £61K has a very short payback period of around 10 months. It is estimated that savings of £6 - 7k could be achieved for every month of operation of the new CHP.
- 2.2 Approval is required from Cabinet for this contract to be formally awarded.
- 2.3 Following the decision, there will be a compulsory 10-day standstill period after which the contract will be awarded.
- 2.4 The contract will not commence until after 17th January 2025

Financial Implications

The financial implications are negligible and require a top up to the grant funding of £61k (CHP project only). Taking into consideration the savings on electricity spend, this could be paid back in full in less than 10 months; after this short period of time, the saving would be direct to EVLC's energy running costs.

Legal Implications

The grant funding requires us to keep the doors open for public swimming. As swimmers are the main users of the leisure centre, this will not cause any issues.

Risk Assessment

As part of the contract, the contractor will need to provide Risk Assessments and Method Statements (RAMS) for the works taking into consideration the site operations. All work will take place within the plant room without the need to shut the facility to the public.

Impact on Climate Change

The proposed CHP will run on gas from the main supply already at EVLC but could run now with a 20% blend of hydrogen and very easily in the future be converted to run on 100% hydrogen.

The proposed CHP is needed, as it will provide a backup for when the sustainable power sources are not able to completely provide for the needs of the centre.

This new CHP will be replacing an existing currently unserviceable CHP and is an upgrade to the 20-year-old plant which will provide increased efficiencies and savings for the centre at minimal direct cost. Return on the investment for MDDC will take only 8/9 months.

Equalities Impact Assessment

There are no equality considerations raised by this report or the award of the contract.

Relationship to Corporate Plan

Property assets are linked to the delivery, vision and priorities of MDDC. The way that MDDC manages its land and property assets has a direct impact on the quality of services delivered, as well as maximising the value derived from our property holdings for the on-going contribution in balancing MDDC's budget. To maximise the value derived from all MDDC property and its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service. This project fits with the Corporate Plan to save money, provide resilience and keep the doors open to leisure clients for many years to come.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 20/12/2024

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 20/12/2024

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 20/12/2024

Performance and risk: Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 17/12/2024

Cabinet member notified: yes

Section 4 - Contact Details and Background Papers

Contact: Tim Powell, Corporate Project Officer

Email: tpowell@middevon.gov.uk

Telephone: 07976 200052

Background papers: None



Report for:	Cabinet
Date of Meeting:	7 January 2025
Subject:	CCTV Policy and Code of Practice
Cabinet Member:	Cllr David Wolff – Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Paul Deal , Head of Service for Finance, Property and Climate Resilience
Exempt:	N/A
Wards Affected:	All
Enclosures:	<ul style="list-style-type: none">• Annex A – Surveillance and CCTV Policy• Annex B –Code of Practice for Surveillance Camera Systems operated by Mid Devon District Council• Annex C – Code of Practice for operation and management of Body Worn Video Cameras• Annex D - Code of Practice for management and operation of CCTV on Street Scene Vehicles

Section 1 – Summary and Recommendation(s)

To present the updated Policy and Codes of Practice to Members for approval.

Recommendations:

1. To approve the Surveillance and CCTV Policy (Annex A), Code of Practice for Surveillance Camera Systems operated by Mid Devon District Council (Annex B), Code of Practice for operation and management of Body Worn Video Cameras (Annex C) and Code of Practice for management and operation of CCTV on Street Scene Vehicles (Annex D) as recommended by the Community, People and Equalities Policy Development Group.
2. That delegated authority is granted to the Head of Finance, Property and Climate Resilience to make minor amendments to the Surveillance and CCTV Policy and Codes of Practice as required by changes to legislation, formal

guidance or local operational considerations as recommended by the Community, People and Equalities Policy Development Group.

Section 2 – Report

1. Background

- 1.1. Mid Devon District Council (MDDC) has a role to play in community safety. Therefore public space Surveillance Camera Systems (SCS) are in place across the district.
- 1.2. There are a host of purposes for these SCS, including these key elements:
 - To provide a deterrent to crime and anti-social behaviour;
 - To assist the prevention and detection of crime and apprehending criminals;
 - To improve public safety by reducing the perceived fear of crime; and
 - Occasionally SCS may be required to assist with ‘covert’ directed operations (e.g. by police, Competent Authorities, HMRC etc.) through the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.3. MDDC operates a number of SCS for its security purposes, including at these locations: Phoenix House, our leisure centres and depots, and for our staff particularly when lone working. Other systems, including Automatic Number Plate Recognition (ANPR), Body Worn Video (BWV) and Audio Recording are also covered by this policy.
- 1.4. In addition, there are SCS covering town centres across the District. The largest system covering Tiverton Town Centre, including the Multi-Storey Car Park (MSCP), is run in conjunction with the Exeter City Council who operate and monitor the system. Other smaller town centre operations are solely managed by the relevant Town or Parish Councils. MDDC has no involvement in any of the town centre systems, other than to maintain the Tiverton system. The footage from these systems is used by the Police as MDDC has no need for such data.
- 1.5. The use of SCS is covered by a raft of legislation, including the Data Protection Act 2018 (DPA), UK General Data Protection Regulation (GDPR), Freedom of Information Act 2000 (FOIA) and Human Rights considerations. Therefore the use of such systems is heavily controlled and any output is only shared on a formal request basis with the appropriate relevant authorities.
- 1.6. The Codes of Practice capture the consideration of the legislation in relation to SCS and adopts protocols for their use within MDDC. The Policy and Codes of Practice are reviewed and updated as necessary ensuring ongoing compliance. This is the latest update for approval.

- 1.7. Since the previous Policy and Codes were presented, MDDC has replaced the CCTV system(s) for the MSCP, Tiverton Town Centre Public Surveillance System (TTC PSS) (TTC PSS was co-funded with the Town Council and the Police) Lords Meadow Leisure Centre and Culm Valley Sports Centre. However, MDDC has limited budgets for ensuring the delivery of the discretionary surveillance monitoring service, or the on-going maintenance and compliance for our SCS. Although there is currently no additional budget for the replacement of any further surveillance systems, consideration is being given to replace the system at Phoenix House. Additional costs, including future upgrades may need to be spread over a few financial years.

2. Policy and Codes of Practice

- 2.1. The Surveillance and CCTV Policy is an operational document for the operation of MDDC's SCS - to ensure the tasks and documentation required by legislation, including the Surveillance Commissioner's Surveillance Camera Code of Practice, are applied across all MDDC's sites with SCS on a consistent basis, with identified roles and responsibilities.
- 2.2. The Codes of Practice fall under the umbrella of the Surveillance and CCTV Policy and provide specific guidance for the operation and management of CCTV, BWV and CCTV on Recycling, Waste and Road Sweeper Vehicles.
- 2.3. Both the Surveillance and CCTV Policy and the Codes of Practice draw on the legislation and Government guidance for the appointment of a Single Point of Contact (SPOC – the government guidance is in a link in the footer¹). The establishment of the role of a SPOC within a local authority is the first step in demonstrating to the public that the local authority is committed to operating all surveillance camera equipment in compliance with the Surveillance Commissioner's Surveillance Camera Code of Practice and key legislation, thereby building transparency, trust and confidence in its use.
- 2.4. The Council has appointed a SPOC, the Operations Manager for Corporate Property and Commercial Assets, who will have responsibility for the installation and operation of MDDC's SCS.

3. Conclusion

- 3.1. Members to note the report and recommend to Cabinet the approval of the Surveillance and CCTV Policy and the various Codes of Practice.

Financial Implications

¹ [Introducing a single point of contact \(SPOC\): guidance for local authorities - GOV.UK](#)

Tiverton Town Council agreed to contribute 50% towards the running cost of the TTC PSS for 2023/24 and 2024/25. Discussions are ongoing about the future operation of the system from July 2025 onwards. All other Council SCS are funded by operational revenue maintenance budgets.

Legal Implications

There are various pieces of legislation that must be adhered to when considering the continued use of SCS, including the Data Protection Act 2018, UK General Data Protection Regulation (GDPR), the Regulation of Investigatory Powers Act 2000 (RIPA), and the Surveillance Commissioner's Surveillance Camera Code of Practice and Human Rights considerations.

Risk Assessment

If MDDC SCS are not fit for purpose their use cannot be justified in accordance with the Surveillance Code of Conduct and provisions of the Data Protection Act 2018. To do nothing will expose MDDC to the risk of operating non-compliant SCS.

Impact on Climate Change

None identified

Equalities Impact Assessment

None identified

Relationship to Corporate Plan

None directly but there are implications for community safety.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 17/12/24

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 17/12/24

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 17/12/24

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance and Improvement Manager

Date: 25 November 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Paul Deal, Corporate Manager for Head of Finance, Property and Climate Resilience:

Email: Pdeal@middevon.gov.uk

Telephone: 01884 234254

Background papers: N/A

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Mid Devon District Council

Surveillance and CCTV Policy

Policy Number: HSG

November 2024

Version Control Sheet

Title: **Surveillance and CCTV Policy**

Purpose: **To ensure the principles, purposes, operation and management adopted by the main public-space CCTV system are mirrored across the whole of MDDC's service delivery operational areas.**

Owner: **Head of Finance, Property & Climate Resilience**

Pdeal@middevon.gov.uk

Telephone number: 01884 234254

Date: **November 2024**

Version Number: **2.0**

Status: **Draft**

Review Frequency: **Every 3 years or sooner if required and in accordance with legislation**

Next review date: **November 2027**

Consultation **This document was sent out for consultation to the following:**

- Group Managers:
- Cabinet Member
- Property Services
- Legal Services
- Information Management

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Corporate Management Team	15 November 2024	2.0
Leadership Team	19 November 2024	2.0
Community PDG	3 December 2024	2.0
Cabinet	10 December 2024	2.0
Council		

1. Definitions and Abbreviations

Body Worn Video cameras (BWV): small, visible camera devices worn attached to an MDDC officer's clothing (usually on the chest). They are used to capture both video and audio evidence when officers are attending incidents and/or carrying out MDDC business.

CCTV Control Room (CR): A secure space located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas.

Data Protection Act 2018: The legislation that enacts and amends Regulation (EU) 2016/679 (GDPR) and Directive (EU) 2016/680 (Law Enforcement Directive) respectively.

ECHR: European Convention on Human Rights

UK General Data Protection Regulation (UK GDPR): A Regulation establishing data protection principles and privacy rights for people whose data is processed in the European Union.

Information Governance: The discipline of applying controls to how information or data is created, how it is stored and where it moves.

Monitoring Officer: A statutory role under section 5 of the Local Government and Housing Act 1989 whose role is to ensure that the Council, its officers and elected members maintain the highest standards of conduct which includes ensuring the lawfulness and fairness of decision making.

Responsible Officer (RO): A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the CCTV system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

RIPA: The Regulation of Investigatory Powers Act 2000. This Act sets out the conditions under which investigations and covert surveillance can be lawfully conducted.

Senior Information Officer (SIO) (as acting Data Protection Officer (DPO)): A statutory role set out under the Data Protection Act with responsibility for ensuring that organisations are compliant with personal privacy rights. Any resident can report a personal privacy concern about the Council to the SIO.

Senior Responsible Officer (SRO): The SRO is the Director of Legal, People & Governance (Monitoring Officer) and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC.

Single Point of Contact (SPOC): The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Surveillance Camera Systems (SCS):

SCS has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
2. any other systems for recording or viewing visual images for surveillance purposes
3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2
4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

2 Introduction

2.1 This policy governs the operation of SCS operated by Mid Devon District Council (MDDC) as data controller to assist in its carrying out its enforcement, public safety and other functions.

2.2 The policy sets out the principles to be observed by MDDC, Members, officers, contractors, and any other parties or organisations involved in the operation, management and administration of relevant SCS, as well as the hierarchy of responsibilities which exist to ensure that these systems are operated in a compliant manner.

2.3 It is also intended to inform members of the public of the purposes for which SCS are operated, and of the standards which will be met in relation to it. In this way, MDDC can be held accountable for its compliance with the policy.

2.4 The policy is supplemental to any safe operating procedures for Council departments to follow when procuring and installing SCS.

2.5 This policy does not govern MDDC's use of the surveillance powers available to it, which are conducted under the auspices of the RIPA. Covert surveillance is governed by a separate document, the Policy on the use of Covert Investigation Techniques.

3 Purpose

3.1 The purpose of this policy is to set out how MDDC manages, uses and operates SCS. MDDC uses SCS for one or more of the following purposes:

- To provide a deterrent to crime and anti-social behaviour
- To assist the prevention and detection of crime and apprehending criminals
- To improve public safety by reducing the perceived fear of crime
- To provide public reassurance and help improve quality of life in Tiverton
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Tiverton
- To provide building security and a safe working environment for MDDC staff and visitors
- To provide MDDC vehicle fleet management information including the safety of staff and users of MDDC vehicles and assist in managing reported incidents and complaints
- To assist the police, other emergency services and MDDC with efficient management of resources

- To monitor traffic flow and assist in traffic management
- To assist with the MDDC's regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks

3.2 The use of SCS must be a necessary and proportionate way of helping with a range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of SCS to protect its staff where appropriate. MDDC must consider the nature of the problems to be addressed and that SCS are justified as an effective solution where it is used. MDDC will regularly evaluate whether it is necessary and proportionate to continue using SCS.

3.3 The Information Commissioner's Office ("the ICO") has enforcement powers which include the power to issue directives to remove or modify SCS installations. The ICO is supported by the Surveillance Camera Commissioner, which has issued a code of practice for the use of these cameras and which includes the guiding principles set out below.

3.4 This policy is approved by MDDC's Senior Management Team and Members.

4 Related MDDC Documents

- a. Body Worn Video Procedure of Use
- b. CCTV Code of Practice
- c. Data Protection Policy
- d. Freedom of Information Policy
- e. Information Security Incident Policy
- f. Code of Practice for management and operation of CCTV on Street Scene Vehicles
- g. Code of Practice for operation and management of Body Worn Video Cameras
- h. Records Management Policy
- i. Removable Media Policy

5 Legal Framework

5.1 This policy provides guidance on the appropriate and effective use of SCS and in particular how it meets the requirements of:

- a. The Human Rights Act 1998
- b. Data Protection Act 2018
- c. GDPR
- d. RIPA
- e. The Protection of Freedoms Act 2012 (PoFA)
- f. Information Commissioners' CCTV Code of Practice
- g. Surveillance Commissioner's Surveillance Camera Code of Practice
- h. Criminal Procedure and Investigations Act 1996
- i. Criminal and Disorder Act 1998

5.2 This policy applies to MDDC employees and any third party organisations shared services or individuals who are contracted to work on behalf of MDDC and in doing so have access to information or footage captured by SCS.

6 Surveillance Camera Code of Practice

6.1 MDDC will operate all SCS in line with the principles set out in the Surveillance Commissioner's Surveillance Camera Code of Practice:

- a. Use of SCS must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
- b. The use of SCS must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
- c. There must be as much transparency in the use of SCS as possible, including a published contact point for access to information and complaints.
- d. There must be clear responsibility and accountability for all SCS activities including images and information collected, held and used.
- e. Clear rules, policies and procedures must be in place before SCS are used, and these must be communicated to all who need to comply with them.
- f. No more images and information should be stored than that which is strictly required for the stated purpose of any SCS, and such images and information should be deleted once their purposes have been discharged.

- g. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
- h. SCS operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- i. SCS images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- j. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- k. When the use of SCS is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- l. Any information used to support SCS which compares against a reference database for matching purposes should be accurate and kept up to date.

7 CCTV and surveillance within the scope of this policy

7.1 MDDC acts as data controller for the SCS it operates for the purposes set out in section 3 above.

7.2 The cameras/systems within the scope of this policy include -

- a) Tiverton Town Centre CCTV System (currently 40 cameras installed at various strategic locations throughout the town centre) *
- b) Tiverton Multi-Storey Car Park, Phoenix Lane*
- c) Phoenix House
- d) Old Road Housing Depot
- e) Carlu Waste Depot (Hitchcocks Business Park)
- f) Exe Valley Leisure Centre
- g) Lords Meadow Leisure Centre
- h) Culm Valley Sports Centre
- i) Body Worn Video
- j) Street Scene Vehicles

7.3 Images from the cameras at (a) and (b)* above are sent to the CCTV CR in Tiverton, which accommodates the central switching recording and ancillary equipment for these systems along with the facility to monitor the system, if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Public Spaces Surveillance CCTV Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

All material (data) controlled and managed at Exeter City Council remains the property of MDDC and is processed (data processing), under separate agreement, by competent, qualified Exeter City Council staff.

7.4 This policy does not apply to SCS where MDDC is not the data controller; for example, InPost lockers at the Leisure Centres and MDDC tenants' camera doorbells.

8 General Principles/Guidelines

8.1 MDDC's use of SCS accords with the requirements and the principles of the Human Rights Act 1998, the UK GDPR, the Data Protection Act 2018 and the PoFA. This policy recognises the need for formal authorisation of any covert 'directed' surveillance as required by the RIPA, and provides that SCS shall be operated fairly, within the law and only for the purposes for which it was established, or which are subsequently agreed in accordance with the Surveillance Commissioner's Surveillance Camera Code of Practice. The SCS shall be operated with due regard to the principle that everyone has the right to respect for his or her private and family life and home. Public interest in the operation of SCS will be recognised by ensuring the security and integrity of operational procedures which sit underneath it, and which balance the objectives of the SCS usage with the need to safeguard the individual's rights.

8.2 In accordance with the ECHR, the use of SCS must be necessary, in pursuit of a legitimate aim and in accordance with the law. It is therefore necessary to at all times consider the ECHR and a subject's human rights in the operation of this policy.

8.3 This policy ensures that the SCS used, managed or operated by or on behalf of MDDC meet the Surveillance Commissioner's Surveillance Camera Code of Practice by being:

8.4 Transparent

Wherever possible, the presence of SCS, the purpose for them and contact details for the controller of it should be clearly displayed to the public.

There are strict laws around the use of covert surveillance cameras, and these should only be implemented where necessary for a criminal enforcement purpose where MDDC has the necessary statutory authority and under the oversight of the SRO.

8.5 For a Legitimate and Specified Purpose

Prior to establishing any SCS installations, it is necessary to establish a legitimate purpose for it. The appropriate balance between the necessity of the SCS and the privacy rights of individuals can only be assessed in light of this intended purpose.

8.6 Proportionate to that purpose

The usage of SCS cameras, including field of vision and whether they can be remotely controlled, has to be proportionate to the identified need. For example, installation of a camera for the purpose of public safety would be unlikely to be proportionate in any area of no particular history of incidents.

SCS with audio/voice recording will not be installed unless found to be proportionate following a Data Protection Impact Assessment (DPIA). Where it is necessary to make voice recordings, signage will reflect that, save for in the case of BWV where in the interests of safety of MDDC officers and enforcement purposes, voice recording is usually present without such warning.

8.7 Privacy Risk Assessed

All existing and proposed SCS installations should be subject to a DPIA to identify what risks to privacy they pose and what controls can be applied to minimise these.

8.8 Subject to Senior Management Approval and Oversight

Proposals to install any new SCS will be discussed with the SPOC in the first instance. Thereafter, it shall be approved by a member of the senior management team, which may include the relevant manager for the service area. Where the DPIA indicates a high risk to privacy, then the approval of the SIO is required prior to the procurement of SCS equipment.

8.9 Secure from inappropriate access and interference

As SCS recordings contain personal (and sometimes special category) data, there is a legal obligation to ensure that access is limited to those with a genuine need and that any data held meets technical standards for information security. In the event of a data breach, then prompt steps will be taken, without undue delay, in accordance with MDDC's Information Security Incident Policy.

8.10 Subject to clear operational procedures which are binding on staff and contractors

All MDDC departments operating SCS are required to ensure that there are procedures in place which regulate where cameras can be installed, where they should point, under what circumstances data can be accessed or removed from the devices and under what circumstances it can be disclosed to other parties.

8.11 Auditable

All staff actions which effect the operation of SCS equipment should be captured in audit logs held on the devices or controlling applications. This includes any actions which change the field of vision, any downloads of footage and any deletion of footage. All SCS equipment must be specified so as to provide accurate time and date stamping.

All CCTV installations will be recorded on MDDC's CCTV Register.

8.12 Data Retention

SCS operated by MDDC shall normally retain footage for no longer than 31 days. Where footage is required for the purposes of prosecution of an offence or to defend legal claims, a copy should be made and stored securely. Footage will be saved to an encrypted external Hard Disc Drive/USB or equivalent or other secure remote storage medium in accordance with the Removable Disc strategy.

MDDC may be required by law to disclose SCS footage, without notification to the subject, in the interests of public security and in order to disclose information that is material to a legal case. All images that are relevant to a criminal investigation must be retained in accordance with the Criminal Procedure and Investigations Act 1996.

MDDC will ensure that appropriate security measures are in place to prevent the unlawful or inadvertent disclosure of any recorded images. The measures in place include:

- a. The SCS system being encrypted/password protected
- b. Only authorised officers have access and are able to make copies of SCS footage in accordance with this policy and any relevant Code of Practice(s)
- c. A log of any access to the SCS images, including time and dates of access, and a record of the individual accessing the images, will be maintained by relevant service RO. The log will be retained for six years.

8.13 Data Sharing requests

Where MDDC, as the data controller, has not delegated processing of SCS data to a data processor all requests for surveillance footage or images must complete the appropriate request form (available from the Information Management Team) and submit the form to the service area responsible for recording the footage and/or the Information Management Team and logged accordingly on the central log.

All data subject requests will be reviewed by MDDC's Information Management Team and determined according to a process which ensures compliance with legislation. For more details of how MDDC handles data subject requests, please see the Data Protection Policy, and information provided at [Access to Information - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/access-to-information).

9 Roles and Responsibilities

9.1 All officers with operational access to SCS equipment are responsible for following the specific operational procedures established for its use. This includes checking the equipment and reporting to the SPOC where it is found to deviate from the agreed specification or appears to have been interfered with.

9.2 Officers, contractors and other relevant persons shall only be permitted access to images obtained via SCS in accordance with this policy. Only officers with the appropriate authority shall have access to SCS systems. The viewing of live SCS images will be restricted to authorised officers in a controlled environment or such other live camera footage used by MDDC in public areas of their own buildings and as approved by the SIO or Monitoring Officer (or such person to whom delegates such approval to).

9.3 Recorded images which are stored by the SCS will be restricted to access by authorised members of staff with explicit powers to view images where viewed in accordance with the relevant Code of Practice. No other individual will have the right to view or access any SCS images unless in accordance with the terms of this policy as to disclosure of images.

9.4 All individuals with a need for operational access to SCS or for access to images captured via SCS shall be trained to a proficient level which meets appropriate safeguards before they are permitted access.

9.5 All relevant individuals are furthermore required to have read the Commissioner's Surveillance Camera Code of Practice and to have had sufficient training in the specific equipment they operate.

9.6 Officers are not permitted at any time to edit or alter SCS footage. The misuse of SCS could constitute a criminal offence.

9.7 Every individual with any responsibility for SCS under the terms of this policy or the relevant Code of Practice will be subject to MDDC's disciplinary procedures. Any breach of confidentiality may also be dealt with in accordance with those disciplinary rules.

9.8 The SRO is accountable for identifying a legitimate need for SCS installations where one exists (and for reviewing the same), for ensuring that DPIA are conducted and reviewed by the Corporate Management Team and an action plan generated and progressed and for making sure that risk controls are established where needed to protect personal privacy.

9.9 Members of the Corporate Management Team are responsible for approving proposed new SCS installations and any significant changes to existing ones. Where proposed installations are assessed as posing a high risk to personal privacy, they are responsible for referring the matter to the SIO for approval.

9.10 In cases of a serious breach involving SCS data, the SIO is responsible for reporting the matter to the ICO.

9.11 The SPOC is responsible for maintaining the SCS Register and participating in the investigation of breaches.

10 Review of this policy

10.1 This policy shall be reviewed every three years and as required to address legislative, regulatory, best practice or operational issues. However the Head of Finance, Property and Climate Resilience is given delegated authority to make minor amendments to the policy as required by legislative changes, formal guidance or local operational considerations.

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Code of Practice
for Surveillance Camera Systems operated by
Mid Devon District Council

November 2024

REVISION / REVIEW HISTORY				
Date	Summary of changes	Revision Number	Authored / Revised by	Approved by
09/09/20	Compilation of new Code	V 1.1	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
14/09/20	Accept changes to document	V 1.2	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
29/09/20	Changes to document	V 1.3	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
02/10/20	Changes to document	V 1.4	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
07/10/20	Changes to document	V 1.5	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
19/08/2024	Document Refresh	V2.0	Andrew Williams – Global MSC Security	Keith Ashton (SPOC)
03/09/2024	Changes to document	V2.1	Deborah Sharpley (Legal Services Manager) & Ewan Girling (Senior Information Officer)	Keith Ashton (SPOC)
06/11/2024	Changes to document	V2.2	Deborah Sharpley (Legal Services Manager), Ewan Girling (Senior Information Officer) & Keith Ashton (SPOC)	Keith Ashton (SPOC)

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Certificate of Agreement

The content of this Code is approved in respect of CCTV and surveillance systems owned and operated by Mid Devon District Council (MDDC) and as far as possible, will be complied with at all times by all who are involved in the management, operation and use of any MDDC CCTV systems.

Signed for and on behalf of Mid Devon District Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of Devon and Cornwall Police

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of _____

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2024

Certificate of Agreement

The content of this Code is approved in respect of CCTV and surveillance systems owned and operated by Mid Devon District Council (MDDC) and as far as possible, will be complied with at all times by all who are involved in the management, operation and use of any MDDC CCTV systems.

Signed for and on behalf of Mid Devon District Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of Exeter City Council

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of _____

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2024

Definitions and Abbreviations

CCTV Control Room (CR).

A secure facility located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas. Which accommodates the central switching recording and ancillary equipment for the Tiverton Town Centre CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Public Spaces Surveillance CCTV Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

CCTV Operators.

The people responsible for watching, controlling equipment and recording the images produced by Mid Devon District Council (MDDC) SCS.

Responsible Officer (RO)

A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the SCS system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

Senior Information Officer (SIO) (as acting Data Protection Officer (DPO)):

A statutory role set out under the Data Protection Act with responsibility for ensuring that organisations are compliant with personal privacy rights. Any resident can report a personal privacy concern about the Council to the SIO.

Senior Responsible Officer (SRO)

The SRO is the Director of Legal, People & Governance and Monitoring Officer and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC. The SRO will ensure that the interests of the council are upheld in accordance with this Code of Practice.

Single Point of Contact (SPOC)

MDDC has appointed an Operations Manager for Corporate Property and Commercial Assets. The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Surveillance Camera Systems (SCS)

'SCS' has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
2. any other systems for recording or viewing visual images for surveillance purposes
3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2
4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

Systems Owner

MDDC owns public space SCS and a wide range of other smaller surveillance systems (PSS) operated across council business areas. The MDDC Head of Finance, Property and Climate Resilience undertakes the responsibilities of ownership on behalf of MDDC.

1. Introduction

1.1 Explaining this Code of Practice (Referred to as ‘the LA Code’)

MDDC is required to establish and maintain a Code of Practice which sets out the governance arrangements that all surveillance schemes operated by MDDC must comply with. This ensures the principles, purposes, operation, and management adopted by the main public-space SCS system are mirrored across the whole local authority service delivery operational areas. This MDDC Code of Practice (LA Code) must set out the regulatory framework that each scheme must comply with, the internal assessment process that each scheme must undertake, and the processes required to establish a new surveillance camera scheme or upgrade an existing scheme.

The LA Code explains the surveillance systems used by the Council. It seeks to provide accountability and reassurance to everyone affected using SCS across the MDDC area. It demonstrates that MDDC will comply with the law and ensure peoples’ rights are respected. The LA Code will also outline how the public may access recorded information, make enquiries or complaints.

The SPOC will be responsible for maintaining the LA Code, and providing regular guidance and updates to Responsible Officers to ensure that all SCS continue to be operated in full compliance with the regulatory framework governing its use.

1.2 MDDC use of Surveillance Camera Systems (SCS)

MDDC believes the use of SCS is a necessary and proportionate way of helping with a wide range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of SCS to protect its staff where appropriate. We have considered the nature of the problems to be addressed and that SCS is justified as an effective solution where it is used. We will annually evaluate whether it is necessary and proportionate to continue using it.

1.3 Regulatory Framework

All our SCS will be operated on a lawful basis and fully compliant with the requirements of the UK General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018; known as the ‘data protection laws’. It will also fully regard all laws that impact on surveillance operations:

- The Human Rights Act (HRA) 1998
- The Crime and Disorder Act (CDA) 1998
- Freedom of Information Act (FoIA) 2000
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act (PoFA) 2012
- Information Commissioners' CCTV Code of Practice
- Surveillance Commissioner's Surveillance Camera Code of Practice

MDDC SCS includes CCTV cameras and body worn video (BWV), video surveillance cameras fitted to MDDC waste, recycling and road sweeper vehicles, and may in the future include automatic number plate recognition (ANPR). These will all comply with the Surveillance Camera Code of Practice issued by the Home Office (Section 29 PoFA) and other relevant legislation listed above.

MDDC recognises surveillance technologies have significant capabilities to intrude upon the right to privacy. If not lawfully, responsibly, and ethically operated, this technology may adversely impact upon the public confidence which MDDC seeks to provide by using it in the first place. People must be satisfied there is robust and accountable management of surveillance in all MDDC operational areas of service delivery.

1.4 The Tiverton Town Centre CCTV System

The **Tiverton Town Centre CCTV System** comprises of 40 cameras (this number may change) installed at various strategic locations throughout the town centre, including streets, parks, public places and car parks.

The cameras offer full colour, pan, tilt and zoom (PTZ) capability, some of which may be automatically switched to compensate for low light conditions.

Images from these cameras are sent to the CCTV CR, which accommodate the central switching recording and ancillary equipment for the PSS CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Control Room at St Stephens House, Exeter where they are monitored both live / proactively and recorded / respectively in response to reported incidents or events.

The cameras / systems included for transmission and monitoring at Exeter City Council include;-

- a) Tiverton Town Centre CCTV System
- b) Tiverton Multi-Storey Car Park, Phoenix Lane

There is a formal agreement in place for Exeter City Council to undertake the monitoring of the **Tiverton Town Centre CCTV System** cameras alongside the Exeter City Council public space surveillance cameras. The Control Room is staffed by competent, qualified and experienced CCTV operators employed by the Exeter City Council.

All material (data) controlled and managed at the Control Room remains the property of MDDC and is processed (data processing) by competent, qualified Exeter City Council staff.

1.5 Other Surveillance Camera Systems operated by the Council

As well as the Tiverton Town Centre CCTV System and Tiverton Multi-Storey Car Park, MDDC is also responsible for SCS installed and operated at other locations or by staff engaged in operational duties throughout the District; these include:

- a) Phoenix House
- b) Old Road Housing Depot
- c) Carlu Waste Depot (Hitchcocks Business Park)
- d) Exe Valley Leisure Centre
- e) Lords Meadow Leisure Centre
- f) Culm Valley Sports Centre

1.6 Stakeholders

MDDC works closely with stakeholders to deliver SCS services. Typically, but not limited to:

- Devon and Cornwall Police
- The Safer Tiverton Partnership
- Exeter City Council

From time-to-time other local stakeholders may be involved in the use of SCS. Details of roles and responsibilities for key personnel responsible for MDDC SCS are shown in **Appendix A** to this Code.

1.7 Applying the LA Code of Practice

The LA Code will underpin oversight and day-to-day practice by all those managing and operating SCS. It will be supported by specific procedures in each operational area. Everyone connected with SCS operated by MDDC will ensure that the principles and purposes outlined in this LA Code are always upheld. A formal agreement is in place with Exeter City Council to undertake the proactive and reactive monitoring of **Tiverton Town Centre CCTV System** in line with this LA Code. A copy of this LA Code will be available at Phoenix House and on our website. If you would like a copy, please contact the SPOC.

2. Purposes of MDDC Surveillance Camera Systems

The main specific and explicit purposes of MDDC SCS across all operational areas are one or more of the following:

- To provide a deterrent to crime and anti-social behaviour
- To assist the prevention and detection of crime and apprehending criminals
- To improve public safety by reducing the perceived fear of crime
- To provide public reassurance and help improve quality of life in Tiverton
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Tiverton
- To provide building security and a safe working environment for MDDC staff and visitors
- To provide MDDC vehicle fleet management information including the safety of staff and users of MDDC vehicles and assist in managing reported incidents and complaints
- To assist the police, other emergency services and MDDC with efficient management of resources
- To monitor traffic flow and assist in traffic management
- To assist with MDDC regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks

The SRO and SPOC, after consultation with the SIO/DPO, may draw up other explicit purposes for specific deployments based on local concerns. These will be documented in operational and data protection impact assessments to justify deployment, made available as necessary and reviewed periodically.

The use of other surveillance technologies such as ANPR; BWV covert deployments may also have specific purposes applied to each. Where appropriate, these will be highlighted in the respective content in Section 5 of this LA Code.

The use of audio recording with surveillance technologies such as BWV, vehicle management SCS and cameras inside the CR requires greater justification with clear and explicit purpose. Where appropriate, the purposes will be highlighted in the respective content in in this LA Code.

3. Principles for implementing and operating MDDC SCS

Throughout this LA Code it is intended, as far as possible; to balance the need for surveillance as a safety and security measure with the need to safeguard the individual's right to privacy. MDDC expects this to be a paramount consideration for all persons involved with any of its surveillance camera systems.

3.1 All MDDC surveillance operations will always comply with the data protection laws and follow the Information Commissioner's current CCTV Code of Practice for surveillance systems and subsequent updates (ICO Code). Systems will be operated fairly, transparently, within the law, and only for the stated purposes in this LA Code. The ICO Code is published on the Commissioner's website www.ico.org.uk.

3.2 Local authorities and Police in England and Wales are 'relevant authorities' who must pay due regard to the 12 Principles of the Surveillance Camera Code of Practice (SCC Code) when operating surveillance camera systems, overtly, in public places and can be held accountable for failing to do so. In addition to the Tiverton **Town Centre CCTV System**, MDDC operates smaller schemes which are defined as public space schemes and listed at 1.5 of this Code. MDDC will apply the Surveillance Commissioner's Code to all it use of surveillance systems. [Amended Surveillance Camera Code of Practice \(accessible version\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

3.3 A Surveillance Camera Commissioner is appointed to oversee and promote compliance with the Surveillance Commissioner's Code. A 'toolkit' of documents has been produced to assist authorities meet compliance requirements. In general, the Surveillance Commissioner's Code covers the role of surveillance from the beginning to the end; 'cradle to judgement' (courts or disposal). MDDC applies the use of these documents in all operational areas. Every use of SCS will always be reasonable, necessary, and proportionate.

3.4 The decision to install new or updated SCS will be supported by operational needs-assessment documentation and a surveillance-specific Data Protection Impact Assessment (DPIA) to risk assess surveillance data processing and privacy issues. These documents will be completed before deciding to install. All installations must be justified to meet a 'pressing need' where it is being considered. When considering the use of SCS MDDC will, where possible, consult with relevant parties as appropriate.

3.5 Operating procedures relevant to individual operational areas will compliment this LA Code and ensure responsible and accountable supervision of all types of MDDC surveillance operations. Evidence will be kept securely and made available to ensure everyone's right to a fair trial in the event of any court or tribunal proceedings.

3.6 Occasionally SCS may be required to assist with 'covert' directed operations (e.g. by Police, Competent Authorities, HMRC etc.). Proper authority will be obtained and comply with the Regulation of Investigatory Powers Act 2000 (RIPA). The Surveillance Commissioner (SSC) and subsequently the Investigatory Powers Commissioner (IPC) regulate and oversee how public authorities use their investigatory powers. When

undertaken solely by MDDC, any covert directed surveillance authorised will meet the required 'crime threshold' and be further authorised by a Magistrates' Court.

3.7 All processes related to use of SCS will be regularly reviewed, at least annually, to ensure continued use of surveillance remains justified. Managers in operational areas will be required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that each scheme continues to operate in compliance with the LA Code, and present this to the SPOC at the annual desktop assessment.

3.8 Any major changes to the LA Code will only take place after consultation with key stakeholders in the operation of any specific SCS system. Minor changes may be agreed between the persons nominated in Appendix A.

4. Data Protection Information

The UK GDPR were introduced in May 2018. The DPA 2018 implements UK GDPR standards across all general data processing and provides clarity on the definitions used in the UK context. It is important the UK GDPR and the DPA 2018 are read in conjunction with each other. They are known collectively as the 'data protection laws'.

For processing to be lawful under Article 6 UK GDPR, organisations need to identify a lawful basis before processing personal data. MDDC consider their lawful basis to be 6(1)(e) 'Public task': the processing is necessary to perform a task in the public interest or for official functions, and either has a clear basis in law and when used away from official public tasks-

The Data Controller is MDDC and the SRO for MDDC surveillance systems is the Director of Legal, People & Governance and Monitoring Officer. Data Control has been further delegated to a SIO/DPO. The Data Controller and SIO are responsible for:

- All copyright and ownership of all material recorded by virtue of the systems
- Full compliance with UK GDPR and DPA 2018
- Ensuring the rights of access to personal data by individuals (Subject Access) is managed
- Ensuring all other requests for disclosure of data held on the systems is managed
- Ensuring auditable accountability through a range of policy and procedures
- Receive and deal with all complaints from the public relating to the systems

Please read Section 7 of this LA Code for more information on requests to view and disclosure of surveillance data. The SPOC is responsible for the day-to-day oversight of operational management of the surveillance systems.

5. Management and Operation of Surveillance Camera Systems

5.1 General

All equipment associated with either the MDDC public space CCTV system or the SCS operated in other service delivery operational areas, (regardless of whether it is connected to the CR), will only be operated by personnel who have been properly trained in its use and relevant operating procedures.

All RO or sub-contractors responsible for any MDDC SCS will be careful about exercising personal prejudices which may lead to complaints about SCS being used for purposes for which it is not intended.

Officers may be required to justify their monitoring, recording, or disclosing of images of any persons, activity, or property at any time.

5.2 Deciding to use SCS and Camera Locations

Having considered Section 3 of this LA Code, if using surveillance is the most appropriate means of addressing a pressing need, cameras will be sited in positions to meet that need after preparing the documents/DPIA mentioned in 3.4 above. SCS must be justified, meet the purpose for which it was installed, and recordings must be of an appropriate quality.

Cameras will be prominently placed in positions within public view. As far as possible cameras will not be hidden or obscured and be sited in positions that minimise risk to tampering, damage or destruction.

As far as is reasonable, all SCS must meet the purposes agreed for their use and recordings must be of an appropriate quality.

Cameras will be restricted to ensure they do not view areas that are not of interest and are not intended to be seen, e.g. an individuals' private property. Electronic 'privacy zones' may be used to ensure that the interior of any private property cannot be viewed. Individuals who have concerns over any potential intrusion of their privacy may request a review of camera locations by writing to the SPOC at the details given in **Appendix A** of this Code. MDDC does not use any 'dummy' cameras.

5.3 Signs

Signs will be placed in the areas covered by cameras to make people aware of SCS surveillance.

Appropriate signs will be deployed on the main access routes into Tiverton in suitable positions to inform both vehicle drivers and pedestrians that SCS operates in the area. Signs will be used at strategic locations around the town centre areas covered by cameras as reminders of SCS in operation. Signs will also be positioned on and in buildings and vehicles owned and managed by MDDC where surveillance systems are used.

The signs will indicate:

- The presence of SCS monitoring (typically using a graphic of a SCS camera)
- The 'ownership' of the system (unless its plainly obvious)
- The intended purpose of the system (i.e. crime prevention; public safety and security)
- An up-to-date contact telephone number for further information and access to recordings

5.4 Transmission, Recording and Storing SCS Images

CCTV cameras send images to the CR or direct to a local on-site recording device using a variety of methods. These include cables, wireless signals, and computer networks. Security of transmission remains paramount. Transmission will either be owned by MDDC or provided under contract by an industry supplier.

MDDC uses Network Video Recorders (NVRs) to record the images from all cameras throughout every 24-hour period. The NVR's are either housed securely in the CR or in secure locations at specific MDDC sites. Recorded images are retained on the NVR's for no longer than 31 days. Retention periods may vary dependant on site specific issues. Future storage requirements may include cloud-based solutions. If so, data security measures will be employed to ensure MDDC is compliant with the data protection laws.

All recordings stored at the CR at Tiverton or at the Exeter City Council Control Room in Exeter can be replayed on the dedicated computer workstations in these secure areas. Only authorised staff / sub-contractors can download copies of recorded images when required for approved purposes. These images will then be kept for longer in accordance with the rules of evidence.

After retention, the recorded images are erased using an automatic digital process called 'overwriting'. This meets the requirements of not keeping data for longer than necessary, a principle of data processing.

At any other MDDC site, any recording, viewing, and exporting of images will only be undertaken by trained and authorised staff. All MDDC staff acknowledge the public must have total confidence that information recorded about them will be treated with integrity and confidentiality.

5.5 Monitoring SCS images

The CR at the Multi Story Car Park in Tiverton accommodates the CCTV Server Recording equipment, single monitoring station (for fail-over/ disaster recovery purposes) with images (live and recorded) being available to a CR for the main public space and the MSCP CCTV system. The SCS monitoring services has been contracted to Exeter City Council who operate their own Control Room to monitor their own public space surveillance CCTV systems as well as those of several neighbouring local authorities on a sub-contract basis. The Exeter City Council Control Room is staffed by qualified, competent and trained operators in accordance with MDDC policy and operational procedures (to compliment the Exeter City Council policies). (See Section 6 for details re CR).

At some MDDC sites where SCS is installed and not linked to the CR, monitors are installed to provide authorised staff with the opportunity to watch 'live' or review recordings when necessary; for example the sports/leisure centres. Monitoring is not a prime function at these sites.

Staff at all sites (via the SPOC) will be fully conversant with this LA Code and their specific operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

5.6 ANPR

MDDC does not use ANPR cameras at this time.

5.7 Body Worn Video (BWV)

Where used by MDDC employees, BWV are cameras worn by a person and usually attached to their clothing or uniform. BWV units can record both video and audio information. This technology is in regular use by law enforcement agencies. BWV systems are more intrusive than the more 'normal' SCS systems because of its mobility and use in 'close-up' situations with people.

This LA Code does not apply to BWV, which has a specific Code of Practice for its operation and which should be referred to for this purpose.

Before MDDC decided to use BWV, it followed all the general principles set out in Section 3 of this LA Code. Its use is justified, proportionate, necessary and addresses a pressing operational need.

MDDC deploy BWV equipment on staff engaged in enforcement to support the purposes of surveillance stated in Section 2 of this Code. The user or the BWV unit is clearly labelled. BWV will be specifically used in 'incident-specific' circumstances to gather evidence and to protect MDDC officers in hostile situations, or when there is reason to think that a situation may result in a complaint against MDDC.

BWV recordings are managed via evidence management software. Individual users cannot access data on the BWV device. Use of BWV will be compliant with the ICO Code for Surveillance Systems and the College of Policing BWV Code of Practice. All MDDC BWV users will be suitably trained before being used.

5.8 Audio Recording

MDDC considers the use of audio recording, particularly where it is continuous, to be more privacy intrusive than purely video recording. Its use will therefore require much greater justification.

MDDC will not use sound recording facilities with its main public space SCS system. Audio recording may be used in other circumstances, for example, BWV as above, for safeguarding or complaints.

MDDC will only use audio recording where:

- A pressing operational need is identified, and other less intrusive methods have been explored
- The need cannot be appropriately addressed, and the only way is the use of audio recording
- Appropriate 'data protection by design' methods have been incorporated into the system

Where MDDC decides to use audio recordings in specific circumstances they will ensure:

- A thorough camera-specific DPIA will be carried out.
- The system provides a high enough quality of recording to achieve the stated aim.
- The most privacy friendly approach is used; where video and audio recording can be controlled and turned on and off independently of each other. These two types of data processing should be considered as separate data streams and should be controlled separately to ensure irrelevant or excessive data is not obtained and held.
- It must be proportionate.
- Where considering the use of audio with SCS MDDC will, where possible, consult with relevant parties as appropriate. It is made clear to data subjects that audio recording is taking place, over and above any visual recording which is already occurring

Recording of two-way audio feeds from 'help points' covered by SCS cameras is deemed acceptable where it meets an operational need and are activated by the person requiring assistance.

Signs will be prominently displayed indicating audio recording is used.

5.9 Redeployable SCS

Re-deployable SCS (mobile) cameras can be moved from one location to another and be fully operational within a short time. They are used to follow incident or crime hotspots whenever and wherever they appear. MDDC may use this technology when necessary; for example, environmental enforcement for fly-tipping.

Deciding to use and deploy this technology will require the same standards as set out in Sections 3 and 5.2 of this LA Code, albeit in a suitable format to provide for speedy deployment when necessary. Use of re-deployable (mobile) cameras will always be in accordance with the law, national and local guidance and accountable through specific operating procedures.

5.10 Access to Recordings and Audit Trail (Record keeping)

Access to any monitoring or recording equipment in any MDDC service delivery operational area is restricted to ensure security and confidentiality of the information processed. Only nominated key staff/sub-contractors will be allowed to access equipment and recordings for proper reasons and must only be for the stated purposes of SCS.

Access control measures will be used to ensure security and confidentiality where necessary. There will not be any public access to equipment or recordings at these sites. Individual subject access to 'personal data' is not affected by this clause.

There will be records kept, either paper-based or electronically on a computer, of all relevant activity associated with the operation and management of any such SCS. This will typically include but not be limited to:

- Actions taken by operational staff and incidents reported to or seen by them
- Request, Review, Download and Release of any recorded images
- Fault reporting and rectification and the regular maintenance programme

Every recording or operational audit record has the potential of being required as evidence at some point.

All record keeping will be carried out in accordance with user-specific operating procedures overseen by individual RO in each operational area.

5.11 Maintenance of SCS

MDDC will ensure all the SCS are properly maintained in accordance with operational procedures and maintenance agreements. Maintenance agreements will make provision for regular/periodic service checks on the equipment which will include cleaning of all-weather domes or housings, checks on the functioning of the equipment and any minor adjustments that need to be made to the equipment settings to maintain picture quality. Agreements will also include regular periodic overhaul of all the equipment and replacement of equipment, which is reaching the end of its serviceable life.

Maintenance agreements should also provide for 'emergency' attendance by a specialist SCS engineer to rectify any loss or severe degradation of image or camera control. Appropriate records will be kept by MDDC RO and the maintenance contractor.

Exeter City Council Control Room Staff will be issued with contact details for the MDDC CCTV maintenance contractor for the purposes of engaging emergency callout facilities and services where required. Maintenance records left at the Exeter City Council Control Room will be forwarded to MDDC to retain.

5.12 Discipline

Every individual (directly employed staff or sub-contract staff) with any responsibility for SCS under the terms of this LA Code or related user-specific procedures will be subject to agreed disciplinary procedures. Any breach of this LA Code or of any aspect of confidentiality may be dealt with in accordance with those disciplinary rules. A breach of the LA Code may result in criminal proceedings.

6. MDDC CCTV Control Room

6.1 General principles

The CCTV CR is a secure facility located within Tiverton where connected CCTV and surveillance equipment systems are managed and operated in the day to day management of public areas. It accommodates the central switching recording and ancillary equipment for the Tiverton Town Centre CCTV system along with the facility to monitor the system if required. The images are transmitted over BT Fibre Optic cable to the Exeter City Council Control Room at St Stephens House, Exeter where they are monitored both live and proactively and recorded in response to reported incidents or events. There is a formal agreement in place for Exeter City Council to undertake the monitoring of these cameras.

6.2 Control Room

The Exeter City Council Control Room is the central facility for monitoring Tiverton public space CCTV for recording and monitoring purposes. MDDC 'contracts out' its SCS monitoring to Exeter City Council and also 'contracts out' its preventative and corrective maintenance services to a specialist contractor. The Exeter City Council Control Room is fully staffed by trained and accredited staff to provide fully specified MDDC services in accordance with MDDC CCTV and SCS policy and specific operational procedures as agreed under a formal agreement with Exeter City Council.

All staff will be fully conversant with this LA Code and their operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

The Control Room operator's main role is to continuously monitor, identify and respond to incidents. Operators using any MDDC cameras will always act with utmost integrity. The cameras and recordings will only be used for the purposes listed at Section 2 of this LA Code. All staff responsible for SCS, will be careful about exercising prejudices which may lead to complaints about SCS being used for purposes for which it is not intended.

Cameras will not be used to look into private residential property. Operators can be required to justify their interest in, or recording of, any individual, group of individuals or property at any time.

6.3 Private Security Industry Act 2001 and the Security Industry Authority (SIA)

Under the provisions of the Private Security Industry Act 2001 it is a criminal offence for staff to be 'contracted' as public space surveillance (CCTV) operators in England, Wales, and Scotland without a Security Industry Authority (SIA) licence. The SIA is responsible for regulating the private security industry. For more information visit: www.sia.homeoffice.gov.uk

Staff carrying out monitoring tasks for MDDC will be competent, experienced and qualified SIA CCTV Licence Holders in compliance with this legislation.

6.4 Staff Vetting

It is a condition of employment that all staff being selected for a role in the CR are successful through locally agreed vetting procedures and those defined by the SIA for an SCS Licence. As an 'Airwave' Police Digital Radio is installed, staff will be vetted to Non-Police Personnel standard as required by the National Police Chiefs Council (NPCC; previously ACPO) and Devon and Cornwall Police.

6.5 Staff Training

Every member of staff directly connected to the operation of SCS or with responsibility for the CR will be trained appropriately for their role. As a minimum the SIA CCTV Licence demands a structured training programme that results in a recognised qualification. The Information Commissioners Surveillance Code requires all staff to be trained in their responsibilities for data management.

6.6 Access to and Security of CR

Access is restricted to ensure security and confidentiality of the information inside the CR. Robust access control measures will be used to restrict access to authorised Exeter City Council Control Room or MDDC staff ensuring security, integrity, and confidentiality. If the CR is left unattended for any reason it will be secured. In the event of evacuation for safety or security reasons, standard operating procedures will be complied with.

General entry will not be allowed without sufficient reason and must only be for the stated purposes of CCTV. Any formal requests that are received from members of the public requesting entry to the control room will be dealt with by the MDDC Responsible Officer.

Except where used for training or demonstration purposes there shall be no public viewing of the monitors. Images of areas in which individuals would have an expectation of privacy will not be made available for these purposes nor will they be viewed by non-authorized persons.

Regardless of anyone's status, all access to the CR will be recorded in a Visitors Log. All visitors will be reminded of the need for confidentiality by displayed notices and a clause in the Visitors Log. Operational staff will ensure only authorised access and an accurate visitors log is maintained and enforced.

ROs, who frequently go into the CR as part of their daily duties are exempt from signing the Visitor Log providing, as they would have signed a Declaration of Confidentiality.

6.6 Use by Law Enforcement Agencies

From time-to-time arrangements may be made for law enforcement staff to be in the CR to support their operations with CCTV. If this involves 'covert' operations by specific law enforcement agencies, then on every occasion the SPOC must be satisfied that proper authority has been obtained under the Regulation of Investigatory Powers Act 2000 (RIPA). Only trained and authorised staff with responsibility for using the

CCTV equipment will have access to the controls and operate the equipment. The presence of law enforcement agencies will always be supervised by an authorised user from within the CR and in accordance with this Code and agreed operational procedures. CR operations will always have primacy. Security, safety, and protection of the public will remain paramount.

6.7 Declaration of Confidentiality

Every individual with responsibilities connected to the CR or any surveillance system linked to it under this Code or related procedures will sign a declaration of confidentiality. The signed copy will be held by the ECC or MDDC Responsible Officer for the PSS SCS.

7. Viewing and Disclosure of CCTV Recordings

7.1 General Principles

Requests for access to, viewing and disclosure of recorded images from any MDDC CCTV or other SCS will be controlled in accordance with defined procedures and consistent with one or more of the purposes listed in Section 2 of this Code.

Safeguarding an individual's rights to privacy will always remain a priority.

SCS information will not be copied, sold, disclosed, or used for commercial or entertainment purposes. Occasionally recordings may be used by MDDC for:

- Training and demonstration purposes but the material will be selected by the MDDC RO and its use will be strictly controlled
- to assist in the general planning and management of the areas of SCS coverage
- to assist in identification and compiling of information relating to public safety
- to assist in the efficient management of service delivery in the areas of SCS coverage

Written authorisation from the relevant RO will be required before access for research purposes. The copying of material or its removal from any MDDC surveillance system for research purposes will only be permitted under exceptional circumstances and shall be fully documented.

Where necessary, final judgements about content of any third-party disclosure will be made by the MDDC Data Controller in consultation with the DPO/SIO.

Author's Note: 'Detailed MDDC Guidance on Viewing and Disclosure to Third-Parties' should be prepared and read in conjunction with this LA Code. Only key aspects are covered in this section.

Copyright and ownership of all information relating to recordings from MDDC surveillance systems will remain with the Data Controller. Once SCS images have been disclosed to another body (such as the police), then they become the Data Controller for their copy of the images. It is their responsibility to comply with the data protection laws in relation to any further disclosures.

7.2 Requests for Viewing of CCTV Recordings

Under Article 30 of the GDPR, larger organisations are required to maintain a record of their processing activities. Any request for viewing or access to any MDDC SCS data must be documented for accountability; a key principle of data processing and compliance with the DPA 2018. It allows MDDC (or Exeter City Council on behalf of MDDC) to request information or details from individuals requesting information relating to recordings from surveillance systems.

All requests for viewing (and disclosure) of any MDDC CCTV data will be in accordance with service delivery operational procedures. For SCS recordings held at the CR, the management of requests will be the responsibility of the Operations Manager for Property and Commercial Assets. In other service delivery operational areas, requests for viewing (and disclosure) of SCS images will be the responsibility of the RO or nominated individual based and if necessary, in consultation with the SPOC.

All requesters will be encouraged to submit or complete documented requests. Requests from the police service will be 'in writing' but may be a specific document used by police forces and emailed to MDDC. An MDDC form is to be used for this purpose.

7.3 Disclosure to Members of the Public - Subject Access Requests

The Data Protection Act 2018 gives individuals rights of access to their personal information held by MDDC. Subject access is a fundamental right for individuals, but it is also an opportunity for MDDC to provide excellent customer service by responding to Subject Access Requests (SARs) efficiently, transparently and by maximising the quality of the personal information held. Requests by members of the public for CSC images are limited to 'personal information' as required by DPA 2018. Third-party information (e.g. another's' identity or vehicle registration number) will not be disclosed through SARs. If other third-party information is shown with the images of the applicant, images will be suitably obscured.

A valid SAR must always be made in writing. This can be by letter, online form or via email to the Information Management Team: DPO@middevon.gov.uk. The applicant will be asked to complete a form with sufficient information to validate their identity and enable the data to be located. MDDC has a maximum of a month starting from the day the request and identification (if required) is received. This is a statutory requirement which must be adhered to. In exceptional circumstances an extension can be agreed with the Information Management Team.

Generally, information will be provided free of charge. There are exceptions.

SAR's will not be granted in circumstances that may prejudice the prevention or detection of crime and the apprehension or prosecution of offenders. Other disclosure rules may apply.

Further advice on SARs is given in the ICO CCTV Code of Practice and a Your Right of Access which are published on the Commissioner's website www.ico.org.uk

7.4 Disclosure to Members of the Public – Freedom of Information Act 2000

The Freedom of Information Act 2000 (FOIA) gives the public a general right of access to official information held by most public authorities (police or councils, etc.). It also applies to companies which are wholly owned by public authorities. Typically, it applies to information around decisions, statistics, spending money and effectiveness. Requests may be by letter or email. The public authority must state whether it holds the information and normally supply it within 20 working days in the format requested.

When responding to requests, there are procedural requirements set out in the FOIA which an authority must follow. There are also valid reasons for withholding information, which are known as exemptions. FOIA exemptions apply to disclosure of SCS images.

If the images are those of the FOIA applicant - the information will be treated as a SAR as explained at 7.3 above. If the images are of other people/vehicles etc., these can only be provided if disclosing the information does not breach the data protection principles.

In practical terms, if individuals are capable of being identified from the relevant SCS images, then it is personal information about the individual concerned. It is unlikely that this information can be disclosed in response to an FOIA request. The applicant could potentially use the images for any purpose and the individual concerned is unlikely to expect this and so it likely to be unfair processing breaching the DPA 2018.

NOTE: No matter how a request is received there is no requirement for the requester to mention either the DPA 2018 or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

It is the responsibility of the officer dealing with it to appropriately recognise a request as one for personal data and refer it to the Information Management Team if they are not sure they should check before disclosing any information.

This guidance is not exhaustive. Full details on FOIA issues are found at the ICO website; www.ico.org.uk

7.5 Disclosure to Other Third Parties

Requests to view and disclosure of recorded images from any MDDC CCTV or other surveillance camera system will normally be granted to organisations or specific individuals (other Third Parties) that show they are a bona-fide applicants with a legitimate interest in the SCS recordings and show valid reasons which must meet the purposes listed in Section 2 of this LA Code.

Where this is not an SAR or FOI, a charge may be applied on a case-by-case basis.

These are mainly (but not limited to) the following organisations:

- All UK police staff, (including Ministry of Defence and Military Police)
- Statutory authorities with powers to prosecute, (e.g. H.M. Revenue and Customs, Local Authorities, Trading Standards, Environmental Health, and any other 'competent authority'.)
- Solicitors or their legal representatives in criminal or civil proceedings
- Individuals representing themselves in judicial proceedings. Please be advised data will only be released in accordance with DPA guidelines
- Other agencies (e.g. Insurance companies) according to purpose and legal status. A fee may be charged to cover costs of searching, copying and disclosure. Some requests may be treated as a DPA Subject Access Request if an individual has authorised an SAR submission on their behalf

A third-party request (TPR) applicant should provide sufficient information to enable an assessment of type of request; [i.e.: is it a data subject access request for 'personal data' or a general access request from a bona-fide entity?] and the relevant data to be located. Information that is too broad or covers extensive time periods making it difficult to locate the data will need to be revised and more specific. All requests for information will be scrutinised in detail. Viewing and disclosure of information will not be unduly obstructed, but MDDC may refuse requests due to insufficient information or invalid reasons.

The correct disclosure form should be completed in every case.

If validated, the request will proceed. Access to and disclosure of SCS data held on MDDC surveillance systems (data export) will come from a range of users.

7.6 Disclosure to the Media

Requests for SCS images from the media will always be considered if it meets the stated purposes or is in the public interest to be disclosed. Judgements about disclosure to the media will be made by the SPOC in consultation with MDDC communications staff and Information Management Team where necessary. The disclosure will include a signed release document that clearly sets out what the data will be used for, the limits on its use and retention of editorial control by MDDC.

Devon and Cornwall Police or other police force will be permitted to release recorded material to the media in connection with an investigation or detection of a crime without prior approval of MDDC. SCS recordings subject to approved release should relate to specific incidents and only be released in accordance with the

NPCC media guidance and Devon and Cornwall Police procedures. Strict copyright conditions that do not allow it to be used for entertainment or any other purposes will apply.

The SPOC and communications staff should be advised of the release of the recorded material to the media. Every effort should be made to give the notification prior to its release.

8. Reviews and Audits of MDDC Surveillance Camera Systems

8.1 General principles

- i. To ensure compliance with Data Protection and Protection of Freedoms laws and their Codes of Practice, the continued use SCS cameras requires periodic reviews. The Surveillance Camera Code of Practice requires effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. This will be coordinated by the SPOC who will set minimum expectations on who and how a SCS system will be reviewed to assess system effectiveness and justify its continued use. This is recommended to be at least an annual desktop assessment.
- ii. In advance of the annual desktop assessment the SPOC will send a questionnaire to each site's RO for completion as part of the review process.
- iii. Regular checks and audits should be conducted more frequently by the RO in each service delivery operational area to ensure that policy and site procedures are always being complied with.
- iv. The process of using documented surveillance operational assessments and DPIA's will make the annual review more straightforward. Where evidence shows a SCS camera location continues to be justified the camera will remain. Where evidence, gathered over a 12-month period, cannot be found to show that a SCS camera location continues to be justified the camera use should be reconsidered by MDDC in consultation with SCS operational stakeholders.

8.2 Maintaining a Code Assessment Pack (CAP)

ROs in each operational area are required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that their systems continue to be operated in compliance with this LA Code, and present their evidence to the SPOC at the annual desktop assessment. Typical CAP contents will be (but not limited to):

- Evidence of compliance with the principles of the SC Code and other relevant legislation such as UK GDPR, DPA 2018, and Human Rights considerations including completing the Self-Assessment Tool
- DPIA - This should be reviewed when changes are made to the system

- A list of all the documents that the RO must maintain
- An asset list
- Declaration of compliance
- Records of the people authorised to access recordings
- Training records;
- Records of access requests received
- Signage review
- Any cyber considerations

Full details of the CAP can be found at: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

8.3 Annual Report

Using the above review information, the SPOC will prepare and publish an annual report of MDDC surveillance camera systems. Within the main annual report there should be a subheading for the SPOC to set out the number of operational areas under their remit and to give a brief overview of any inspections, contracts associated with the schemes, number of compliments and complaints in relation to the schemes and details of the scheme's performance and priorities. This approach includes the wider issues for justifying continued of SCS.

From time-to-time one or more systems will be independently audited to assess its overall performance.

9. Making Enquiries or Complaints about SCS

A member of the public wishing to make enquires, compliments or a complaint about any aspect of an MDDC surveillance camera system may do so by contacting the SPOC. See **Appendix A** of this Code.

All complaints will be treated seriously. They will be dealt with in the same way as the discipline and complaints procedures which apply to all staff or sub-contractors employed by MDDC.

The SPOC will ensure that every complaint is acknowledged and include advice about the procedure to be undertaken. Details of all complaints and the outcome will be included in the SCS annual report.

If the outcome from a complaint about how the SCS system operates or how images (data) were handled is thought to be unsatisfactory this should be reported to the DPO/SIO as soon as possible, the Office of the Information Commissioner may investigate independently. Individuals have additional rights under DPA 2018 to prevent processing likely to cause substantial and unwarranted damage or distress and to prevent automated decision-taking in relation to the individual.

Visit; www.ico.org.uk ; telephone 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Appendix A

Key Roles and Responsibilities

1. Ownership

The Owner of all MDDC surveillance camera systems is:

Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Tel. 01884 255255

<https://www.middevon.gov.uk>

Through the office of the Chief Executive, MDDC will:

- Determine the purposes, and the way, any surveillance camera system is established and be the data controller of any personal data is processed by them. MDDC is the data controller of all personal data used and held within each individual department.
- Appoint key roles to support the management of surveillance camera systems across its area of responsibility to ensure that all such equipment, it's siting, deployment, and management is compliant with a complex framework of legislation, regulation, and guidance.

2. Management

2.1 Senior Information Officer (SIO as defined above)

The Council's DPO/SIO will:

- i. Ensure compliance with the GDPR and DPA 2018 and is responsible for upholding data subject's rights in relation to various aspects of the Act on behalf of the Owner
- ii. Review completed surveillance camera specific data protection impact assessments (DPIA as set out in Article 35 of the GDPR and Section 64 DPA 2018) from each MDDC operational area and should advise on compliance and whether processing can proceed
- iii. Ensure that each Service Delivery Privacy Notice includes references to data processed by surveillance cameras to meet the principles of transparency and accountability

2.2 Senior Responsible Officer (SRO as defined above)

- i. Take strategic responsibility for compliance with the PoFA in support of the Chief Executive in respect of all relevant MDDC surveillance camera systems

- ii. Ensure that the interests of the Council are upheld in accordance with the 12 principles of the Surveillance Camera Code of Practice under Section 33(5) of the PoFA. MDDC is an organisation in England and Wales that must have regard to the Surveillance Camera Code of Practice
- iii. Be supported by a SPOC to ensure day-to-day compliance with the Surveillance Camera Code of Practice and all related matters
- iv. If you have any concerns or questions about how we look after your personal information or compliance with the Surveillance Camera Code of Practice, please contact us at [Contact Customer Services - MIDDEVON.GOV.UK](#) or call 01884 255255.

2.3 Single Point of Contact (SPOC)

The SPOC is the MDDC Operations Manager for Corporate Property and Commercial Assets and will:

- i. Be the day-to-day management and operational support to the SRO and DPO/SIO for all matters relating to any MDDC surveillance systems
- ii. Act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level
- iii. Establish and maintain an MDDC Code of Practice (this LA Code) which sets out the governance arrangements that all schemes must comply with and provide regular guidance and updates to ROs
- iv. Carry out an audit of MDDC surveillance camera systems to find out exactly what type of systems are being used by the council across all operational areas; where all its cameras are located and who has responsibility for them
- v. Ensure that any MDDC staff operating SCS are properly trained, keep them up to date on changes to legislation and help them to develop
- vi. Standardise signage, set out clear roles and responsibilities, improve competence across the council and set up a governance board to scrutinise the use of SCS across MDDC
- vii. Appoint Responsible Officers for service delivery operational areas and advise on changes to schemes including adding or removing cameras, and where they are best located

The SPOC should read and understand their role as set out in 'Guidance: Introducing a Single Point of Contact (SPOC) <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact> This document is primarily aimed at local authorities but can be utilised by any organisation operating video surveillance systems

If you have any concerns or questions about day-to-day MDDC CCTV operations or compliance with the Surveillance Camera Code of Practice, please contact us at [Contact Customer Services - MIDDEVON.GOV.UK](mailto:Contact.Customer.Services@MIDDEVON.GOV.UK) or call 01884 255255.

2.4 Responsible Officers (RO)

A Responsible Officer (RO) will be appointed at all MDDC service delivery operational areas using surveillance systems. They will:

- i. Fully comply with relevant laws, regulations, and the contents of this LA Code of Practice
- ii. Be responsible for the day-to-day management of their operational area use of SCS
- iii. Support the SPOC understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system
- iv. Ensure audit trail documentation is maintained for image management activity
- v. Undertake regular reviews of operational procedures to ensure compliance
- vi. Maintain a Code Assessment Pack (see at 9.2 of this Code), complete an annual questionnaire supplied by the SPOC and present their evidence to the SPOC at the annual desktop assessment

Full details of the CAP can be found at: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

Appendix B **Mid Devon District Council Surveillance Camera Systems**

1.0 MDDC SCS

The Council owns and operates a number of Surveillance Camera Systems in its towns, buildings and offices as part of its function to provide safe environments for all.

1.1 The Council has the following camera numbers at the following sites:

a) Tiverton Town Centre SCS System	40
b) Tiverton Multi-Storey Car Park, Phoenix Lane	24
c) Phoenix House	32
d) Old Road Housing Depot	8
e) Carlu Waste Depot (Hitchcocks Business Park)	24
f) Exe Valley Leisure Centre	16
g) Lords Meadow Leisure Centre	14
h) Culm Valley Sports Centre	12

The Council owns a total of 170 surveillance cameras across 9 sites.

A list of all cameras for each of the above locations is retained by MDDC Property Services.

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**Code of Practice for operation and
management of Body Worn Video
Cameras
November 2024**

Contents

- 1) Introduction and Purpose**
- 2) User Guidance**
- 3) Data**
- 4) Security and Governance**
- 5) Relevant Legislation**
- 6) MDDC Related Policies/Documents**

1. Introduction and Purpose

- 1.1. This Code of Practice will underpin oversight and day-to-day practice by all those managing and operating Body Worn Video (BWV). Everyone connected with BWV operated by Mid Devon and District Council (MDDC) will ensure that the principles and purposes outlined in this Code of Practice are always upheld. This Code of Practice should be read in conjunction with MDDC's CCTV and Surveillance Policy.
- 1.2. BWV involves the use of cameras that are worn by a person, and are often attached onto the front of clothing or a uniform. These devices are capable of recording both visual and audio information. It has been identified that the District Officers at MDDC within Environment and Enforcement are at a greater risk of confrontation due to the nature of their role. In order to ensure the health, safety, and wellbeing of the team, body worn video cameras are deployed on their persons.
- 1.3. The purpose of this document is to provide guidance on the use of BWV by officers within MDDC and ensuring compliance with relevant legislative requirements. For example: the deployment of BWV, retention of data and the security of data.
- 1.4. MDDC has opted to procure the D5 body camera (the device) provided by Reveal Media Ltd. This device is widely used by other authorities and Police forces throughout the country. The device is user operated and therefore, will only record when the user switches it on. This enables MDDC to ensure there is minimal intrusion on every day activities, its use is only ever activated when an officer believes themselves to be in a confrontational situation.
- 1.5. All users of the devices will be provided with the appropriate training for its use. This training will be conducted in-house utilising the knowledge and experience within MDDC. The Information Commissioner's Surveillance Code requires all staff to be trained in their responsibilities for data management.

2. User Guidance

- 2.1. The device is operated by the user and is not recording unless switched on using the switch located on the right hand side of the device. The device has a 30 second prerecord function, this will buffer 30 second recordings which enables the user to capture 30 seconds of footage prior to activation.

- 2.2. The user has to consider whether activation of the device is necessary, proportionate and addressing a need such as those listed in MDDC's CCTV and Surveillance Policy in section 3. Ultimately, it is for the user to determine when activation occurs based on the circumstance presented to them, however, consideration of these points should be used to justify the use. The user must ensure the device is functioning correctly and has the correct date and time prior to any duty commencing.
- 2.3. When activating the device users **MUST** inform those being captured that they are being recorded for visual and audio purposes. This ensures the user and MDDC are in compliance with the Data Protection Act 2018. This verbal announcement negates the need to have visible signage on the user's person. If it is not immediately possible to provide this announcement, recorded parties must be made aware at the earliest opportunity.
- 2.4. Once the device has been activated, users must ensure that recording is continuous throughout the interaction until it has reached a close. It is not acceptable for a user to switch the device on and off intermittently during an interaction.
- 2.5. Recording will always be of an overt nature and in a public place. No recordings are to be captured in what could be considered private dwellings, schools or care homes. The device has a front facing screen which any recorded party is able to see once the device is activated. Stealth/cloak mode is disabled on all devices.
- 2.6. Users should be acutely aware of their surroundings, careful consideration should be given to activating the device in areas surrounding schools or where vulnerable people may be present. Activation in circumstances such as this may require additional justification for use.
- 2.7. Where physical contact is made to a user, the device must be activated.
- 2.8. Playback directly from the device will not be available to the user. However, a passcode known to management and the Information Management team can provide playback from the device, should a Police Constable require it at the scene.
- 2.9. Direct recording of children and/or vulnerable people should be avoided. In extreme circumstance there may be a justifiable use of BWV in these circumstances, such as the user is being attacked by a person in either of these categories.
- 2.10. Device users are required to dock the devices upon their return to the office at the end of their shift.
- 2.11. The user is responsible for saving the captured footage directly to the encrypted cloud storage at the end of their shift.
- 2.12. Users will need to identify what footage is classed as evidential (and therefore retained) from a user footage sheet located within the office.

3. Data

- 3.1. Data captured from the device will be encrypted and only accessible via the use of DEMS 360 software. Within the authority there will be 1 devices which have the functionality to use DEMS 360. However, I.T are able to upload the software to further devices where required.
- 3.2. Any captured data will be deleted automatically unless marked evidential by the user.
- 3.3. Data marked as evidential will be retained for a period of 30 days. Once 30 days has elapsed the data will be automatically deleted from the system.
- 3.4. Where data has been identified for use in an ongoing Police investigation, this will be retained for a period of 2 years or until the case has reached a conclusion.
- 3.5. The device is self-contained and access cannot be obtained to the memory function. The device has built in memory storage and not a removable card to ensure security of data.
- 3.6. Storage of data will be via cloud provided by Reveal Media Ltd. This storage platform is an encrypted storage capacity which can only be accessed with the correct user credentials through DEMS 360 software.
- 3.7. In the unlikely event of a device becoming lost or stolen, users need to immediately report this in accordance with the Information Security Incident Policy to the . Access to any recorded data on the device is very unlikely, however, it is still considered a data breach and the relevant MDDC policies need to be followed in relation to this.

4. Security and Governance

- 4.1. Use of BWV described in this Code of Practice refers only to 'overt use' as there is no 'covert option.' MDDC should ensure that the use of the cameras is widely advertised prior to commencement, and that their use is reiterated by staff wearing a sign/symbol and/or making a verbal announcement where possible to those persons who may be recorded.

5. Relevant Legislation

- 5.1. This policy provides guidance on the appropriate and effective use of SCS and in particular how it meets the requirements of:
 - The Human Rights Act 1998
 - Data Protection Act 2018
 - UK General Data Protection Regulation
 - Regulation of Investigatory Powers Act 2000
 - The Protection of Freedoms Act 2012
 - Information Commissioners' CCTV Code of Practice

- Surveillance Commissioner's Surveillance Camera Code of Practice
- Criminal Procedure and Investigations Act 1996
- Criminal and Disorder Act 1998

6. MDDC Related Policies/Documents

- CCTV Code of Practice
- Data Protection Policy
- Freedom of Information Policy
- Information Security Incident Policy
- Records Management Policy

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CODE OF PRACTICE FOR MANAGEMENT AND OPERATION OF CCTV ON STREET SCENE VEHICLES

1. Introduction and Purpose:

This Code of Practice will underpin oversight and day-to-day practice by all those managing and operating. Everyone connected with Vehicle Surveillance Cameras (VSC) operated by Mid Devon and District Council (MDDC) will ensure that the principles and purposes outlined in this Code of Practice are always upheld. This Code of Practice should be read in conjunction with MDDC's CCTV and Surveillance Policy.

The purpose of this document is to provide guidance on the use of the VSC by officers within MDDC and ensuring compliance with relevant legislative requirements. For example: the deployment of VSC, retention of data and the security of data.

All users of the devices will be provided with the appropriate training for its use. This training will be conducted in-house utilising the knowledge and experience within MDDC. The Information Commissioner's Surveillance Code requires all staff to be trained in their responsibilities for data management.

The use of the VSC must be necessary, proportionate and addressing a need such as those listed in MDDC's CCTV and Surveillance Policy in section 3. The VSC are fitted to waste, recycling and road sweeper (Street Scene) vehicles for the purposes of health and safety of employees (including identifying any potential misconduct) and members of the public and for the investigation of accidents, incidents and near misses.

2. System Specification

The system fitted to each vehicle comprises the following components:

- 4 x external mounted cameras
- 1 x Vision Technologies (VT) Record 5 Hard Disk 4-Channel Recorder C/W 1TB HDD & 16GB SD Back-Up
- 1 x internal mounted monitor

The system records live footage to the Hard Disc Drive (HDD) when the vehicle is switched on; audio recording with this system will not take place.

The rear camera is reverse wired to enable the monitor to be used as a dedicated reversing aid.

The HDD is secured in a tamper-proof cabinet in the cab of the vehicle. Access to the HDD itself is restricted to authorised external personnel for maintenance and replacement purposes only (e.g. VT engineers and/or Specialist Fleet Services (SFS) engineers). Footage captured cannot be viewed from the HDD.

3. System Checks

The Waste and Transport Manager will act as the System Manager.

Checks are carried out on a regular basis to ensure the recording system is operating correctly. This will involve downloading or observing brief video footage of random days and will be carried out by Authorised Personnel only. [Authorised Personnel are Managers and Supervisors/Team Leaders tasked with investigations in relation to accidents and incidents].

4. Camera Positioning

The system comprises four high resolution/definition cameras that will be positioned to give the greatest coverage around each vehicle as possible; the positions of the cameras are as follows: -

1. Front on dashboard in central position (facing out)
2. Nearside Mirror Arm (facing rear)
3. Offside Mirror Arm (facing rear)
4. Rear underneath number plate (indicated in image – facing rear)

The VSC are positioned to record images of the immediate area surrounding the vehicles and do not show a broad view of the location.

The VSC will not be intentionally or deliberately intrusive of private premises.

The cameras are fixed in position during the installation of the system by the commissioning engineers and must remain in these positions. In the event that the cameras have become out of alignment this must reported as soon as possible by driver to their Supervisor

Each vehicle has A5 stickers placed on the vehicle cab informing members of the public that CCTV images are being recorded. The stickers are complete with the correct MDDC contact telephone number and the purposes for which the system is being used.

5. Procedure for use

Accessing images

Captured footage is recorded to VT's cloud storage and stored securely by them to ensure it is only accessible to Authorised Personnel.

The footage required is then downloaded by Authorised Personnel from the VT cloud storage when there is a legitimate need. The required footage is then saved into a secure location on the MDDC server.

The footage may only be viewed or retrieved for specific purposes, such as:

- Accident / Incident investigation
- Health & Safety monitoring
- Assisting in the investigation of complaints
- Complying with legal or regulatory requirements

System monitoring

The systems are robust but it will be necessary to physically check that the units are operating correctly. This will be carried out by the Waste and Transport Manager on a regular basis where a number of units will be selected at random.

The system checks will be recorded in a register and will detail the:

- Vehicle registration
- Period viewed
- Time and date viewed, time and any
- Comments or actions that are required
- Name and position of viewer

A logbook is maintained by the System Manager to record all viewings of images whether these are for systems checks or as a result of a request for information. Details are kept of the date and time the viewing took place, the HDD viewed, the vehicle that contained the HDD, the period viewed, the name of the individual(s) viewing the file, and the action to be taken as a result.

Health and Safety or Disciplinary Incident arising from system checks

If a health and safety issue or a potential breach of the rules that could lead to a disciplinary investigation arises from the system checks, the incident will be viewed by the Authorised Personnel and appropriate action taken.

Health and Safety Concerns or Misconduct

Any breach (actual or suspected) of health and safety practice or acts of misconduct will be investigated under the statutory duty of care set out in the Health and Safety at Work Etc. Act 1974, which will include the viewing of recorded images by the Authorised Personnel who may require the individual who has reported the breach to verify the image.

Authorised Personnel may be required to extract still images from the footage. Images may also be extracted as a result of any of the instances above.

The images from the HDD can only be accessed using the appropriate VT software. This software is only loaded onto Authorised Personnel laptops. The software is not be loaded onto the MDDC computer network.

Saving & Viewing Images

In order to make specific images available for viewing as needed from time to time, it is necessary for the image to be exported to a readily available format. The image will be saved to a secure area of the MDDC network.

6. Data Security

Access to the live camera images is restricted to Authorised Personnel only.

Access to the HDD on the vehicle is password protected accessible only by a VT or SFS engineer.

Video footage exported to a readily available format is stored on a dedicated secure area of the MDDC computer network, access to this secure area is restricted to the System Manager and the Health & Safety officer only.

Records are kept for 180 days before being deleted. This is due to the way that VT systems are set up to store footage and for accident investigations officers have had to go back further than 90 days.

If footage is downloaded, and or stills taken, these will be deleted by the System Manager as soon as the footage/stills are no longer required for the legitimate purpose identified.

The system automatically watermarks the images. The watermark is embedded in the system and is always on. The watermark is fragile and will be destroyed if any modifications are attempted to be made to the image.

The watermark provides the following data on the recorded images:

- a) Vehicle registration number
- b) Date
- c) Time
- d) Camera ID

7. Data Sharing requests

All requests for footage or images must complete the appropriate request form (available from the Information Management Team) and submit the form to the Waste and Transport Manager and/or the Information Management Team. These requests are logged accordingly on the central register.

All data subject requests will be reviewed by MDDC's Information Management Team and determined according to a process which ensures compliance with legislation. For more details of how MDDC handles data subject requests, please see the Data Protection Policy, and information provided at <https://www.middevon.gov.uk/your-council/access-to-information/> .

Images may be viewed if there is an urgent request from the Police. These requests should be logged in the register. If the Police wish to view the image or obtain a copy of an image, they will need to provide the Information Management Team with an appropriate MDDC DPA form.

Where third parties other than the Police make a request to view the files, then if this is due to a criminal incident this should be reported to the Police.

8. Relevant Legislation

This policy provides guidance on the appropriate and effective use of VSC and in particular how it meets the requirements of:

- The Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulation
- Regulation of Investigatory Powers Act 2000
- The Protection of Freedoms Act 2012
- Information Commissioners' CCTV Code of Practice
- Surveillance Commissioner's Surveillance Camera Code of Practice
- Criminal Procedure and Investigations Act 1996
- Criminal and Disorder Act 1998

9. MDDC Related Policies/Documents

- CCTV Code of Practice
- Data Protection Policy
- Freedom of Information Policy
- Information Security Incident Policy
- Records Management Policy

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Report for: Cabinet

Date of Meeting:	7 January 2025
Subject:	Information Security and Information Security Incident Policies
Cabinet Member:	Cllr David Wulff, Cabinet member for Quality of Living, Equalities and Public Health
Responsible Officer:	Lisa Lewis, Head of Digital Transformation & Customer Engagement
Exempt:	n/a
Wards Affected:	All
Enclosures:	Appendices 1 & 2

Section 1 – Summary and Recommendation(s)

To update the existing policies to reflect current job roles and best practice.

Recommendation(s):

- 1. That Cabinet approves the revised Information Security and Information Security Incident policies.**
- 2. That Cabinet approve that the Head of Digital Transformation & Customer Engagement be given delegated authority to make minor amendments to current MDDC Information Security and Information Security Incident policies as required by legislative changes, formal guidance or local operational considerations in consultation with the IT & Information Governance board.**

1.0 Introduction

- 1.1 These policies were last reviewed in January 2022.
- 1.2 The Council's network achieves, and is annually tested for, compliance with the Public Sector network criteria.

1.3 Since the policy was reviewed an IT & Information Governance (ITIG) board has been convened which consists of:

- Deputy Chief Executive as Senior Risk Information Officer (SIRO)
- Cabinet member for Quality of Living, Equalities and Public Health
- Head of Digital Transformation and Customer Engagement – Compliance
- Senior Information officer as Data Protection Officer
- Operations Manager for ICT
- Corporate Performance and Improvement Manager
- Resilience Officer

2.0 The Policy

2.1 The existing policies were already based on best practice which means very little revision has been necessary.

2.2 There have been minor changes to staff job titles and responsibilities throughout and some clarification added and these have been highlighted in the policy documents for clarity.

2.3 Information Security Management policy (Appendix 1) summary changes are:

- Related policies
- The Identification of roles and responsibilities is made clearer
- Responsibility for assets
- Signposting on Media handling policy

2.4 Information Security Incident policy (Appendix 2) summary changes are:

- Amended introduction
- Related policies
- Clearer guidance on when and how to report incidents
- Clarification on inappropriate disclosure of information
- Clarification on theft/loss of devices
- Clarification on post report activity and monitoring

Financial Implications - Failure to protect information security, whether physical assets or data could lead to significant data loss and fines by regulatory bodies.

Legal Implications - Failure to protect information security, whether physical assets or data could lead to significant data loss and fines by regulatory bodies.

Risk Assessment - Failure to protect information security, whether physical assets or data could lead to significant data loss and fines by regulatory bodies and reputational damage to the council.

Impact on Climate Change – None

Equalities Impact Assessment – None

Relationship to Corporate Plan – These policies support good governance arrangements enabling confidence in the delivery of the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 17/12/24

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 17/12/24

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 17/12/24

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 04 December 2024

Cabinet member notified: (yes/no)

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. (Yes/No)

Section 4 - Contact Details and Background Papers

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Background papers:

Appendix 1 – Information Security Management Policy

Appendix 2 – Information Security Incident Policy

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Mid Devon District Council

Information Security Management Policy

Policy Number: IM 001

November 2024

Version Control Sheet

Title: **Information Security Policy**

Purpose: **To detail the Information Security Standards for Mid Devon District Council in the protection of all Information Assets. These standards apply to all Officers, Councillors, Third Party Contractors, and Partner Organisations sharing Mid Devon District Council's information.**

Owner: **Head of Digital Transformation & Customer Engagement**

Date: **November 2024**

Version Number: **3.1**

Status: **3.1**

Review Frequency: **Every three years**

Next review date: **November 2027**

Consultation **This document was sent out for consultation to the following:**

IT & Information Governance Board

Cabinet

Document History

This document obtained the following approvals.

Title	Date	Version Approved
IT & Information Governance Board		3.1
Cabinet		3.1

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Information Security Policy

1. Introduction

1.1 Mid Devon District Council has a duty and responsibility to protect all its' Information Assets in whatever form they exist and wherever they are located. Mid Devon District Council will protect information as directed by national government standards as set by National Cyber Security Centre (NCSC) and in collaboration with Devon Information Security Partnership.

1.2 This Policy provides a framework for the management of information assets to ensure that they are kept secure, are available when needed, maintains integrity and, where necessary, remains confidential ensuring compliance with all laws, regulations, and other obligations

2 Related Documents

- IM002 Information Security Incident Policy
- IM003 Data Protection Policy
- ICT003 Mobile Device Policy
- ICT004 Email Us Policy
- ICT006 Removable Media Policy
- IM010 Information Management Strategy

3. Scope

3.1 These standards shall apply to all Officers, Councillors, Third Party Contractors, and Partner Organisations sharing Mid Devon District Council's information.

4. Risks

4.1 Failure to adequately manage information security can lead to:

- Damage to Mid Devon District Council's reputation;
- Disclosure of confidential or personal information;
- Misuse of Mid Devon District Council's information for personal gain, e.g. fraud;
- Inability to take disciplinary and/or legal action against anyone misusing information;
- Theft of data and other assets;
- Loss or damage to data due to infection by malicious attacks;
- Breaches of legislation and legal action against Mid Devon District Council;
- Financial loss due to institutional fines;
- Electronic eavesdropping or interception of communications;
- Inaccuracies in data processing;

- Failure to deliver critical services to Mid Devon District Council's customers.

5. Identification of roles and responsibilities

5.1 The IT & Information Governance Board (ITIG) are the lead group for Information Security with

- Deputy Chief Executive as Senior Risk Information Officer (SIRO)
- Cabinet member for Quality of Living, Equalities and Public Health
- Head of Digital Transformation and Customer Engagement - Compliance
- Senior Information officer as Data Protection Officer and Information Management Officer (DPO);
- Operations Manager for ICT as Information Technology Security Officer (ITSO)
- Performance Improvement and Resilience Officers - Risk and Resilience
- Information Asset Owners (IAO) are the key system owners.

6. Training and Awareness

6.1 Training will be carried through use of Learning Management System (LMS), Induction training and update briefings.

6.2 References to security protocols will be in tenders, contracts, and agreements.

6.3 Adhering to security measures will be a condition of any Sharing, Partnerships, Contractors, and Third-Party agreements

7. Review of Policy

7.1 This Policy will be reviewed in 2027 and in accordance with NCSC and the Devon Information Security Partnership.

Standard 1: Organisation of Information Security

1.1 Introduction

This standard sets out Mid Devon District Council's commitment to manage information security.

1.1.1. Control Objective

This standard is intended to ensure that Mid Devon District Council manages the security of information within a clear and agreed framework which shall be applied across the organisation and in its dealings with Third Parties.

1.1.2. Policy

Mid Devon District Council will manage the security of information within an approved framework through assigning roles and co-ordinating implementation of this Security Policy across the organisation and in its dealings with Third Parties, where necessary drawing upon specialist external advice to maintain the Security Policy and thus address new and emerging threats and standards.

1.2. Internal Security Organisation

1.2.1 Leadership Team and the ITIG Board will give clear direction and support for information security initiatives.

1.2.2 Corporate and Operations Manager teams acting as a cross-functional forum will coordinate security measures.

1.2.3 Responsibilities for the protection of individual assets, and for carrying out specific processes are clearly defined.

1.2.4 A process is in place for Data Protection Impact Assessments to be done before the installation of new information processing facilities.

1.2.5 Mid Devon District Council requires confidentiality and non-disclosure agreements to be completed where appropriate.

1.2.6 Information security advice will be sought from in-house or external specialist advisors and is communicated throughout the organisation.

1.2.7 Mid Devon District Council maintains contacts with external security specialists, e.g. law enforcement and regulatory bodies.

1.3 Third Party Access

1.3.1 All Third-Party access to Mid Devon District Council information systems must be risk assessed, and appropriate counter measures applied to mitigate the risk.

1.3.2 Suppliers given access to Mid Devon District Council information or assets must comply with Mid Devon District Council's Information Security Policy.

1.3.3 Contracts with Third Parties set out the security conditions and controls that they are required to adhere to.

Standard 2: Asset Management

2.1 Introduction

This standard sets out Mid Devon District Council's commitment to protect information and related information processing assets.

2.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council achieves and maintains an appropriate level of protection of its organisational assets.

2.1.3 Policy

Mid Devon District Council requires that all assets be accounted for and have a nominated person made responsible for their safekeeping (the IAO). The IAO shall be responsible for the maintenance and protection of the asset/s concerned.

2.2 Responsibility for assets

2.2.1 An Information Asset Register is maintained which includes: software, databases, information stores, physical assets, services, people, and intangibles. This register must be considered a working document and regularly updated as stipulated in the Information Management Strategy.

2.2.2 An IAO, either an individual or a section, must be formally assigned to all information and assets connected with information processing. The IAO has responsibility for controlling the production, development, maintenance, use and security of a named asset.

2.2.3 The IAO will also be required to update the Record of Processing Activity (ROPA). This will be a working document and updated regularly.

2.3 Information classification

2.3.1 Information classification and associated protective controls must be applied to facilitate sharing or restricting information.

2.3.2 Mid Devon District Council maintains procedures for information labelling and handling in accordance with its classification scheme.

Standard 3: Human Resources

3. 1 Introduction

This standard sets out Mid Devon District Council's commitment to reduce the risk of Employee, Contractor or Third-Party user theft, fraud or misuse of information and information processing facilities.

3.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council Officers, Contractors, and Third-Party organisations understand their responsibilities having been assessed as suitable for their role and provided with adequate resources to safeguard Mid Devon District Council information assets.

3.1.3 Policy

Mid Devon District Council requires that Employee, Contractor and Third-Party terms and conditions of employment/working and any supporting documents, e.g. job descriptions, set out security responsibilities with an adequate screening and declaration process in place. These shall be supported by an adequate training and awareness programme with recourse to disciplinary/contract action if necessary.

3.2 Prior to Employment

3.2.1 Background (screening) checks are carried out in respect of Officers, employment candidates, Contractors, and Third-Party users, relevant to the classification of information they will access.

3.2.2 Mid Devon District Council Officers, Contractors and Third Parties sign security confidentiality and data protection agreement as part of their initial terms and conditions of employment.

3.3 During Employment

3.3.1 Mid Devon District Council's Councillors, Officers, Contractors, and Third-Party users receive appropriate training and mandatory updates in policies and procedures.

3.3.2 Mid Devon District Council may invoke the formal disciplinary process for Officers who commit an information security breach.

3.4 Termination or Change of Employment

3.4.1 Mid Devon District Council maintains clearly defined and assigned procedures in respect of leavers, which must be always followed.

3.4.2 Councillors, Officers, Contractors, and Third-Party users must return all information assets in their possession upon termination of their employment, contract, or agreement. Please see Data Protection policy for further guidance.

3.4.3 The access rights of all Councillors, Officers, Contractors and Third-Party users to information and information processing facilities are terminated upon termination of their employment, contract, or agreement.

Standard 4: Physical and Environmental Security

4.1.1 Control Objective

This standard is intended to ensure that Mid Devon District Council takes adequate steps to prevent unauthorised physical access and damage or interference to its premises, information, assets, or people therein.

4.1.2 Policy

Mid Devon District Council requires that physical security be commensurate with the risks faced for the area concerned. Critical or sensitive information processing is carried out in appropriately secure environments.

4.2 Secure Areas

4.2.1 Areas that contain information and information processing facilities have access restricted to only authorised personnel.

4.2.2 Mid Devon District Council must design facilities with regard to protection against damage from fire, flood, earthquake, explosion, civil unrest, and other forms of natural or human-caused disaster

4.3 Equipment Security

4.3.1 Information processing equipment is sited with a view to minimise loss or damage from environmental threats and hazards or opportunities for unauthorised access.

4.3.2 Key items of equipment are protected from power failures and other disruptions caused by failures in supporting utilities.

4.3.3 Data carrying cabling is protected from interception or damage.

4.3.4 Equipment is maintained in accordance with manufacturer's recommendations to ensure continued availability and integrity.

4.3.5 Due consideration is taken for equipment removed from Mid Devon District Council premises in terms of its security and that of any information held on it.

4.3.6 Equipment is checked prior to disposal to remove or overwrite any sensitive data and/or licensed software.

4.3.7 Mid Devon District Council equipment, information or software must not be taken off site without prior risk assessment.

Standard 5: Communications and Operations Management

5.1. Introduction

This standard sets out Mid Devon District Council's commitment to ensure the correct and secure operation of information processing facilities within, between and outside of Mid Devon District Council.

5.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council processing facilities are secure and allow for the correct processing of data.

5.1.3 Policy

Mid Devon District Council requires that responsibilities and procedures for the management, operation, ongoing security and availability of all information processing facilities, data being stored and destroyed in a controlled manner.

5.2 Procedures and Responsibilities

5.2.1 Detailed operating procedures are documented and maintained through formal change control processes covering:

- Information processing and handling
- Error handling/exceptions
- Support contracts
- Restart and recovery procedures
- Back up/maintenance
- System start-up/close down

5.2.2 Formal change control procedures for information processing facilities and systems are in place with audit logs stamped with the date and time and a roll-back capability.

5.2.3 The duties of those involved with the handling and processing of data and of subsequent output are wherever possible segregated and/or compensating controls adopted.

5.3 Third Party Service Delivery Management

5.3.1 Security controls, service definitions, data sharing and delivery levels included in Third Party service agreements are implemented, operated and maintained by the Third Party.

5.3.2 Third Party services, reports and records may be monitored and reviewed with periodic audits being undertaken.

5.3.3 Changes to the provision of Third-Party services, including maintaining and improving existing information security policies, procedures and controls are managed taking into account the risks involved.

5.4 Protection Against Malicious Code

5.4.1 Preventative, detective and recovery controls are implemented to protect against malicious code with appropriate user awareness procedures having been implemented.

5.5 Back-up

5.5.1 Back-up copies of essential business information and software are regularly taken and tested in accordance with a back-up policy.

5.6 Network Security Management

5.6.1 A range of controls has been implemented to achieve and maintain security across Mid Devon District Council networks and data whilst in transit.

5.6.2 The network meets the criteria and is regularly tested for Public Sector Network compliance.

5.7 Media Handling

5.7.1 The management of removable computer media, e.g. tapes, disks, data sticks and printed reports is adequately controlled.

5.7.2 Procedures are in place for the secure and safe disposal of media and printed materials.

5.7.3 System documentation is protected from unauthorised access.

5.7.4 For more detailed instructions around handling of Removable Computer Media, please refer to ICT006 Removable Media Policy.

5.8 Exchange of Information

5.8.1 Data sharing agreements are in place between Mid Devon District Council and other organisations with regard to the exchange of information and software.

5.8.2 Electronic messaging systems, e.g. email, are appropriately protected.

5.8.3 Policies and procedures are in place and implemented to protect information accessed.

5.9 Electronic Commerce Services

5.9.1 Information used in the conduct of electronic commerce passing over public networks is protected from fraudulent activity, contract dispute, unauthorised disclosure, and modification.

5.9.2 Information transmitted in respect of on-line electronic services is protected against incomplete transmission, misrouting, unauthorised alteration and disclosure, duplication, or replay.

5.10 Monitoring

5.10.1 Audit logs recording user activities, exceptions and security events are produced and retained as required.

Standard 6: Access Control

6.1 Introduction

This standard sets out Mid Devon District Council's commitment to control access to its information and information systems to safeguard its information against deliberate or accidental damage, disclosure, or misuse.

6.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council allows appropriate access to information.

6.1.3 Policy

Mid Devon District Council requires that access to information and information systems shall be driven by business requirements. Access shall be granted to personnel, Councillors and Contractors to a level that will allow them to carry out their duties and shall not be excessive.

6.2 Business Requirement for Access Control

6.2.1 An access control policy is established, documented, and reviewed periodically

6.3 User Access Management

6.3.1 A formal user registration and de-registration is in place for granting and revoking access to information systems and services.

6.3.2 The allocation of user rights to information and information systems is controlled and in accordance with the individuals authorised operational role.

6.3.3 The allocation of passwords for information and information systems is controlled.

6.3.4 Information system user's access rights are reviewed at regular intervals.

6.4 User Responsibilities

6.4.1 Users of information systems must follow good security practices in the selection and use of passwords.

6.4.2 Mid Devon District Council operates a clear desk policy and computer screens must be locked when left un-attended.

6.5 Network Access Control

6.5.1 Users are only provided with access to services that they have specifically been authorised to use.

6.5.2 Appropriate authentication methods are used to control access by remote users, e.g. vpns, fobs etc.

6.5.3 Equipment connected to networks is authenticated using automatic equipment identification.

6.5.4 Access to physical and logical diagnostic and configuration ports is controlled.

6.5.5 Information services and systems are adequately segregated on the network.

6.5.6 The capability of users to connect to the network outside of Mid Devon District Council's boundaries is restricted.

6.6 Operating System Access Control

6.6.1 Access to operating systems is controlled through a secure log-on procedure.

6.6.2 Operating system users are provided with a unique identifier (user ID) so that activities are traceable to the individual concerned.

6.6.3 An effective password management system is in place for the selection of quality passwords.

6.6.4 Access to system utility programs is restricted and tightly controlled.

6.6.5 Procedures and mechanisms are in place to ensure that inactive systems time out after a defined period of inactivity.

6.7 Mobile and Home Working

6.7.1 Mid Devon District Council maintains a formal policy on the appropriate security measures that should be adopted to protect against risks of using mobile computing and communication facilities.

6.7.2 Mid Devon District Council maintains a working policy with supporting procedures to allow homeworking on request.

6.7.3 However at present formal home working is not a requirement, if this situation changes formal home working policies will be required in consultation with HR and Unison.

Standard 7: Information Systems Acquisition, Development and Maintenance

7.1 Introduction

This standard sets out Mid Devon District Council's commitment to ensure that security is an integral part of its information systems.

7.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council maintains an adequate level of security in its information processing systems.

7.1.3 Policy

Mid Devon District Council requires that the information security risks, controls, and requirements be identified at the earliest stage in the development or acquisition cycle with controls to mitigate against them being identified. Controls should cover user access, data input, data processing, transmission, storage, system changes and known vulnerabilities.

7.2 Security Requirements of Information Systems

7.2.1 Security requirements are set out in statements of business requirements of new or enhanced information processing systems.

7.2.2 All hardware, software and mobile apps are authorised for procurement or use by ICT to ensure they meet the necessary security requirements and standards.

7.3 Correct Processing in Applications

7.3.1 Validation checks are incorporated into applications where appropriate to detect any corruption of information through processing errors or deliberate acts.

7.3.2 Data output from the application is validated.

7.4 Encryption

7.4.1 Encryption is a requirement under certain circumstances according to the Data Protection Act 2018.

7.5 Security of File Systems

7.5.1 Mid Devon District Council maintains procedures for the installation of software for operational systems.

7.5.2 Test data is carefully selected protected and controlled.

7.5.3 Access to program source code is restricted.

7.6 Security in the Development and Support Processes

7.6.1 Changes to systems are implemented under a formal change control procedure.

7.6.2 The impact of changes to operating systems on business-critical applications are formally reviewed and tested to ensure that there has been no adverse effect on operations or security.

7.6.3 Modifications to software packages are discouraged and limited to necessary and strictly controlled changes.

7.6.4 Mid Devon District Council minimises the opportunities for the leakage of information e.g. by scanning outbound media, regular monitoring etc.

7.6.5 Outsourced software development is supervised and monitored.

7.7 Technical Vulnerability Management

7.7.1 Information systems are assessed for technical vulnerabilities in a timely manner.

Standard 8: Compliance

8.1 Introduction

This standard sets out Mid Devon District Council's commitment to avoid breaches of any statutory, regulatory, or contractual obligation arising out of the management of information assets.

8.1.2 Control Objective

This standard is intended to ensure that Mid Devon District Council avoids breaches of any statutory, regulatory, or contractual obligation and any security requirements concerning the collection, processing, holding and dissemination of information assets whether they be communicated on paper, electronic or in verbal format.

8.1.3 Policy

Mid Devon District Council requires that the design, operation, use and management of information systems observe all statutory, regulatory, and contractual security requirements.

8.2 Compliance with Legal Requirements

8.2.1 Procedures are in place to ensure compliance with legislative, regulatory, and contractual requirements on the use of material in respect of which there may be intellectual property or copy rights.

8.2.2 Important records are protected against loss, destruction, and falsification in accordance with statutory, regulatory, and contractual requirements.

8.2.3 Data protection and privacy is ensured as required by relevant legislation, regulation, and where applicable, contractual obligations.

8.2.4 Controls are in place to deter users from using information processing facilities for unauthorised purposes.

8.2.5 Encryption is used in compliance with relevant laws, agreements and regulations whenever special category data is shared with Third Parties.

8.3 Compliance with Security Policies and Standards

8.3.1 Managers will ensure that all security procedures within their area of responsibility are carried out correctly in compliance with this and other Mid Devon District Council policies.

8.3.2 Information systems are regularly checked for compliance with security implementation standards.

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Mid Devon District Council

Information Security Incident Policy

Policy Number: IM 002

November 2024

Version Control Sheet

Title: **Information Security Incident Policy**

Purpose: **To inform Staff and Elected Members of Mid Devon District Council (MDDC) of the requirements for proper reporting and management of any potential Information Security Incidents.**

Owner: **Head of Digital Transformation & Customer Engagement**

Date: **November 2024**

Version Number: **4.1**

Review Frequency: **Every three years**

Next review date: **November 2027**

Consultation: **This document was sent out for consultation to the following:**
IT and Information Governance Board
Cabinet

Document History

This document obtained the following approvals.

Title	Date	Version Approved
IT & Information Governance Board	Nov 2024	V4.1
Cabinet	Jan 2025	V4.1

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Information Security Incident Policy

1 Introduction

1.1 Information Security Incidents are a growing issue for both public and private sector bodies. Whether they are caused by accidental misuse of data or intentionally by malicious actors. The impact on Local Authorities like Mid Devon District Council (MDDC) and the wider public has the potential to be significant. As the use of data increases, so will these potential impacts. The Information Commissioner for this reason has high expectations of Local Authorities and has used robust enforcement actions in cases of severe data breaches.

1.2 MDDC has a statutory responsibility to monitor all potential information security incidents that occur within the organisation. All potential incidents need to be identified, reported, investigated, or actioned based on type and severity and monitored thereafter. Only by adopting this approach can MDDC ensure that the appropriate lessons are learned from the incidents and the appropriate frameworks are put in place to ensure similar incidents do not re-occur.

2 Related Documents

- IM001 Information Security Policy
- IM006 Data Protection Policy
- ICT003 Mobile Device Policy
- ICT004 Email Us Policy

3 Scope

3.1 This Policy applies to all MDDC employees (whether permanent or temporary), Councillors, Partners, Contractual third parties and Agents of MDDC who have access to Information Systems or information used for Council purposes.

3.2 This may involve staff reporting observed or suspected incidents or actions of others where security is threatened. You may wish to also read MDDC's Anti-Fraud and Corruption Policy and the Whistle Blowing Policy.

4 Definition

4.1 An information security incident occurs when information/data is transferred, or is at risk of being transferred, to somebody who is not entitled to receive it; or where information/data is at risk from corruption. This includes a breach or suspected breach of confidentiality which could be anything from computer users sharing passwords to a piece of paper identifying an individual being found in a public area.

4.2 Breaches of security and/or confidentiality are events that could compromise business operations, result in embarrassment to MDDC or loss of trust in the

organisation by a client or the public. Each could be a threat to the personal safety or privacy of an individual(s) and/or could lead to legal or financial penalties.

4.3 A range of examples of incident types are set out in section 9.

5 When to report

5.1 Any potential data breach should be reported as soon as any officer has identified an event that may have resulted in the potential loss of data, breaches of confidentiality, unauthorised access or any misuse of data including but not limited to changes to systems should be reported as soon as they happen. For examples of what may constitute a potential data breach please see section 9.

5.2 Every potential breach will be taken seriously and reported according to the process identified in this document. If there is any doubt about what constitutes a security incident, you should contact the Operations Manager for ICT or the Senior Information Officer (SIO). Please use DPO@middevon.gov.uk

6 Action on becoming aware of the incident

As soon as you become aware of any potential Incident you should log this in one of two ways:

- Report the potential incident immediately via the ICT Helpdesk under Security; or
- email DPO@middevon.gov.uk directly with the details specified in 7.3.

7 How to report

7.1 Log the call under Security and answer the required questions on the ICT Helpdesk, the call will be assigned to the Information Management team who will follow up the report.

7.2 If you do not have computer access please advise your line manager or Customer First who can log the call on your behalf.

7.3 Whichever approach is taken, the following information must be supplied:

- Contact name and telephone number of person reporting the incident
- The type of data or information involved
- Whether the loss of the data puts any person or other data at risk
- The number of Data Subjects (residents impacted) that may have been affected by the incident
- Location of the incident
- Inventory numbers of any equipment affected
- Date and time the security incident occurred
- Date and time we became aware of the incident
- Location of data or equipment affected
- Type and circumstances of the incident;
- Any additional information you may feel could assist in the investigation

7.4 Once the information management team has received a notification of any potential information security incident, it will be logged separately for internal and audit purposes. All Information security incidents will receive a 'DB' reference number. The information collected as outlined in 7.3 will act as the basis for calculating the severity of any potential information security incident. To calculate in a standard way MDCC will apply the ICO endorsed European Agency for Cyber Security (ENISA) Score. This calculates the severity of breach based on three variables:

- Data Processing Context (type of data)
- Ease of identification
- Context of Breach

By calculating this score, we will be able to assess any immediate actions required:

- 0-2, data breach logged and action plan developed
- 2.1-3 Data Breach report drafted for review by line manager
- 3.1+ Data Breach reported to the ICO

7.5 The Report will be made on any breach that scores more than 2.1 on the severity index or represents a noticeable pattern of a particular type of information security incident. The report will provide a detailed explanation of the incident, any potential impacts on data subjects, reasons why the Information Security Incident may not meet the threshold for ICO notification and an agreed action plan. Any agreed action plan will be discussed with department heads of the affected service.

8 What happens after a Report

8.1 The Senior Information Officer will report data breaches quarterly to the IT & Information Governance Board (ITIG).

8.2 All registered incidents will be investigated and appropriate action taken. This could include contacting the ICO and/or the affected Data subjects. This could also be further training and awareness provision or an improvement to existing security and/or confidentiality policies and procedures. Action plans should be based on the specific department and be designed to reduce the likelihood of a breach.

8.3 There may be Security Incidents that highlights a new risk, in this instance the corresponding Data Breach Report will be sent to the Responsible officer for risk registers to review.

8.4 Incidents are regularly assessed to establish whether there are any trends in the incidents being recorded. If there is an influx in incidents of a particular type, or there is a failure to reduce in the volume of each type of incident, then the ITIG board will be alerted by the Head of Digital Transformation & Customer Engagement and further courses of action will be considered.

9 Examples of Information Security / Misuse Incident Protocols

- 9.1 The list below is not a comprehensive list, and officers should liaise with Information Management for advice on any incident they believe may be an information Security Incident.

Malicious Incident

- Computer infected by a virus or other malware, Ransomware, Phishing etc.
- An unauthorised person changing data
- Social engineering - Unknown people asking for information which could gain them access to Council data (e.g. a password or details of a third party)
- Unauthorised disclosure of information electronically, in paper form or verbally
- Falsification of records or inappropriate destruction of records
- Denial of service, for example
- Damage or interruption to Council equipment or services caused deliberately
- e.g. computer vandalism
- Connecting non-council equipment to MDDC network
- Unauthorised information access or use
- Printing or copying protectively marked information and not storing it correctly or appropriately

Access Violation

- Disclosure of logins to unauthorised people
- Disclosure of passwords to unauthorised people e.g. writing down your password and leaving it on display
- Accessing systems using someone else's authorisation e.g. someone else's user id and password
- Inappropriately sharing security devices such as access tokens
- Other compromise of user identity e.g. access to network or specific system by unauthorised person
- Allowing unauthorised physical access to staff areas of the premises.

Environmental

- Loss of integrity of the data within systems and transferred between systems □
Damage caused by natural disasters e.g. fire, burst pipes, lighting etc.
- Deterioration of paper records
- Deterioration of backup tapes
- Introduction of unauthorised or untested software □ Information leakage due to software errors.

Inappropriate use

- Accessing inappropriate material on the internet
- Sending inappropriate emails
- Personal use of services and equipment in work time
- Using unlicensed software
- Unauthorised use of data using Artificial Intelligence (AI)

Theft / loss Incident

- Theft / loss of data – written or electronically held.
- Theft / loss of any Council equipment including computers, laptops, mobile phones, PDAs, Memory sticks, CDs.
- Failure to return council equipment above at the end of employment or tenure as councillor

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Accidental Incident

- Sending an email containing personal information to wrong recipient by mistake.
- Receiving unsolicited mail which requires you to enter personal data or click on a link.

Miskeying

- Receiving unauthorised information.
- Sending information to wrong recipient.

10 Escalation

- 10.1 Where an incident is determined to be of National value the Operations Manager for ICT will escalate this to NCSC.gov.uk. NCSC as the National Technical Authority for Information Assurance within the UK and is the technical arm of GCHQ.

Report for: Cabinet

Date of Meeting:	7 th January 2025
Subject:	Investment in Community Land Trust projects using Devolution funding
Cabinet Member:	Cllr Simon Clist, Cabinet Member for Housing, Asset and Property
Responsible Officer:	Richard Marsh, Director of Place & Economy
Exempt:	There are no exemptions within the documents
Wards Affected:	District wide
Enclosures:	

Section 1 – Summary and Recommendation(s)

As part of the Devon Devolution Deal, £8m of funding has been made available to support a range of initiatives within the region. Authorities which fall within the boundary of the Devolution Area were invited to put forwards projects to benefit from this funding – with a particular focus on projects which could quickly deliver additional homes, green jobs or economic outputs and which may otherwise stall or be delayed without public sector intervention.

Within Mid Devon, two housing based projects were identified and put forwards: a Care Leaver Housing scheme and a scheme to support Community Land Trust projects. This report is focused on the Community Land Trust scheme and the detail relating to how grant funding (£350k) is intended to be utilised.

Recommendation(s):

That Cabinet:

- 1. Approves the use of Devolution funding (£350k) to support the delivery of identified Community Land Trust (CLT) projects within Mid Devon, and;**
- 2. Grants delegated authority to the Director of Place and Economy, in conjunction with the Cabinet Member for Housing, Asset and Property to enter into Grant Agreements with Devon County Council (as the accountable body) and the relevant organisations associated with the**

CLT projects in order to enable spend of the grant funding and the delivery of associated outputs within the requisite timetables.

Section 2 – Report

1.0 Background/Introduction

- 1.1 The Combined Authority (with Devon as the accountable body) has secured £16m of grant funding through the Devon Devolution deal. £8m of this funding is to be utilised to support a range of housing, green jobs and economic initiatives within the Combined Authority region.
- 1.2 For Mid Devon, two proposals were submitted. One focused on utilising grant funding to support Care Leaver housing whilst the other focused upon grant funding (350k) to support the delivery of Community Land Trust projects. The funding to support CLT projects is the focus of this report.
- 1.3 Community land trusts – or CLTs – are democratic, non-profit organisations that own and develop land for the benefit of the community. They typically provide affordable homes, community gardens, civic buildings, pubs, shops, shared workspace, energy schemes and conservation landscapes.
- 1.4 Utilising Devolution funding to support CLT schemes was considered to be an appropriate use of the funding as the provision of high quality, locally led community housing projects is a key corporate priority for Mid Devon District Council (MDDC) as set out in the Corporate Plan and the Council’s Housing Strategy 2021 – 2025. It also supports wider policy objectives at a local, regional and national level – including through planning policy.
- 1.5 CLTs are also considered to be a particularly attractive alternative method of housing deliver as CLTs have well established and democratic governance arrangements which give communities control over assets and revenue (the creation of an income stream and source of financial resilience for the community owning the assets (homes/land)).
- 1.6 Schemes in Thorveton and Chawleigh were identified as potential beneficiaries of funding as they were considered to be policy compliant schemes which had a good prospect of delivery, which could spend quickly given their current status and where their delivery may otherwise be challenged or delayed without public sector grant funding support.
- 1.7 In Thorveton, provision of grant funding will support the CLT in acquiring the land required to deliver the CLT scheme and put it on a strong footing for onward delivery. In Chawleigh, funding will be used to offset abnormal development costs which have presented a barrier to delivery of the scheme.
- 1.8 Through the use of the funding, it is anticipated that 29 additional ‘affordable’ units will be delivered within the District. The affordable homes unlocked through the funding will provide true benefits for the local community that will

be legally protected in perpetuity. CLTs are legally required to be 'asset locked' organisations that hold assets in perpetuity for the benefit of their community.

2.0 Next steps

2.1 Now that funding has been confirmed by Devon as the accountable body acting on behalf of the Combined Authority, it is necessary in order to agree and enter into Grant Agreements with DCC to secure the grant funding and enable onward payment to the CLTs. It is a funding requirement that it is committed before the 31st March 2025..

As such, discussions are currently underway between officers of MDDC and DCC in relation to the Agreements in order to ensure that these can be completed as soon as possible and approval is sought so that agreements can be finalised and signed.

2.2 Alongside this, discussions are also underway with the CLTs (Thorveton and Chawleigh) in order to progress, finalise and enter into equivalent Agreements which establish the requirements of the funding – including around eligible spend and timetables. Again, approval is sought to support the entering into agreements between MDDC and the CLTs.

Financial Implications:

There are limited direct financial implications for the Authority as a consequence of this work. The Council already seek to support CLT projects through its Housing Enabling Officer and utilisation of this devolution funding simply supports that role/the Council in fulfilling its aim of supporting CLT projects. Some minor notional costs will be incurred in staff time, but these costs will be absorbed within usual staff costs as completion of the work supports council objectives and is aligned with job functions.

The direct cost of supporting the CLT projects (£350k) will be met through the grant funding granted by the Combined Authority via Devon as accountable body. There will therefore be no direct cost to the Council of supporting these initiatives albeit the community benefits of support will accrue to the District and its residents.

It could be argued that there is an opportunity cost of supporting these CLT schemes over other initiatives, but supporting the CLTs is considered appropriate and favourable as it supports wider Council objectives and supports actions and conclusions from the recently completed Devon Housing commission.

In the event that funding is not committed by the deadline, or where local agreement is not reached with the accountable body to extend the availability period of funding, the grant funding will have to be returned to the accountable body and, in all likelihood, to Government. This means that ensuring spend is important to ensure against the loss of funding. It also means that it will be necessary to ensure that Mid

Devon and the CLT's do not incur cost where it is not considered that the projects will meet spend deadlines in order to avoid incurring abortive spend. Should it become apparent that the identified CLTs are unable to spend the funding before the deadline, it may be possible to seek to support other CLTs with emerging funding needs if spend can meet the requisite timetables.

Legal Implications:

As set out above; legal agreements will need to be entered into in order to support the securing of grant funding by Mid Devon and to support onward transition to the CLT projects. The Agreements will set out the legal responsibilities between the respective bodies.

No other legal implications or issues are considered to arise for Mid Devon but it should be noted that the legal agreements with the CLT's will pass obligations and requirements on to them around the way funding can be used and restrictions on onward sales and use etc of the properties/land concerned. These are largely considered to support the overarching objectives of CLT's of keeping properties in perpetual local ownership and control but it may require some more detailed discussions in order to ensure that these arrangements support wider needs in terms of supporting borrowing for investment into the wider projects/other developer schemes.

Risk Assessment: As set out above, failure to commit the money within the required timeframe is a significant risk to the projects. The tight timescale (31st March) accrues from the significant delay in confirming the funding as a consequence of the change of Government and the associated delay in confirmation of Devon's devolution funding and the associated funding. Risk mitigations for this issue are limited and so achieving the tight timetable for delivery relies upon quick actions on behalf of the Council and the CLTs.

If any new issues or challenges are encountered which introduce programme delay then these are likely to equate to significant risk in achieving the required delivery deadline.

Impact on Climate Change: Construction of new properties will always generate additional carbon outputs which have a negative impact upon climate change. However, this investment is considered appropriate as, in a wider sense, it supports investment into housing which is needed locally and which supports our communities in remaining affordable and sustainable.

Equalities Impact Assessment: There are no issues arising directly from this report.

Relationship to Corporate Plan: The proposed projects support objectives as set out within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 17/12/24

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 17/12/24

Chief Officer: Stephen Walford

Agreed by Chief Executive

Date: 17/12/24

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 16 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Richard Marsh, Director of Place & Economy

Email: rmarsh@middevon.gov.uk

Background papers:

N/A

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Report for: Cabinet

Date of Meeting:	7 th January 2025
Subject:	Willand Neighbourhood Plan – decision on Examiner’s report
Cabinet Member:	Councillor Steven Keable, Cabinet Member for Planning and Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place
Exempt:	None
Wards Affected:	Lower Culm Ward and Halberton Ward (a part of this ward is within Willand Parish)
Enclosures:	Appendix 1 – Willand Parish Neighbourhood Plan 2020 – 2033; A Report to Mid Devon District Council on the Examination of the Willand Parish Neighbourhood Plan Appendix 2 – Decision Statement Appendix 3 – Willand Neighbourhood Plan Appendix 4 – Equalities Impact Assessment screening

Section 1 – Summary and Recommendation(s)

The Willand Neighbourhood Plan has been examined by an independent Examiner and Mid Devon District Council received the final Examiner’s report on 6th August 2024. There is now a need for the Council to consider the Examiner’s recommended modifications and reach a decision whether the Willand Neighbourhood Plan with the Examiner’s recommended modifications be agreed, and that the plan proceeds to a local referendum.

Recommendation(s):

To Cabinet that:

- (i) the Examiner’s modifications (Table 3) and the factual corrections (Table 2) be agreed, and that subject to these modifications the Willand Neighbourhood Plan is determined to meet the Basic Conditions (as defined in the Town and Country Planning Act 1990 Schedule 4B) and other legislative requirements;**

- (ii) **the Decision Statement attached at Appendix 2 be approved to be published on the Council’s website; and**
- (iii) **the Willand Neighbourhood Plan (at Appendix 3) as modified with the Examiner’s modifications and factual corrections, proceeds to a local Referendum based on the boundary of the Willand Neighbourhood Area as recommended by the Examiner.**

Section 2 – Report

1.0 Introduction

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

Willand Neighbourhood Plan

1.2 The Willand Neighbourhood Plan has been prepared by the Neighbourhood Plan Steering group for Willand Parish Council. It Includes:

- A vision statement for Willand
- 7 topics:
Sustainable Development; Community; Green Infrastructure; Transport, Accessibility and Connectivity; Economy and Employment; Heritage; Housing.

The neighbourhood plan includes 16 policies covering a range of planning matters. It recognises the need for reduction of carbon emissions to net zero and identifies areas of biodiversity, geodiversity and habitat for protection. The neighbourhood plan does not identify any sites for housing.

Strategic Environmental Assessment and Habitat Regulation Assessment

- 1.3 The Willand Neighbourhood Plan has been subject to a Strategic Environmental Assessment and Habitat Regulation Assessment screening undertaken by the Council (2023).

Stages in production of a neighbourhood plan

- 1.4 There are a number of key stages in the production of a neighbourhood plan and these can be summarised as follows in relation to the preparation of the Willand Neighbourhood Plan:

Table 1 – key stages in the production of a neighbourhood plan

Key stage	Action	Date
1. Neighbourhood Area designation	Willand Neighbourhood Plan Area designation requested by Willand Parish Council and approved by Mid Devon District Council. This sets the area the Neighbourhood Plan will apply to.	21 st June 2023
2. Pre-Submission Consultation	Regulation 14 consultation (minimum 6 weeks) organised by Willand Parish Council.	9 th July 2023 – 20 th August 2023
3. Submission	Willand Parish Council submitted the Willand Neighbourhood Plan to Mid Devon District Council.	Plan submitted 13 th February 2024 Formal confirmation by MDDC 12 th March 2024
4. Publication	Regulation 16 consultation (minimum 6 weeks) organised by Mid Devon District Council.	12 th March 2024 – 24 th April 2024
5. Examination	Independent Examiner reviews the Plan against the statutory Basic Conditions. The Examiner either recommends that a Neighbourhood plan does not proceed to Referendum, or can proceed Referendum, with or without modifications, and recommends the extent of the area the Referendum applies to.	Final version received 6 th August 2024

Key stage	Action	Date
6. Plan Proposal Decision	Mid Devon District Council considers the Examiner's Report, including the recommended modifications and if satisfied with the Plan proposal agrees for it to proceed to Referendum.	7 th January 2025 (Cabinet)
7. Referendum	Organised and funded by Mid Devon District Council. Where if more than 50% of those voting are in favour of the Neighbourhood Plan, it comes into force as part of the statutory development plan, and must be 'made' by the Council.	27 th February 2025

The examination

- 1.5 Following the Regulation 16 consultation, an Independent Examiner was appointed by Mid Devon District Council, with the consent of the Parish Council, to carry out the examination of the Neighbourhood Plan. The Examiner, Liz Beth examined the Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan area.
- 1.6 The role of the Examiner is to check (as required under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990) whether the Neighbourhood Plan meets certain legal requirements:
- the policies relate to the development and use of land for a designated neighbourhood plan area;
 - the policies in the plan meet the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area);
 - the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body, in this case by Willand Parish Council.
- 1.7 The Examiner must consider a variety of matters, including whether the submitted plan meets the 'Basic Conditions' set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with retained European Union (EU) obligations; and
- such other prescribed conditions which include those set out in the following regulations.

1.8 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

Examiner's report

1.9 The Examiner has now examined the Willand Neighbourhood Plan and has issued their report (see **Appendix 1**). The Examiner has concluded that, subject to the modifications set out in their report, the Willand Neighbourhood Plan meets the basic conditions and other statutory requirements, and has recommended that subject to the modifications set out in her report the Willand Neighbourhood Plan should proceed to referendum.

1.10 The Examiner is also required to consider whether the referendum should be extended beyond the Willand parish area. The Examiner is satisfied that the Referendum Area should be the same as the Plan Area. The Plan should proceed to referendum based on the neighbourhood area approved by Mid Devon District Council on 21st June 2023.

The role of the Mid Devon District Council as the local planning authority

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

- 1.12 Once the Council has received the Examiner's report it must decide what action to take. Regulation 18 of the Neighbourhood Plan (General) Regulations 2012 (as amended) provides that once the Local Planning Authority (LPA) has made one of the following decisions, it must publish the decision with the reasons for such, include details for inspection of the decision statement and in the case of (c) below, the Examiner's report:
- (a) to decline to consider a plan proposal;
 - (b) to refuse a plan proposal;
 - (c) what action to take in response to the recommendations of an examiner made in a report;
 - (d) what modifications, if any, they are to make to the draft plan;
 - (e) whether to extend the area to which the referendum (or referendums are) to take place; or
 - (f) that they are not satisfied with the plan proposal.
- 1.13 There are no grounds to decline to consider the Neighbourhood Plan under part (a), since this is not a repeat proposal (i.e. where the same or similar proposal has been refused by the Council within the previous 2 years or where a referendum relating to a proposal that is the same as or similar has been held and 50% or less than 50% of those voting voted in favour, and the Council considers no significant change in national policy and advice in Secretary of State guidance of relevance to the proposal, or the strategic policies of the development plan for the area of the authority have occurred since the refusal or referendum).
- 1.14 There are no grounds to refuse to consider the Plan under part (b), since the legislative requirements have been met. This is in terms of the parish council being authorised to act, the neighbourhood plan's submission, the neighbourhood plan's scope and definition, and the correct procedures in relation to the pre-submission consultation and publicity being followed.
- 1.15 In relation to part (c), the Examiner has made a series of recommendations. The Council needs to consider what action to take in relation to these. This is discussed in section 2 of this report. The Council must also consider, under part (d) whether there are any other modifications which are required to ensure the basic conditions are met; to ensure the Neighbourhood Plan is compatible with the Convention rights, to ensure the requirements of legislation are met, and to correct errors. If the Council proposes to make a decision which differs from that recommended by the Examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the Council as to a particular fact, then a six week period must be given for people to make representations. If the Council considers it appropriate, then the issue can be referred to further examination.¹
- 1.16 Officers consider that the plan meets the requirements under part (d) but recommend that a number of further modifications are needed in addition to those recommended by the Examiner. These further modifications are

¹ Regulations 12 and 13 of Schedule 4B of the Town and Country Planning Act 1990

permitted through Sch 4B 12(6)(e) of the Town and Country Planning Act 1990 “modifications for the purpose of correcting errors” and include factual corrections made by Willand Parish Council (the Neighbourhood Plan group) to reflect that this is the referendum version of the neighbourhood plan.

1.17 The following table sets out officers’ recommendations which factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group) are agreed as “modifications for the purpose of correcting errors” in the neighbourhood plan (**Table 2**) together with the reasons why. Where such modifications are agreed these will need to be included in the Decision Statement, together with the Examiner’s recommended modifications.

1.18 The factual corrections set out in **Table 2** below are minor and would not amend or alter the policies of the neighbourhood plan, or involve a decision which differs from that recommended by the Examiner. As such there is no requirement to consult on these corrections since they are factual only.

Table 2 – Recommendations to agree factual corrections to the plan proposed by Willand Parish Council (the Neighbourhood Plan group) as modifications for the purpose of correcting errors to the neighbourhood plan

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Throughout the Neighbourhood Plan the ‘header’ as well as the ‘subtitle’ have been amended to clarify that this is the referendum version of the Neighbourhood Plan.	Replace the word ‘Submission’ with the word ‘Referendum’	Agreed. These are factual corrections to make clear this is the referendum version of the neighbourhood plan.
Page 2, list of Dates of versions	Add ‘Referendum version September 2024’ to the list of Dates of versions.	Agreed. This is a factual correction to make clear that this is the referendum version of the neighbourhood plan.
Section 1.5 How Have We Got Here?, Page 12, first paragraph	Take out the word ‘Submission’.	Agreed. This is a factual correction as the inclusion of the word ‘submission’ is no longer needed.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.5 How Have We Got Here?, Page 12, second paragraph	Remove the words ‘will be’ and replace with the words ‘have been’.	Agreed. This is a factual correction to make clear the consultations have already taken place.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.6 Next Steps, Page 12, first paragraph	<p>Replace the word 'Submission' with the word 'Referendum'</p> <p>Remove the words 'submitted to Mid-Devon District Council for further consultation and independent Examination' and replace with the words 'subject to independent Examination'</p> <p>Remove the sentence 'If the Examination finds that the Plan meets the required tests (called "Basic Conditions") the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system' and replace with the sentence 'If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system'.</p>	<p>Agreed.</p> <p>The replacement of the word 'Submission' with the word 'Referendum' is a factual correction to make clear this is the referendum version of the neighbourhood plan.</p> <p>The removal of the words 'submitted to Mid-Devon District Council for further consultation and independent Examination' and replacement with the words 'subject to independent Examination' is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p> <p>The removal of the sentence 'If the Examination finds that the Plan meets the required tests (called "Basic Conditions") the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system' and its replacement with the sentence 'If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system' is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.8 Community projects and actions, Page 13, first paragraph	At the end of the paragraph add the sentence 'These community actions and projects are not planning policies and are set out at the very end of the Plan document.'	Agreed. This additional sentence explains that the community actions and projects have been moved to the end of neighbourhood plan, which follows the Examiner's recommended modification for sections within the document headed "Community Actions and Projects" (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	Include a preface to Appendix 2 to note that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination.	<p>Agreed.</p> <p>The inclusion of the preface will make clear that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination, as follows:</p> <p>“Preface, to note</p> <p>This appendix presents the original Local Green Spaces assessment submitted for the Regulation 16 consultation and Examination stage, for the record. However, it should be noted that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in that version of the Plan. The amendments made to the proposed LGS as a result of the Examiner’s recommendations are set out below (reproduced from Map 5 in the Referendum version of the Plan) for ease of reference. Map 5: Local Green Spaces (Referendum version of the Neighbourhood Plan).</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	<p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).I”</p>	<p>Agreed.</p> <p>The embedded file could not be opened in the submission version of the neighbourhood plan that was examined. The text and embedded file do not form part of the policies of the neighbourhood plan.</p> <p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).I”</p>

- 1.19 The Local Authority must consider whether to extend the area to which the Referendum is held under part (e). This is discussed in section 3 of this report.
- 1.20 If the Local Authority is not satisfied that the plan meets the basic conditions, is not compatible with Convention rights or requirements of legislation are not met then they must refuse the Neighbourhood Plan under part (f). This is not the case with this Neighbourhood Plan.
- 1.21 The Neighbourhood Plan (General) Regulations 2012 state that a LPA must publish the actions which will be taken in response to the recommendations of the Examiner. This is known as a ‘Decision Statement’.

2.0 Consideration of the Examiner’s report and proposed modifications

- 2.1 The Examiner has recommended modifications to ensure that the Plan meets the basic conditions and have the clarity required by national guidance and ensure that the policies do what they are intended to do. These are set out in her report (see **Appendix 1**) and are also set out below in **Table 3**, together with the Council’s decisions that are recommended by Officers, and the reasons for these. The Examiner’s recommended modifications and the Council’s decisions and reasons (in **Table 3**) are set out in the Decision Statement attached at **Appendix 2**. The Decision Statement also includes the factual corrections proposed by the Willand Parish Council (the Neighbourhood Plan group) which are agreed as “modifications for the purpose of correcting errors” in the neighbourhood plan.

- 2.2 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, Officers agree that the Examiner has undertaken a fair examination of the submitted Neighbourhood Plan, properly considering all duly made representations. Officers recommend that the Council agrees with all of the Examiner's modifications to the Neighbourhood Plan.
- 2.3 Willand Parish Council has been provided with the Examiner's report and has voted to proceed to referendum on the modified plan as per the examiner's recommendations. Willand Parish Council has amended the Neighbourhood Plan to include the Examiner's recommendations (set out in **Table 3**), and has provided a reformatted "referendum" version of the neighbourhood plan (**Appendix 3**).
- 2.4 Officers have considered whether any other modifications are required to ensure that the Neighbourhood Plan meets the required conditions. It is not considered that any additional modifications are required except the factual corrections proposed by the Willand Parish Council (the Neighbourhood Plan group) which are agreed as "modifications for the purpose of correcting errors" in the neighbourhood plan and are included in **Table 2** to this report
- 2.5 Officers consider that, subject to the Examiner's modifications the Willand Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), is compatible with the Convention Rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act (as amended).

Table 3 – Examiner’s recommended modifications

Neighbourhood Plan Policy	Examiner’s recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i>. The Examiners instructions for alterations <u>are underlined</u>.	Recommended Council decision and reason
Community Actions and Projects (paragraphs: 4.3; 5.6; 6.5 and 7.6)	<u>Sections within the document headed “Community Actions and Projects” (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.</u>	Agreed. This modification is needed to comply with national planning guidance for neighbourhood planning which makes clear wider community aspirations than those relating to the development and use of land would need to be clearly identifiable, for example set out in a companion document or annex and it should be made clear they will not form part of the statutory development plan.

<p>Policy COM3: Protecting Sports Facilities, Amenities and Assets</p>	<p><u>Policy COM3 to be amended as follows:</u></p> <ol style="list-style-type: none"> 1. Our main sport facilities and pitches are identified on Map 4 and are: <ol style="list-style-type: none"> i) Tennis Courts at Jubilee Field; ii) Digger (Fishing) Lakes; iii) the Willand Rovers Athletic Football Club ground. 2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where: <ol style="list-style-type: none"> i) redevelopment of the existing site includes an alternative type of community use, space or access; ii) alternative replacement provision will normally be expected to be is made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or and to a better quality and quantity than the facility and / or pitches being lost; iii) provision ensures community access through an community use agreement, s106 agreement or other enforceable legal agreement; iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and, v) proposals for replacement to mitigate loss should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements of Sport England and relevant sports governing bodies. 3. Where replacement cannot be achieved in line with 2ii) above, a financial contribution may be acceptable instead the Plan area, a section 106 planning obligation (financial contribution), in lieu of replacement, will be made to ensure that provision is enhanced at other existing facilities, amenities and assets, where possible within the Parish of Willand. 	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.</p> <p>The modification of Clause 2(iii) will remove a requirement that is not appropriate for inclusion in a land use policy and so meet the legal requirements for a neighbourhood plan.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy COM4: Enhancing Sports Facilities, Amenities and Assets	<p><u>Clause 2 of Policy COM4 to be amended as follows:</u></p> <p>.... 2. If proposals for additional or improved facilities and/or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made <i>in line with Policy COM3.</i> within the Plan area.</p>	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.</p>

<p>Policy GI1: Local Green Space</p>	<p><u>The first paragraph of Policy GI1 and clause 1 to be amended as follows:</u></p> <p>1. Our locally valued green spaces are identified on Map 7-5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. Willand's Local Green Spaces are:</p> <p>i) Aspen Close / Myrtle Close; ii) Beech Close; iii) Chestnut Drive / Maple Close; iv) <i>Culm Valley Trail (North);</i> <u>North and South</u> v) Culm Valley Trail (South); vi) Greenwood; vii) Harpitt Close; viii) Jubilee Playing Field / Gables Lea; ix) Mallow Court; x) Orchard Way; xi) Rectory Close; xii) Rowan Lea; xiii) St Mary's Churchyard; xiv) South View Close; xv) Sycamore Close <i>and Beech Close;</i> xvi) Townlands; xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u> xviii) Victoria Close; xix) Willand Allotments;</p>	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF paras 105-6.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
	<p>xx) Willand Moor Road / Buttercup Road; xxi) Willand Moor Road; xxii) Willand Moor Road / Poppy Close; xxiii) Willand Parish Cemetery; xxiv) Worcester Crescent.</p> <p><u>Numbering of designations (12 total) and boundaries to be amended in Policy GI1 and Map 5</u></p>	

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy G12: Locally Valued Areas of Biodiversity, Geodiversity and Habitat	<p><u>Policy G12 to be amended as follows:</u></p> <ol style="list-style-type: none"> 1. Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <i>the following are of particular significance: are:</i> <ol style="list-style-type: none"> i) Culm River Corridor; ii) Five Bridges / M5 Corridor; iii) Meadow Park / Maple Close / Rowan Lea Woodland; iv) Spratford Stream Corridor (North); v) Spratford Stream Corridor (South); vi) Tiverton Junction Woodland Belts; vii) Uffculme Road Woodland. 2. These Areas <i>shown on Map 6</i> will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. Significant harm will not be supported. Green corridors linking these areas will also be protected. 3. Proposals which result in the unavoidable significant harm to these areas <i>designated in clause 1 of this policy</i> (in whole or in part) will only be supported where i) The proposal is specific to that use and role of the site; and, ii) the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced within the Parish with net gains in biodiversity <i>to that feature</i>. 4. <i>Where appropriate</i>, proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment. 	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF para 186 and para 16d.</p> <p>The modification also adds clarity to the policy and removes the potential for unnecessarily placed undue burdens on the delivery of potential development proposals.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Recommended Council decision and reason
Policy EE1: Small Employment Units and Hubs to Support the Local Economy	<p><u>Clause 1 of the Policy EE1 to be amended as follows:</u></p> <p>1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported within the settlement limit boundary, subject to other policies in the development plan, and where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents. ...</p>	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM18 of the Local Plan and meet the Basic Conditions.</p>

3.0 Groups consulted

3.1 This report and its appendices were reported to the Council's Planning, Environment and Sustainability Policy Development Group at its meeting on 26th November 2024 (item 10). The Planning, Environment and Sustainability Policy Development Group has endorsed the recommendations in this report.

4.0 Next steps and referendum

4.1 It is recommended the Cabinet agrees the Examiner's recommended modifications and the factual corrections proposed by the Willand Neighbourhood Plan group as "modifications for the purpose of correcting errors" in the neighbourhood plan, and that the modified Neighbourhood Plan proceeds to a local Referendum. The Neighbourhood Plan incorporating the Examiner's modifications and the factual corrections is attached at **Appendix 3**.

4.2 It is also recommended that Cabinet agrees the Decision Statement (see **Appendix 2**) and that this is published as soon as possible and publicised in a manner to meet publicity requirements in the Regulations.

4.3 In relation to the Referendum area, the Examiner has concluded the Willand Neighbourhood Plan has no policies or proposals that have significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. The Examiner has therefore recommended that the boundary for the purposes of any future referendum on the Willand Neighbourhood Development Plan 2020 – 2033 shall be the boundary of the designated Neighbourhood Area for the Plan. Officers agree with this recommendation and therefore recommend to Cabinet that the area for the Referendum should be the Willand Neighbourhood Plan Area as approved by Mid Devon District Council on 21st June 2023 (shown in **Appendix 2**). The Neighbourhood Area covers the entirety of Willand Parish.

4.4 Once the Council has published the Decision Statement detailing its intention to send the Willand Neighbourhood Plan to a local Referendum, the Council's Development Management Team will be able to give significant weight to this plan when determining planning applications within the Willand Neighbourhood Plan Area.

4.5 Subject to the decisions of Cabinet recommended in this report, arrangements will be made for the Referendum to be held in the Willand Neighbourhood Plan area (Willand Parish). This date will be Thursday 27th February 2025. This date will meet statutory requirements for the Referendum to be held within 56 working days following the publication of the Decision Statement and the date for the Referendum will be published not fewer than 28 days before the date on which the Referendum will be held.

4.6 To meet the requirements of the Localism Act 2011 the Referendum will pose the following question:

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

4.7 Following the Referendum, if more than 50% of those voting, vote ‘yes’ then the Neighbourhood Plan comes into force and must be ‘made’ within eight weeks of the Referendum.

Financial Implications

The process leading to the adoption of a Neighbourhood Plan has financial implications. The costs of support in terms of advice and technical support, examination and referendum must be met by Mid Devon District Council. The Council has received a burdens payment from the Government to help meet these costs to the sum of £5,000² for the area designation process, and will be eligible to claim £20,000 from when the Decision Statement is issued which details its intention to send the plan to referendum, to cover costs associated with the examination and referendum. Since the Council has resolved (at its meeting on 6th January 2021, Minute 270) not to progress a Community Infrastructure Levy for Mid Devon there will be no neighbourhood proportion of a Community Infrastructure Levy to be passed to Willand Parish Council.

Legal Implications

The referendum is a statutory requirement, and will be subject to The Neighbourhood Planning (Referendums) Regulations 2012. Changes made to section 38 of the Planning and Compulsory Purchase Act 2004 (through provision 3 of the Neighbourhood Planning Act 2017) mean a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum, rather than when it is made (adopted) by the relevant authority. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Policies of the Willand Neighbourhood Plan will be used alongside policies in the adopted Mid Devon Local Plan, the Devon Minerals and Waste Plans, to help guide planning applications submitted to the Council for determination and the decisions made on these in the Willand Neighbourhood area (Willand parish).

² Local Planning Authorities can claim £5,000 for the first five neighbourhood areas designated only.

Risk Assessment

None identified.

Impact on Climate Change

The preparation of development plans is a key method for climate change mitigation and environmental protection, through appropriate policies and development strategy. The Willand Neighbourhood Plan includes policies that can have positive (beneficial) impacts to climate change, specifically through Policy SD2 Sustainable Design in New Developments which encourages sustainable urban drainage installed on site, incorporating on-site energy generation from renewable sources, and providing electric vehicle charging points for electric cars and bikes, Policy GI3 through retaining trees wherever possible for carbon sequestration, Policy TAC1 through improving transport, accessibility and connectivity, Policy TAC3 electric charging points for plug in vehicles, and Policy TAC4 e-cargo and electric vehicle hub.

Equalities Impact Assessment

The Decision Statement for the Willand Neighbourhood Plan (see **Appendix 2**) concludes that ‘the Willand Neighbourhood Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Willand Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004’. Therefore, the Council has concluded that the ‘making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area, which were subject to a full Equalities Impact Assessment. On this basis, the Willand Neighbourhood Plan will not in itself lead to any impacts on the equality strands protected under the Equality Act 2010 (the “protected characteristics”) over and above those considered and addressed through the Local Plan Equalities Impact Assessment. The Willand Neighbourhood Plan has been subject to a screening exercise to determine whether its content is relevant to equalities, and if so, whether a full Equality Impact Assessment should be conducted. The screening exercise has found the Willand Neighbourhood Plan Policy TAC1 can have a positive impact in relation to ‘disability’ where development proposals should, where relevant, improve accessibility for all through consideration of disability access. All other policies in the plan will have neutral equalities impacts on all protected characteristics. The screening exercise has concluded the Willand Neighbourhood Plan is not recommended for a full Equalities Impact Assessment.

The Equalities Impact Assessment Screening is included in **Appendix 4** to this report.

Relationship to Corporate Plan

If the Willand Neighbourhood Plan is approved by referendum, it will form part of the statutory development plan for Mid Devon and the strategy for guiding new development in the district. The plan will help meet the Corporate Plan 2024 – 2028 themes:

- **Planning, Environment and Sustainability** – through Policy SD2 which requires development to respond positively to the challenge posed by climate change, and through Policy GI2 which identifies local valued areas of biodiversity, geodiversity and habitat.
- **Community, People and Equalities** – through involving and engaging with the community in Willand Parish in shaping the content of the neighbourhood plan and through a local referendum.
- **Economy and Assets** – through Policy EE1 which supports development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
 Agreed by or on behalf of the Section 151 Officer
Date: 17/12/24

Statutory Officer: Maria De Leburne
 Agreed on behalf of the Monitoring Officer
Date: 17/12/24

Chief Officer: Stephen Walford
 Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 17/12/24

Performance and risk: Steve Carr
 Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 10 December 2024

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

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Telephone: 01884 234344

Mojca Sonjak, Forward Planning Assistant msonjak@middevon.gov.uk

Background papers:

Appendix 1 - Examiner's Report

Appendix 2 - Decision Statement for the Willand Neighbourhood Plan

Appendix 3 - Willand Neighbourhood Plan

Appendix 4 – Equalities Impact Assessment screening

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Willand Neighbourhood Development Plan

Submission Version 2020 – 2033

Report of Examination

July 2024

Undertaken for Mid Devon District Council with the support of Willand Parish Council on the submission version of the plan.



Independent Examiner:

Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI

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Abbreviations used in the text of this report:

The Willand Neighbourhood Plan is referred to as ‘the Plan’ or ‘WNP’.

Willand Parish Council is abbreviated to ‘Willand PC’.

Mid Devon District Council is abbreviated to ‘MDDC’ or, as the Local Planning Authority, ‘LPA’

The National Planning Policy Framework is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Mid Devon Local Plan 2013 - 2033 is abbreviated to MDLP33

The key Neighbourhood Plan Regulations are abbreviated to ‘Reg14’ and ‘Reg16’ respectively.

Local Green Space is abbreviated to ‘LGS’.

Summary

- I have undertaken the examination of the Willand Neighbourhood Plan (WNP) during June and July 2024 and detail the results of that examination in this report.
- The Willand Parish Council have undertaken comprehensive consultation on this Plan, and it complies with legislative requirements. The Plan is focused on issues relevant to the locality and in need of detailed local consideration. The Mid Devon Local Plan 2013 - 2033 provides a current strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Willand Parish Council, who have produced a concise and locally relevant Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Willand that is the Willand Parish Council (PC). Drawing up the Neighbourhood Plan was undertaken by the Neighbourhood Plan Steering Group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Willand PC had prepared their neighbourhood plan and consulted on it, they submitted it to MDDC. After publicising the plan with a further opportunity for comment, MDDC were required to appoint an Independent Examiner, with the agreement of Willand PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this Plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I am independent of any local connections to Willand and MDDC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The WNP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated originally on the 3rd February 2022 by MDDC. As minor changes to the parish boundary were subsequently made, a revised boundary was designated on the 21st June 2023. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2020 – 2033 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Willand to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Willand neighbourhood area, not including documents relating to excluded mineral and waste development, is the Mid Devon Local Plan 2013-33 (MDLP33). All policies in the MDLP33 are considered strategic. There is a review of the Local Plan underway, but that is at an early stage and does not yet have significant planning weight.

1.3.2 The National Planning Policy Framework Dec 2023 (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the WNP I have considered the following documents:

- National Planning Policy Framework (NPPF) Dec 2023
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Willand Neighbourhood Plan (WNP)
- The Basic Conditions Statement submitted with the WNP
- The Consultation Statement submitted with the WNP
- The Strategic Environmental Assessment Screening Decision for the WNP June 2023
- Neighbourhood Area Designation (map)
- Mid Devon Local Plan 2013 – 2033: Adopted July 2020. (MDLP33)
- Open Space and Play Area Strategy – 2014 parts 1 and 2 Mid-Devon District Council (MDDC)
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Willand is a rural village and parish in the County of Devon, about 15 miles north of Exeter. The M5 motorway runs through the parish, and the parish has significant industrial land within it. The population is just under 3,500, and there are a good range of local services in the village.

2.1.2 The Neighbourhood area is the parish council boundary, and as stated above (para 1.2.4) this boundary changed after the initial designation of the area. The change was however minor, and judged by the LPA to not be significant enough to require further consultation or other changes to the process of plan-making.

2.1.3 A Steering Group organised the work of developing the WNP, the group being made up of Parish Councillors and volunteers from the local community. Planning consultants were employed in an advisory capacity. Consultation and engagement with the local community was seen as a continuous process, and social media, notice boards and a local magazine were used for communication, as well as the parish council website for updates and documents.

2.1.4 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. A questionnaire was delivered to every household, local businesses and community groups contacted and a schools survey undertaken. Other stakeholders such as local cyclists engaged at this early stage. Considerable efforts were made to engage a wide cross-section of the community, despite the impact of the pandemic on consultation. After the 2020 lockdown in November of 2021 a meeting of local organisations was held to gather views and publicise the process going forward. This led to themed topic meetings on travel and housing issues.

2.1.5 As required by Regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission WNP ran from the 9th July to the 20th August 2023. Each household received printed notification of the consultation, and hard copies of the plan were available as well as the online plan on the parish council website. Posters and social media also publicised the consultation and statutory consultees, businesses and local organisations were notified of the Reg14 consultation. There were several opportunities for people to question Steering Group members about the Plan.

2.1.6 Representations were received from 11 people and organisations. Most feedback was positive, and only minor amendments were needed. Responses are documented in the

Consultation Statement. I am satisfied that due process has been followed during the consultation undertaken on the Plan.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to MDDC at the beginning of 2024.

2.2 Regulation 16 Consultation Responses

2.2.1 MDDC undertook the Reg 16 consultation and publicity on the WNP for six weeks, from the 12th March to the 24th April 2024. Eight representations were received during this consultation, all from statutory consultees. Six offered general advice or confirmed they had no specific infrastructure interests in the Plan area. Two gave more specific comments and objections to policies in the Plan, and where relevant to the examination they are dealt with in my report.

2.2.2 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, such as new sites, are not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)].

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the WNP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (*prescribed basic condition since December 2018*).

3.2 The Basic Conditions Statement considers how each of the Plan's policies promotes the social, economic and environmental goals of sustainable development as required by the NPPF. A sustainability matrix was drawn up to assess each policy, and concludes that most policies are supportive of the sustainability aims, a few are neutral in some aspects but none have a negative effect. The vision for the Plan identifies the need for long term sustainability, and I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 A screening opinion has been issued by MDDC which considers whether Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) are required for the WNP. These environmental requirements are incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004, and implement the main EU Directive that neighbourhood plans still need to comply with. The Screening opinion states that:

- SEA is not required as the Plan in its current form is not likely to have significant environmental effects;
- HRA Appropriate Assessment is not required because the WNP has no potentially significant effects upon the National Site Network and is outside the 10km buffer zone for them.

I accept that with regard to the SEA and HRA Appropriate Assessment, the requirements of EU legislation have been complied with, and this Basic Condition met.

3.4 The WNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated. An assessment of each policy with regard to its impact on protected characteristics showed no negative impact.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the WNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF 2023 and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The WNP is a generally well written and very nicely presented document. The desire to include Community Actions and Projects is understandable and of community benefit. However the way this is done must comply with government guidance, which states that they need to be clearly separate from the planning policy document which deals only with land-use issues (NPPG Ref: ID41-004-20190509). In order that the WNP complies with the Basic Conditions and pays due regard to government guidance on separation of non-landuse issues, I recommend it is amended as shown in Modification 1.

Modification 1: Sections within the document headed "Community Actions and Projects" (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.

4.4 **Policy SD1: High-quality Design in New Developments** Complies with the Basic Conditions.

4.5 Policy SD2: Sustainable Design in New Developments Complies with the Basic Conditions.

4.6 Policy COM1: Engaging with the Community on Major Development Proposals Complies with the Basic Conditions.

4.7 Policy COM2: Protecting and Enhancing Community Facilities, Amenities and Assets Complies with the Basic Conditions.

4.8 Policy COM3: Protecting Sports Facilities, Amenities and Assets The LPA objects to the requirement in this policy for replacement provision to be within the parish of Willand. There is a similar objection to policies COM4 and COM5 from the LPA. I have considered this requirement in the light of MDLP33 Policy DM24, which requires replacement to be “in a suitable location” [Policy DM24 (b)]. The justification for Policy DM24 includes the need for replacement sites to be “within an accessible distance”, and the 2014 Open Space and Play Area Strategy has defined what an accessible distance is for each type of open space. This study also shows an under supply of Park and recreation ground land (which includes outdoor playing pitches) in the parish. It is not unreasonable therefore for the WNP to require replacement to benefit the local community. The parish boundary for Willand is fairly tight to the urban area, and there may be times when a replacement site can be provided not within the parish, but still accessible to the population of the parish. Policy COM3 can allow for this possibility while still keeping the benefit of replacement local, and comply with strategic policy in the MDLP33. Alternative financial contributions (Clause 3) cannot override the duty of the LPA to consider the strategic considerations of the district if necessary.

4.8.1. The LPA also object to clauses in Policy COM3 being too specific, and suggesting that some requirements should be relegated to the justification. Policy, not the justification, is the place for requirements, but those requirements should not be so inflexible as to undermine the deliverability of the Plan (NPPG ID: 41-005-20190509). Clause 2(ii) cannot require replacement to be better than the existing as this is not reasonable and could adversely impact deliverability. Clause 2(iii) does not need to specify the particular type of legal agreement, which is a consideration beyond the remit of a landuse policy. Clause 2(v)

is over-promoting the role of national body to offer guidance on sports facilities, which in some circumstances may need to be judged alongside competing considerations and issues.

4.8.2 In order that the WNP has paid due regard to government guidance, and strategic policy in the development plan, and thus complies with the Basic Conditions, I recommend it is amended as shown in Modification 2 below.

Modification 2: Policy COM3 to be amended as follows:

1. Our main sport facilities and pitches are identified on Map 4 and are:

- i) Tennis Courts at Jubilee Field;*
- ii) Digger (Fishing) Lakes;*
- iii) the Willand Rovers Athletic Football Club ground.*

2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where:

- i) redevelopment of the existing site includes an alternative type of community use, space or access;*
- ii) alternative replacement provision **will normally be expected to be** ~~is~~ **made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or and to a better quality and quantity than the facility and / or pitches being lost;***
- iii) provision ensures community access through ~~an community use agreement, s106 agreement or other enforceable legal agreement;~~*
- iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and,*
- v) proposals for replacement to mitigate loss **should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements** of Sport England and relevant sports governing bodies.*

*3. Where replacement cannot be achieved **in line with 2ii) above, a financial contribution may be acceptable instead** ~~the Plan area, a section 106 planning obligation (financial contribution), in lieu of replacement, will be made~~ to ensure that provision is enhanced at other existing facilities, amenities and assets, **where possible within the Parish of Willand.***

4.9 Policy COM4: Enhancing Sports Facilities, Amenities and Assets As discussed above in relation to Policy COM3, clause 2 in this policy needs to acknowledge that there may be potential to benefit the local area in land adjacent to, but not within, the neighbourhood area. In order that Policy COM4 has paid due regard to strategic policy in the development plan I recommend that it is amended as shown in Modification 3.

Modification 3: Clause 2 of Policy COM4 to be amended as follows:

.... 2. If proposals for additional or improved facilities and/or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made in line with Policy COM3. ~~within the Plan area.~~

4.10 Policy COM5: Protecting Community “Services” The LPA have objected to clause 2ii) of this policy as being too inflexible. The relevant Local Plan policy is DM23, which deals with the retention and improvement of local community facilities for local benefit. The LPA accept that any replacement would need to be still within reach of the local community. The nature of community facilities generally, and as shown on Map 3 are that they are embedded within the urban area. Therefore in this instance I do not consider it unreasonable to require replacement within the plan area, if the use is still viable. The policy complies with the Basic Conditions.

4.11 Policy GI1: Local Green Space. This policy proposes the designation of twenty five areas as Local Green Space (LGS). National policy on designation of LGS requires that the space to be designated is “demonstrably special” for reasons that can include “beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife”. (NPPF paras 105-6) In my view several of these proposed designations are not special enough to designate as LGS, often being too small and without obvious attributes that could be called special. The justification for designation in Appendix 2 has not offered reasons to counter my first impressions, and so in order that the WNP complies with the Basic Conditions, and has paid due regard to government policy, I recommend that the proposed LGS areas are reduced to those shown in Modification 4. In a few instances I recommend that separate proposed designations are

amalgamated, in order that sites that are adjacent or only separated by a minor road can combined reach a level of beauty and local significance that justifies designation. This applies to proposals ii) and xv); iv) and v) and xvii) and xviii); The correct map reference is also shown amended in modification 4, for accuracy.

Modification 4: The first paragraph of Policy GI1 and clause 1 to be amended as follows:

1. Our locally valued green spaces are identified on Map 7 5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value.

Willand's Local Green Spaces are:

- ~~i) Aspen Close / Myrtle Close;~~
- ~~ii) Beech Close;~~
- iii) Chestnut Drive / Maple Close;
- iv) **Culm Valley Trail (North); North and South**
- ~~v) Culm Valley Trail (South);~~
- ~~vi) Greenwood;~~
- ~~vii) Harpitt Close;~~
- viii) Jubilee Playing Field / Gables Lea;
- ~~ix) Mallow Court;~~
- x) Orchard Way;
- ~~xi) Rectory Close;~~
- ~~xii) Rowan Lea;~~
- xiii) St Mary's Churchyard;
- ~~xiv) South View Close;~~
- xv) **Sycamore Close and Beech Close;**
- xvi) Townlands;
- xvii) Victoria Close / Blenheim Drive and xviii) Victoria Close;
- ~~xviii) Victoria Close;~~
- xix) Willand Allotments;
- xx) Willand Moor Road / Buttercup Road;
- xxi) Willand Moor Road;
- ~~xxii) Willand Moor Road / Poppy Close;~~
- xxiii) Willand Parish Cemetery;
- ~~xxiv) Worcester Crescent.~~

Numbering of designations (12 total) and boundaries to be amended in Policy GI1 and Map 5

4.12 Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat The LPA have objected to clause 3ii) requiring any replacement provision to be within the neighbourhood area, as alternative replacement outside the Parish may sometimes be acceptable. The designated areas of wildlife and biodiversity areas in clause 1 of Policy GI2 often run from and into areas outside of the Parish, and I agree with this criticism of the policy being too restrictive and potentially limiting the most effective replacement biodiversity solution contrary to government policy (NPPF 186). It is reasonable however to require that any improvement in mitigation is applied to the same feature.

4.12.1 Clause 3i) of the policy aims to restrict acceptable development to the current 'use and role of the site', which makes sense with reference to the M5 corridor, but less sense for the designations of stream and river corridors. The requirement is also potentially likely to sometimes unnecessarily place undue burdens on the deliverability of potential development, contrary to the requirements of the NPPG (ID: 41-005-20190509).

4.12.2 The policy is currently confusing, as Map 6 shows more designations than Clause 1 lists. After seeking clarification on this matter, I propose that the clarity required by government policy (NPPF para16d) will be gained with clause 2 referring to all the sites shown, and clause 3 dealing with development proposals in the higher level sites identified in clause 1. For clarity clause 2 will also need to remove the blanket reference to 'significant harm will not be supported' because this prohibition is contrary to clause 3 which states when significant harm may be acceptable with mitigation.

4.12.3 The LPA have also suggested that clause 4 needs to be removed from the policy and placed in the reasoned justification. A specific requirement like this does belong in policy, but as currently worded the requirement is not always reasonable. As explained in para 4.12.1 of this report above, the NPPG requires policy to not place undue burdens on development that could undermine deliverability.

4.12.4 In order that Policy GI2 complies with the Basic Conditions and has paid due regard to government guidance and policy, I recommend it is amended as shown in Modification 5 below:

Modification 5: Policy GI2 to be amended as follows:

1. Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and **the following are of particular significance:** ~~are:~~

- i) Culm River Corridor;
- ii) Five Bridges / M5 Corridor;
- iii) Meadow Park / Maple Close / Rowan Lea Woodland;
- iv) Spratford Stream Corridor (North);
- v) Spratford Stream Corridor (South);
- vi) Tiverton Junction Woodland Belts;
- vii) Uffculme Road Woodland.

2. ~~These~~ **Areas shown on Map 6** will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. ~~Significant harm will not be supported.~~ Green corridors linking these areas will also be protected.

3. Proposals which result in the unavoidable significant harm to ~~these~~ **areas designated in clause 1 of this policy** (in whole or in part) will only be supported where ~~i) The proposal is specific to that use and role of the site; and, ii)~~ **i) the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced within the Parish with net gains in biodiversity to that feature.**

4. **Where appropriate**, proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.

4.13 **Policy GI3: Protecting Trees from Loss as a Result of Development** Complies with the Basic Conditions.

4.14 **Policy GI4: New Trees and Planting** Complies with the Basic Conditions.

4.15 **Policy TAC1: Improving Transport, Accessibility and Connectivity** Complies with the Basic Conditions.

4.16 **Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network** Complies with the Basic Conditions.

4.17 **Policy TAC3: Electric Charging Points for Plug-in Vehicles** Complies with the Basic Conditions.

4.18 **Policy TAC4: E-cargo and Electric Vehicle Hub** Complies with the Basic Conditions.

4.19 **Policy EE1: Small Employment Units and Hubs to Support the Local Economy.** The LPA have pointed out that the MDLP33 Policy DM18 allows for some employment development in the countryside. As policy EE1 is only supporting employment development within the settlement boundary, it is ruling out development that could potentially be acceptable to strategic policy DM18 of the MDLP33, and is therefore not in general conformity with the development plan. The Environment Agency has offered guidance on potential constraints with some of the areas indicated on Map 10 of the WNP. However this Map is not referenced in Policy EE1, the areas shown are not subject to any designation or preference for employment development, and while the LPA and Qualifying Body may wish to include reference to these constraints in the WNP for information, it is not a Basic Conditions issue for me to deal with in this report.

4.19.1 In order that Policy EE1 complies with the Basic Conditions and is in general conformity with the development plan, I recommend it is amended as shown in Modification 6.

Modification 6: Clause 1 of Policy EE1 to be amended as follows:

1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported ~~within the settlement limit boundary,~~ subject to ~~other~~ policies in the development plan, ~~and~~ where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents. ...

5. The Referendum Boundary

5.1 The WNP has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Willand Neighbourhood Development Plan 2020 – 2033 shall be the boundary of the designated Neighbourhood Area for the Plan.

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January 2025

Willand Neighbourhood Plan

Decision Statement: Willand Neighbourhood Plan proceeding to Referendum

REGULATION 18 - THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 AND THE LOCALISM ACT 2011

SUMMARY

This Decision Statement confirms that, following an independent examination of the Willand Neighbourhood Plan, Mid Devon District Council accepts the examiner's recommendation that, subject to modifications, the Willand Neighbourhood Plan can proceed to a Referendum.

The Examiner's Report, submission version of the Willand Neighbourhood Plan and associated documents, including this Decision Statement, are available to inspect on the Mid Devon District Council website: <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/willand-neighbourhood-plan/> and at the Council's office at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP during opening hours.

BACKGROUND

Willand Parish Council as the qualifying body has prepared a neighbourhood plan for the parish of Willand with the help of the local community. The plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

With the agreement of the qualifying body, Mid Devon District Council appointed an independent examiner to conduct the examination of the Willand Neighbourhood Plan. The examination is required to test whether the plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

EXAMINER'S RECOMMENDATIONS

The Examiner's final report was received on 6th August 2024. In the report the Examiner has recommended a number of modifications to policies within the Willand Neighbourhood Plan in order that the plan and its policies meet the 'basic conditions'. Full details of the 'basic conditions' against which the plan has been examined, the recommended modifications and reasons for these can be found in the Examiner's report.

The report has concluded that, subject to the recommended modifications, the Willand Neighbourhood Plan meets the basic conditions and can proceed to a Referendum. The Examiner has also confirmed that the Willand Neighbourhood Plan should proceed to a Referendum based on the neighbourhood area approved by Mid Devon District Council in June 2023, which is the Willand parish area and is shown in Appendix 2.

COUNCIL'S DECISION

As required under paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990, Mid Devon District Council must consider each of the examiner's recommendations and the reasons for them and decide what action to take in response to each.

Having considered the Examiner's report, the Council accepts the recommended modifications and the reasons given for these. The Council considers that the Willand Neighbourhood Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Willand Neighbourhood Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

Accordingly, the Willand Neighbourhood Plan, incorporating the Examiner's recommended modifications and factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group), which are set out in Appendix 1, may proceed to a Referendum.

A Referendum will be held within 56 working days following the publication of this Decision Statement and the date for this Referendum will be published not fewer than 28 days before the date on which the Referendum will be held.

To meet the requirements of the Localism Act 2011 the Referendum will pose the following question:

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

Government planning guidance advises that where a decision statement has been made detailing the intention to send a neighbourhood plan to Referendum, such as for the Willand Neighbourhood Plan, that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

**Tristan Peat,
Forward Planning Team Leader for Mid Devon District Council**

For further information, please contact the Forward Planning Team at fplan@middevon.gov.uk

Appendix 1 – Mid Devon District Council’s Decision Statement on the Examiner’s recommended modifications to the Willand Neighbourhood Plan September 2024

Neighbourhood Plan Policy	Examiner’s recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Council decision and reason
Community Actions and Projects (paragraphs: 4.3; 5.6; 6.5 and 7.6)	<u>Sections within the document headed “Community Actions and Projects” (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.</u>	Agreed. This modification is needed to comply with national planning guidance for neighbourhood planning which makes clear wider community aspirations than those relating to the development and use of land would need to be clearly identifiable, for example set out in a companion document or annex and it should be made clear they will not form part of the statutory development plan.

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations are <u>underlined</u> .	Council decision and reason
Policy COM3: Protecting Sports Facilities, Amenities and Assets	<p><u>Policy COM3 to be amended as follows:</u></p> <ol style="list-style-type: none"> 1. Our main sport facilities and pitches are identified on Map 4 and are: <ol style="list-style-type: none"> i) Tennis Courts at Jubilee Field; ii) Digger (Fishing) Lakes; iii) the Willand Rovers Athletic Football Club ground. 2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where: <ol style="list-style-type: none"> i) redevelopment of the existing site includes an alternative type of community use, space or access; ii) alternative replacement provision will normally be expected to be made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or and to a better quality and quantity than the facility and / or pitches being lost; iii) provision ensures community access through an community use agreement, s106 agreement or other enforceable legal agreement; iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and, v) proposals for replacement to mitigate loss should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements of Sport England and relevant sports governing bodies. 3. Where replacement cannot be achieved in line with 2ii) above, a financial contribution may be acceptable instead the Plan area, a section 106 planning obligation (financial contribution), in lieu of replacement, will be made to ensure that provision is enhanced at other existing facilities, amenities and assets, where possible within the Parish of Willand. 	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.</p> <p>The modification of Clause 2(iii) will remove a requirement that is not appropriate for inclusion in a land use policy and so meet the legal requirements for a neighbourhood plan.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Council decision and reason
Policy COM4: Enhancing Sports Facilities, Amenities and Assets	<u>Clause 2 of Policy COM4 to be amended as follows:</u> 2. If proposals for additional or improved facilities and/or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made <i>in line with Policy COM3.</i> within the Plan area.	Agreed. The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.

<p>Policy G11: Local Green Space</p>	<p><u>The first paragraph of Policy G11 and clause 1 to be amended as follows:</u></p> <p>1. Our locally valued green spaces are identified on Map 7-5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. Willand’s Local Green Spaces are:</p> <p>i) Aspen Close / Myrtle Close;</p> <p>ii) Beech Close;</p> <p>iii) Chestnut Drive / Maple Close;</p> <p>iv) Culm Valley Trail (North); <u>North and South</u></p> <p>v) Culm Valley Trail (South);</p> <p>vi) Greenwood;</p> <p>vii) Harpitt Close;</p> <p>viii) Jubilee Playing Field / Gables Lea;</p> <p>ix) Mallow Court;</p> <p>x) Orchard Way;</p> <p>xi) Rectory Close;</p> <p>xii) Rowan Lea;</p> <p>xiii) St Mary’s Churchyard;</p> <p>xiv) South View Close;</p> <p>xv) Sycamore Close and Beech Close;</p> <p>xvi) Townlands;</p> <p>xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u></p> <p>xviii) Victoria Close;</p> <p>xix) Willand Allotments;</p> <p>xx) Willand Moor Road / Buttercup Road;</p> <p>xxi) Willand Moor Road;</p> <p>xxii) Willand Moor Road / Poppy Close;</p> <p>xxiii) Willand Parish Cemetery;</p> <p>xxiv) Worcester Crescent.</p>	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF paras 105-6.</p>
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Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Council decision and reason
	<u>Numbering of designations (12 total) and boundaries to be amended in Policy GI1 and Map 5</u>	
Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat	<p><u>Policy G12 to be amended as follows:</u></p> <ol style="list-style-type: none"> Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <i>the following are of particular significance: are:</i> <ol style="list-style-type: none"> Culm River Corridor; Five Bridges / M5 Corridor; Meadow Park / Maple Close / Rowan Lea Woodland; Spratford Stream Corridor (North); Spratford Stream Corridor (South); Tiverton Junction Woodland Belts; Uffculme Road Woodland. These Areas <i>shown on Map 6</i> will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. <i>Significant harm will not be supported.</i> Green corridors linking these areas will also be protected. Proposals which result in the unavoidable significant harm to these areas <i>designated in clause 1 of this policy</i> (in whole or in part) will only be supported where i) The proposal is specific to that use and role of the site; and, ii) the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced <i>within the Parish</i> with net gains in biodiversity <i>to that feature.</i> <i>Where appropriate,</i> proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment. 	<p>Agreed.</p> <p>The modification is needed for the policy to comply with NPPF para 186 and para 16d.</p> <p>The modification also adds clarity to the policy and removes the potential for unnecessarily placed undue burdens on the delivery of potential development proposals.</p>

Neighbourhood Plan Policy	Examiner's recommended modifications shown in bold, as strikethrough text to be removed from the policy wording and text that needs to be introduced shown in <i>italics</i> . The Examiners instructions for alterations <u>are underlined</u> .	Council decision and reason
Policy EE1: Small Employment Units and Hubs to Support the Local Economy	<p><u>Clause 1 of the Policy EE1 to be amended as follows:</u></p> <p>1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported within the settlement limit boundary, subject to other policies in the development plan, and where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents. ...</p>	<p>Agreed.</p> <p>The modification is needed in order to achieve general conformity with Policy DM18 of the Local Plan and meet the Basic Conditions.</p>

Mid Devon District Council has made the following modifications to the Willand Neighbourhood Plan which are factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group) as modifications for the purpose of correcting errors to the neighbourhood plan.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Throughout the Neighbourhood Plan the ‘header’ as well as the ‘subtitle’ have been amended to clarify that this is the referendum version of the Neighbourhood Plan.	Replace the word ‘Submission’ with the word ‘Referendum’	Agreed. These are factual corrections to make clear this is the referendum version of the neighbourhood plan.
Page 2, list of Dates of versions	Add ‘Referendum version September 2024’ to the list of Dates of versions.	Agreed. This is a factual correction to make clear that this is the referendum version of the neighbourhood plan.
Section 1.5 How Have We Got Here?, Page 12, first paragraph	Take out the word ‘Submission’.	Agreed. This is a factual correction as the inclusion of the word ‘submission’ is no longer needed.
Section 1.5 How Have We Got Here?, Page 12, second paragraph	Remove the words ‘will be’ and replace with the words ‘have been’.	Agreed. This is a factual correction to make clear the consultations have already taken place

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
<p>Section 1.6 Next Steps, Page 12, first paragraph</p>	<p>Replace the word ‘Submission’ with the word ‘Referendum’</p> <p>Remove the words ‘submitted to Mid-Devon District Council for further consultation and independent Examination’ and replace with the words ‘subject to independent Examination’</p> <p>Remove the sentence ‘If the Examination finds that the Plan meets the required tests (called “Basic Conditions”) the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system’ and replace with the sentence ‘If the local Referendum in the Parish results in a vote in favour of “making” (or adopting) this Plan, it can then be used formally in the planning system’.</p>	<p>Agreed.</p> <p>The replacement of the word ‘Submission’ with the word ‘Referendum’ is a factual correction to make clear this is the referendum version of the neighbourhood plan.</p> <p>The removal of the words ‘submitted to Mid-Devon District Council for further consultation and independent Examination’ and replacement with the words ‘subject to independent Examination’ is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p> <p>The removal of the sentence ‘If the Examination finds that the Plan meets the required tests (called “Basic Conditions”) the Plan can then proceed to a local Referendum in the Parish which will determine whether the Plan should be made (or adopted) for use in the planning system’ and its replacement with the sentence ‘If the local Referendum in the Parish results in a vote in favour of “making” (or adopting) this Plan, it can then be used formally in the planning system’ is a factual correction to reflect that the neighbourhood plan has been subject to independent examination.</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Section 1.8 Community projects and actions, Page 13, first paragraph	At the end of the paragraph add the sentence ‘These community actions and projects are not planning policies and are set out at the very end of the Plan document.’	Agreed. This additional sentence explains that the community actions and projects have been moved to the end of neighbourhood plan, which follows the Examiner’s recommended modification for sections within the document headed “Community Actions and Projects” (4.3; 5.6; 6.5 and 7.6) to be taken out of the main body of the plan and included as a separate item at the end of the Plan document.

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	Include a preface to Appendix 2 to note that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination.	<p>Agreed.</p> <p>The inclusion of the preface will make clear that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in the Regulation 16 consultation version of the Plan that was submitted for its examination, as follows:</p> <p>“Preface, to note</p> <p>This appendix presents the original Local Green Spaces assessment submitted for the Regulation 16 consultation and Examination stage, for the record. However, it should be noted that the Examiner’s recommendations introduced changes to the number and presentation of the LGS proposed in that version of the Plan. The amendments made to the proposed LGS as a result of the Examiner’s recommendations are set out below (reproduced from Map 5 in the Referendum version of the Plan) for ease of reference. Map 5: Local Green Spaces (Referendum version of the Neighbourhood Plan).</p>

Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph	Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)	Recommendation and reason
Appendix 2 - Local Green Spaces	<p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).l”</p>	<p>Agreed.</p> <p>The embedded file could not be opened in the submission version of the neighbourhood plan that was examined. The text and embedded file do not form part of the policies of the neighbourhood plan.</p> <p>Remove the text “N.B Many of these spaces have been previously identified as play spaces in the Willand Parish Register of Public Open Spaces and Children’s Play Areas and Equipment report. See file embedded below.”</p> <p>Remove the embedded file “Play Areas 20150221 Willand Register (2).l”</p>

Appendix 2: Willand Neighbourhood Area Designation

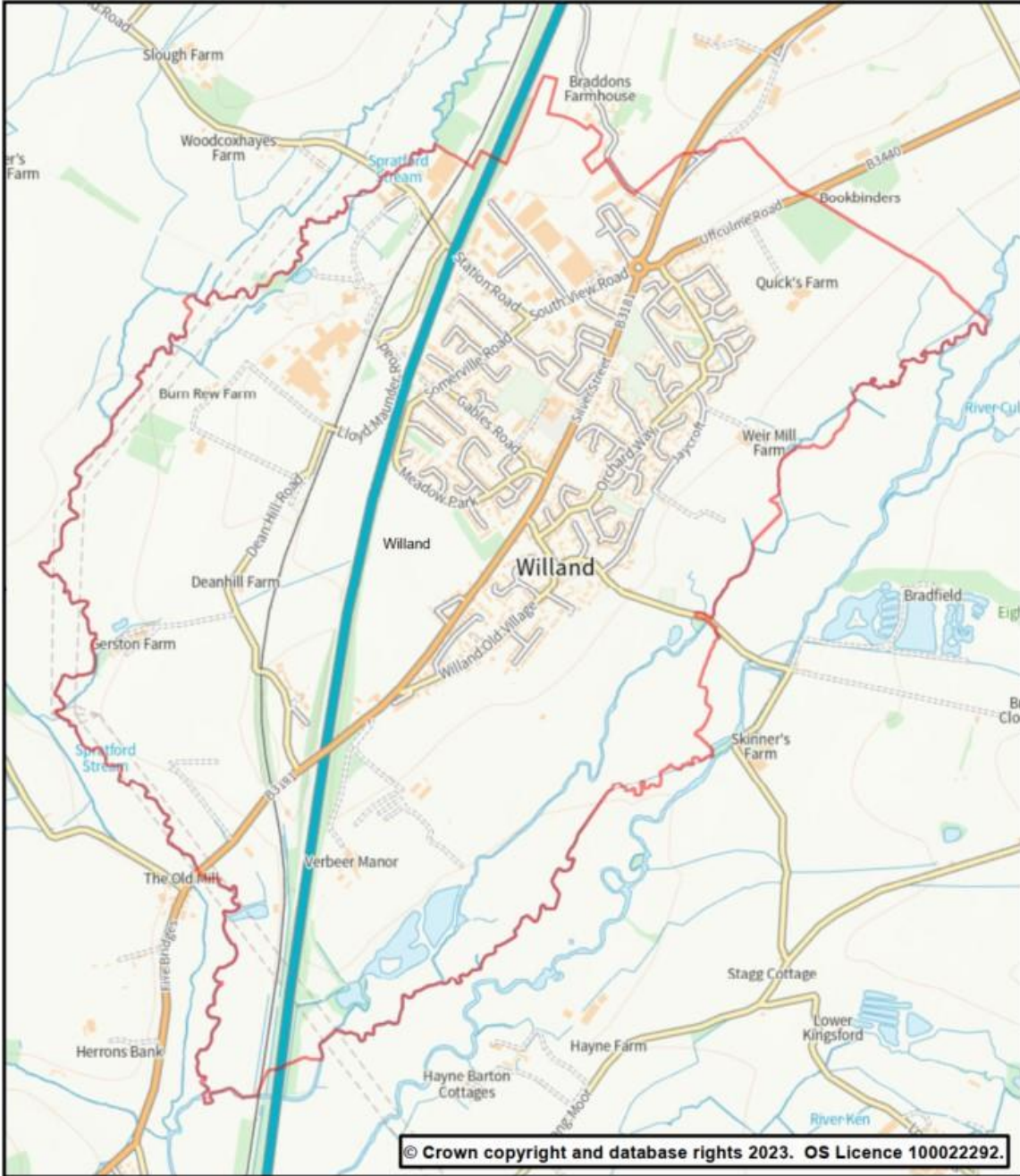


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Scale	1:15,000 @ A4	Date	04 May 2023
Drng. No.	New Willand Parish Boundary	Produced by	GMS

Willand Neighbourhood Plan

2020-2033

REFERENDUM VERSION



September 2024

Website: [Neighbourhood Plan – Willand Parish Council \(willand-pc.org.uk\)](http://Neighbourhood Plan – Willand Parish Council (willand-pc.org.uk))

For further information on the Neighbourhood Plan and its process, contact the Neighbourhood Plan Steering Group via e-mail at:

npg@willand-pc.org.uk

Dates of versions

Working draft	July 2022
Community consultation draft	October 2022
Pre-submission version (first draft)	January 2023
Pre-submission version (second draft)	January 2023
Pre-submission version (final)	June 2023
Submission version	January 2024
Referendum version	September 2024

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FOREWORD

“Welcome to the Willand Neighbourhood Plan. Its policies have been developed through an extensive process of community dialogue and consultation. This started by asking villagers ‘What do you think is good about Willand?’ and ‘What do you think would make it even better?’

We held a village survey and then (following COVID) a series of displays and topic meetings. These showed that villagers value Willand’s separate identity as a rural, caring and mixed community, and want this to be protected and developed. Villagers also value and want to secure and build on all Willand’s community facilities and spirit. We are grateful to all the individuals and organisations who engaged in our neighbourhood planning and contributed to consultations over the past few years. Willand is a community rich in care and community support. There are restrictions on what the Neighbourhood Plan can do. Our plan tries to reflect the spirit of the things we value about our home village and offer a base for protecting and building on them for the future.

I would like to thank the members of the Willand Neighbourhood Plan Group of the Parish Council, ably led by Councillor Stephen Little, without whose work we would not have been able to put this plan forward.”

Barry G J Warren - Chairman Willand Parish Council

WITH THANKS AND ACKNOWLEDGEMENTS

The Willand Neighbourhood Plan Development Steering Group would like to thank all the individuals and organisations who contributed to our consultations. Willand is a community rich in care and community support, and it has been a privilege to try and reflect as much as possible of this in our work.

Core members of the Parish Council Neighbourhood Planning Group were:

Barbara Bodkin; Catherine Ennew; Stephen Little; Lisa Mastrolacasa; Jason Scott; Alan Smith; Kate Taylor; Frances Wilcox.

Photographs by Jason Scott.

Invaluable professional support was given throughout by Stuart Todd of Stuart Todd Associates.

1. INTRODUCTION

1.1 The Community’s Plan

This Neighbourhood Plan (the “Plan”) is *the community’s plan*. It represents the community’s vision and priorities for how they would like to see the local area change in the coming years and in doing so it sets out our local planning policies which will be taken into account as and when any proposals for development come forward in the Parish Council administrative area.

The Plan is not one which can cover every issue identified as being important to the community; it has a focus on responding to proposals for development, the appropriate use of land and protecting areas of local value and importance. It puts us, as a community, in the driving seat when it comes to having a say over what, how and where development should take place where it requires planning permission. The box below summarises what the Plan can and cannot do. The Plan and its policies reflect our Parish’s own characteristics while recognising the need to align with both national and local authority planning policies.

Figure 1: The “Cans and Cannots” of a Neighbourhood Plan

“It can...” ✓	“But it cannot...” ✗
<ul style="list-style-type: none"> ✓ Develop policies specific to our area, for example, design of new development. ✓ Protect the facilities and areas of land that the community values most such as community buildings, playing fields, etc. ✓ Help us to get additional funding into the area, for example, through identification of projects or having a plan adopted (“made”) ✓ Protect areas of land for conservation, biodiversity and landscape value. ✓ Influence the type, location and design of development. ✓ Help to secure additional funding for infrastructure and other projects. ✓ Propose regeneration projects, transport solutions and areas of land for the allocation of housing and / or employment sites if we wish to do so. 	<ul style="list-style-type: none"> ✗ Introduce policies which conflict with national or District Council “strategic” planning policies. ✗ Force requirements on developers which make the delivery of development unviable. ✗ Change regulations / legislation such as Building Regulations or Permitted Development Rights. ✗ Simply repeat (duplicate) national or District Council planning policy. ✗ Reduce the scale of new housing if proposed by the District Council. ✗ Stop all development. ✗ Deal with matters not dealt with through the planning system, for example: <ul style="list-style-type: none"> • Change traffic speed limits • Increase broadband speeds • Enforce parking restrictions

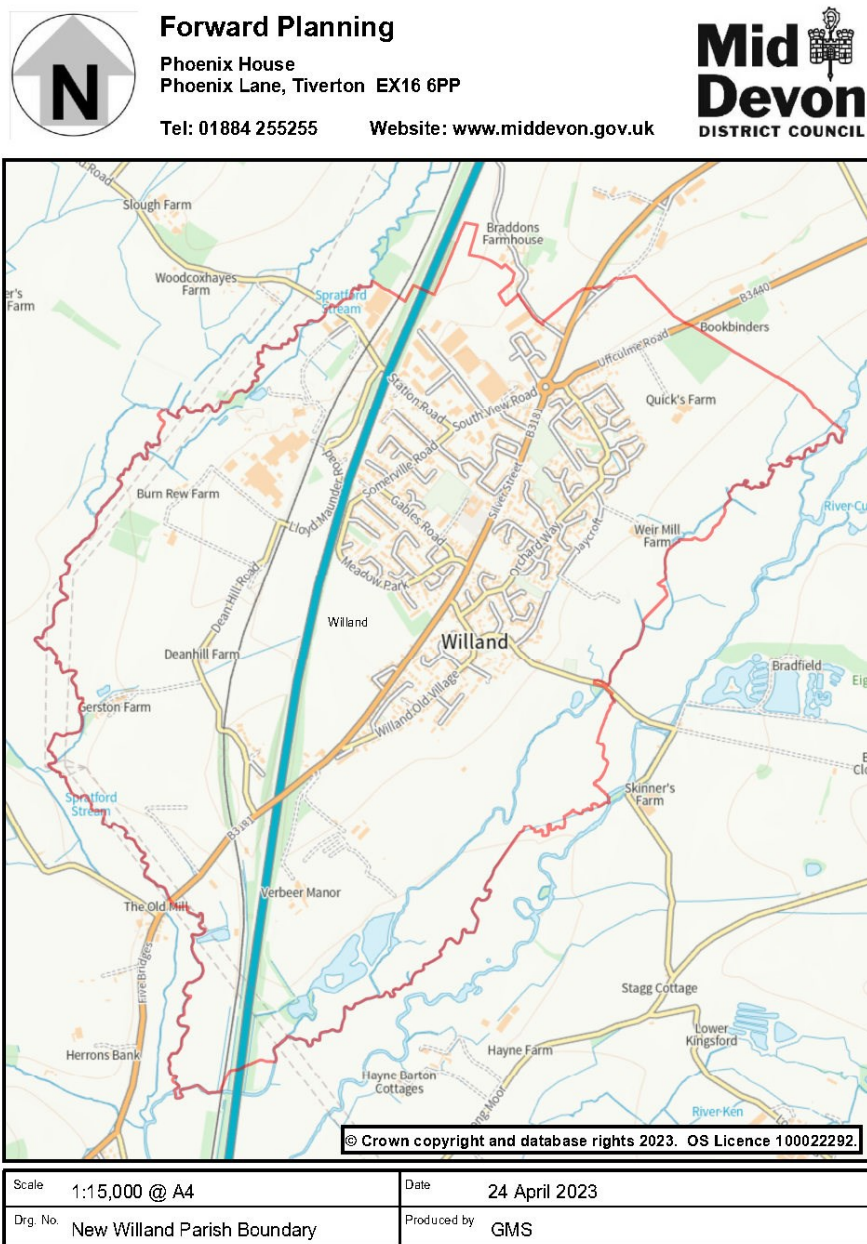
The Plan covers the period between 2020 and 2033 and is therefore ‘in sync’ with the development plan documents produced by the District Council as the local planning authority.

1.2 The Plan Area

1.2.1 The Defined Neighbourhood Area

The neighbourhood plan area (the whole civil Parish) was originally approved by Mid-Devon District Council following consultation in February 2022. Following a review of and change to the Parish boundary administered by Mid-Devon District Council, a revised application to amend the agreed Plan Area boundary was consulted upon in June 2023 and then approved by MDDC¹. Map 1 shows the extent of revised and current Plan area.

Map 1: Designated Neighbourhood Area



¹ See <https://www.middevon.gov.uk/residents/planning-policy/neighbourhood-planning/willand-neighbourhood-plan/> for further information. The boundary change saw a small area of land at the northern end of the village within and adjacent to an employment area incorporated into the Parish area.

1.2.2 Summary Parish Characteristics

Willand is a small Parish in a rural part of Mid-Devon district with a population of around 3,415 people². At its heart is Willand village, around 15 miles from Exeter to the south and to Taunton to the north and 6 miles south-east of the market town of Tiverton and two miles north of Cullompton. It is situated between Junctions 27 and 28 of the M5 motorway with the B3181 running through the centre of the village.

The village has four dispersed village stores catering for everyday shopping needs. It is fortunate to retain its Primary School, Preschool and Nursery, Post Office, GP surgery, residential home, pharmacy, hairdresser, chip shop, a pub, a filling station and a café. Community facilities include a well-used Village Hall and Health and Community Centre. There is a recreation ground, tennis courts and football club ground and allotments, as well as a good number of small local play and recreation areas.

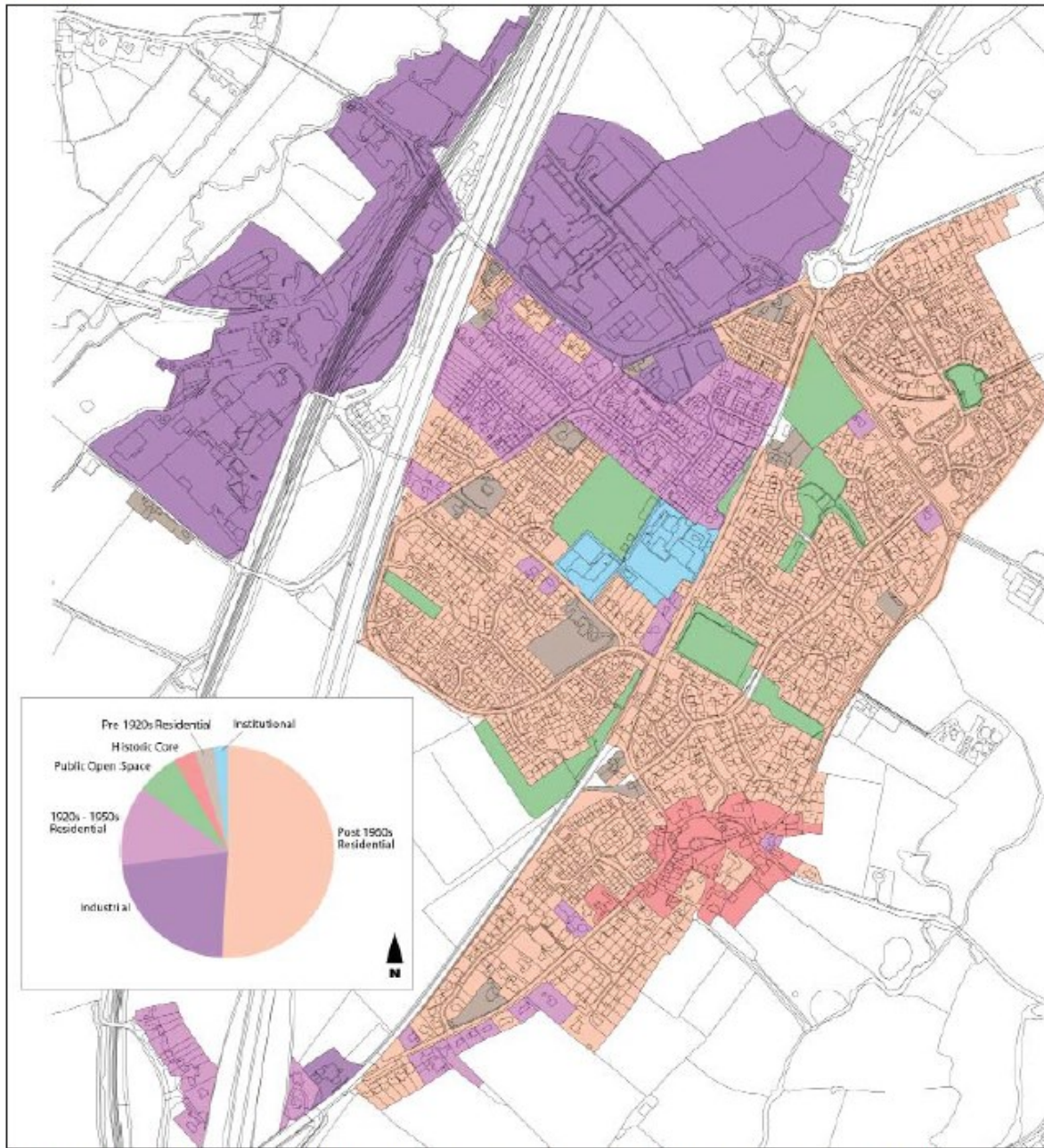
The Parish has a good balance of housing and employment, with the growing Mid-Devon Business Park providing both local and strategic employment opportunities, in addition to the older South View Road industrial estate area and Lloyd Maunder Road employment area, predominantly occupied by the 2 Sisters Food Group. There is Tanyard's Farm & Diggerland to the south. Just outside the Parish boundary (to the north) Hitchcocks Business Park and Langlands provide further employment, as do other businesses and facilities at Junction 27 of the M5 and at Waterloo Cross.

The village of Willand comprises a wide variety of built forms and characters, as the following map shows, taken from the Mid-Devon Settlement Character Assessment. While the assessment was produced in 2012, the village's character areas remain much the same.

² Source: NOMIS, ONS 2019 mid-year estimates. Best fit of output areas to parish boundaries. Up-to-date data from the 2021 census should be published soon. See <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/adhocs/12324parishpopulationestimatesformid2001tomid2019basedonbestfittingofoutputareastoparishes>

Map 2: Settlement Character

Willand



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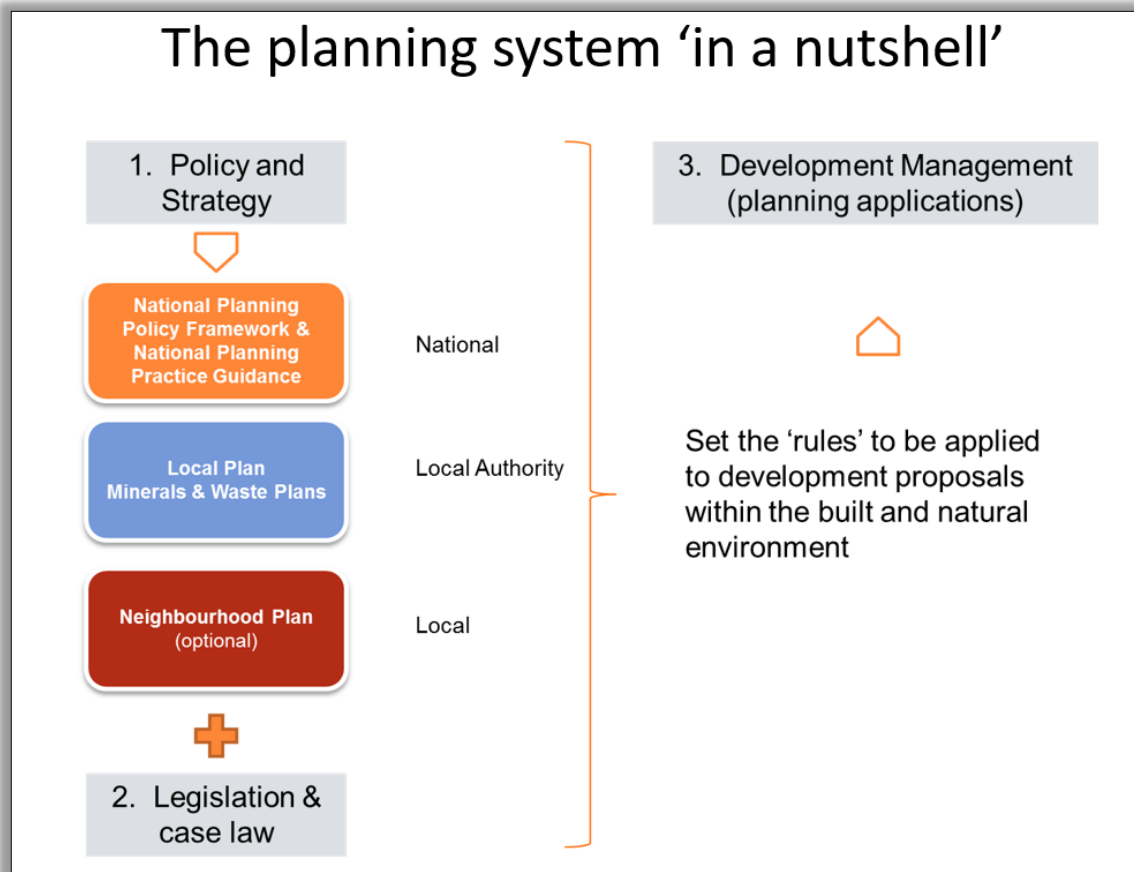
Source: Mid-Devon Settlement Character Assessment, Mid-Devon District Council, 2012

1.3 The Plan's Status

This Neighbourhood Plan, once made, will be part of the “statutory development plan”. That means that its policies will have significant weight (or ‘real teeth’) when it comes to being used by the local authority to help determine proposals for development submitted through planning applications. It will form the local tier of planning policy in our Parish. It sits with the District-wide Local Plan, produced by Mid-Devon District Council (also a statutory development plan) and underneath the umbrella of national planning policy in the Government’s National Planning Policy Framework (NPPF)

and National Planning Practice Guidance (NPPG), as the main planning policy documents relevant to our area. Other important planning documents which govern specific issues are the Minerals and Waste Plans produced at the county-wide level by Devon County Council.

Figure 2: The Planning System’s Key Elements



The relationship between our Neighbourhood Plan and other planning policy documents is summarised in the illustration “The planning system ‘in a nutshell’”.

However, this Plan should not be treated as a blueprint. When this Plan is made (adopted) policies will need to be used by the local planning authority when it considers decisions that need to be made about development proposals submitted through the planning application process. The Plan’s policies, however, cannot guarantee that a proposal will be refused nor be granted permission, but the policies will carry significant weight, alongside policies of the NPPF, NPPG and the adopted Local Plan when weighing up the appropriateness of the proposal in question.

1.4 Mid-Devon District Council Planning Policies of Relevance

Mid Devon District Council’s Local Plan, which provides the strategic planning policy framework for the area was adopted in July 2020 and covers the period to 2033. It is important to be cognisant of these policies, particularly those which relate to Willand, as the policies in this Neighbourhood Plan must be in “general conformity” (or alignment) with them, according to Government planning rules. The policies in this Neighbourhood Plan must be complementary to, and not simply repeat, policies already set out in the adopted Local Plan and they should not contradict the Local Plan’s policies.

Appendix 1 reproduces some of the key parts of the Local Plan which relate to Willand, for ease of reference and to help contextualise our Plan. However, they are not meant to provide the complete list of all relevant policies and the Local Plan itself should be read to understand fully which policies might apply to particular development proposals. Our policies in this Plan reference Local Plan policies where necessary to provide context and help demonstrate policies justification.

Some policy areas of particular significance to the Parish include:

- Land allocation for housing (policy WI1: Land east of M5) for 125 houses approved and started;
- Land allocation for strategic employment development (9.2 ha) (policy WI2: Willand Industrial Estate), which is within the Parish boundary and part of which has already been developed³;
- The definition of the village “Settlement Limit”, within which limited development is acceptable (subject to other applicable policies) (policy S13: Villages);
- A policy which specifies what types of proposals are appropriate in the countryside (i.e. outside of the Willand settlement limit (policy S14: Countryside);
- The identification of several priority habitats in the Parish (policy DM28: Other Protected Sites);
- The proposals for major development of Cullompton Garden Village at Junction 28 of the M5 (Policies S11: Cullompton, CU policies relating to the major development at North West Cullompton).



The Mid-Devon Local Plan is currently being reviewed⁴ and there will be opportunities for the content of this Plan to influence its development and also for the Local Plan Review to provide strategic policies which cover some matters considered as wider than local to Willand. This is of particular note as some of the issues important to the local community raised during consultation are those over which the

³ With the other part having approval for reserved matters.

⁴ For the period 2023-2043. See <https://www.middevon.gov.uk/residents/planning-policy/plan-mid-devon/> for further details.

Neighbourhood Plan can have little or no control, given that the Plan can only have jurisdiction within the Plan area.

1.5 How Have We Got Here?

In order to produce the Plan, its development has been driven by a steering group, comprised of residents and Parish Councillors. It was recognised at an early stage that for the Plan to be truly representative of the planning issues of relevance in the Parish and to be *the community's plan*, we would need to conduct engagement with those who live and work in the Parish. We continued this engagement throughout the creation of this Plan. We have also liaised with Mid-Devon District Council officers as the Plan has been developed, to ensure alignment with Local Plan and national planning policies.

The process and types of consultation that we have gone through have been fully documented in detail in our Consultation Statement which accompanied this Plan at Submission stage.

However, the key methods we have used have focused on a short community survey in 2020, Primary School survey, public, topic focused and community group meetings during 2021, 2022 and 2023.

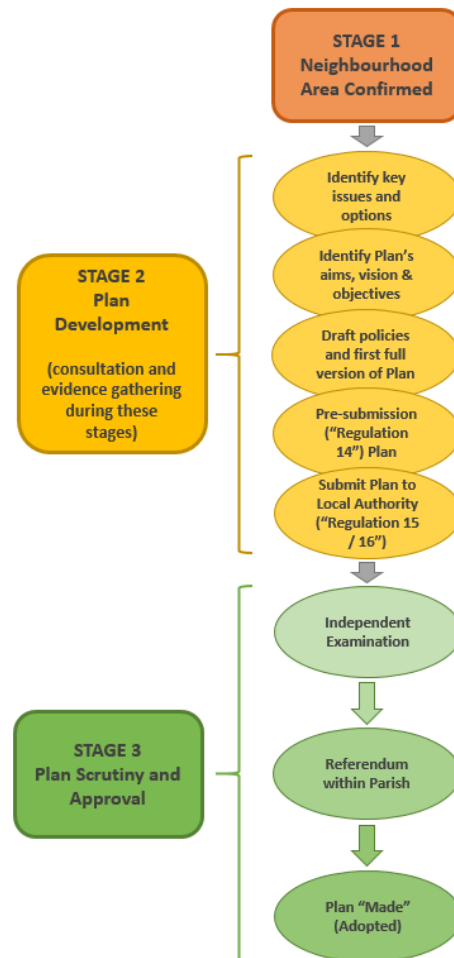
Where possible we have had a presence to discuss the Plan and key local issues at other events taking place such as the Queen's Jubilee celebrations in the village.

It is important to note, however, that we did not have to start from a "blank sheet of paper" as the Parish has had a Parish Plan in place since 2005 which provided a good basis for understanding a community view of the main issues and challenges in Willand. This was, of course, checked and challenged during the aforementioned consultation held between 2020 and 2023.

1.6 Next Steps

This Plan is the "Referendum" version of the Plan and has been subject to independent Examination. If the local Referendum in the Parish results in a vote in favour of "making" (or adopting) this Plan, it can then be used formally in the planning system.

Figure 3: Neighbourhood Plan Process



1.7 The Structure of Our Plan

Our Plan sets out the vision, aims and objectives for our area, which have been developed, based on dialogue with the community, and shaped by existing planning policies and other plans. The main policy sections of this Plan have been derived by pulling together common aims and common key issues arising from consultation and considering the evidence base. Each policy is supported by justification text to demonstrate why the policy is necessary. There are several issues raised during development of this Plan which are non-planning matters and which can be pursued outside of this Plan’s policies. These are set out at the end of each policy section as “community projects and actions”.

1.8 Community projects and actions

We have identified several community projects and actions during the development of the Plan. Some of these can only be delivered outside of the planning system or only in part and most will have supportive policies in this Plan to help enable them to be delivered if they need planning permission. These projects and actions are likely to be explored and / or delivered by more than one responsible organisation, authority, agency or association and will require partner working. The Parish Council will help to facilitate the projects and action where possible and appropriate where there is not already a lead organisation pursuing them, or the lead organisation is not identified in the action or project. These community actions and projects are not planning policies and are set out at the very end of the Plan document.



1.9 Sustainable Development

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) set out the Government’s planning policy to which all plans and proposals for development should comply. The NPPF includes, at its heart, a “presumption in favour of sustainable development”. It is important to understand what that means for our Plan as it sets the parameters within which we can make proposals and set policies.

When taking decisions on proposals for development this means that proposals should be approved where they accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or specific policies in the NPPF indicate that development should be restricted. Translating this to what it means for our neighbourhood plan, it states that “Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”⁵. The NPPF goes on to say that “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies⁶. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”⁷

Following this consultation, we will approach Mid-Devon District Council to request their formal view (or screening opinion) as to whether the Plan will require a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA). This is a requirement of the process set by the Government. In the meantime, we have been mindful of a need to consider the Plan’s policies against the ability to deliver sustainable development as set out in the NPPF.

Our Plan also responds directly to a need for more sustainable development, in part, because it is appropriate to react to the issue of climate change and the need to meet and play a part in contributing towards net zero carbon dioxide emission targets.

⁵ See paragraph 13, National Planning Policy Framework, February 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

⁷ See paragraphs 29 and 30, National Planning Policy Framework, February 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

2. VISION AND OBJECTIVES

The vision and objectives which follow have been developed from the consultation held with the community between 2020 and 2022. This has been important as it has given confidence to develop the policies and community actions set out in this Plan.

2.1 The Future Vision for Willand

Our vision for the Parish represents our view of what we would like the Parish to be like in the future by the time that the plan reaches its end date. The objectives amplify and describe where we want to get to and the things we would like to achieve, which have been derived from local community consultation.

Future Vision for Willand

- 1. Sustaining its identity, facilities and considerable community strengths both as a rural and as a mixed community.**
- 2. Securing sustainability now and for the long-term future.**
- 3. Engaging with its rural context.**



2.2 Objectives and Plan Topics

Our objectives set out how we are going to respond to and achieve the vision. The objectives present both issues which can be addressed, in whole or in part through this Plan and the wider planning system, and also issues which cannot be delivered through this Plan and its policies. The objectives therefore present “real-world” matters. The Plan then uses these objectives to identify:

- i) planning policies which can be used in the planning system to help determine proposals for development (planning applications) and protect key areas of land and assets.
- ii) non-land-use planning matters which have been identified as important by the community during the plan-making process and which can be dealt with outside of this Plan and the planning system and which are presented as community actions or projects.

The planning policies are clearly distinguishable from other text, and non-land-use planning actions and projects. It is important to the community to present the “whole picture” in relation to key issues, hence the identification of the community actions and projects. Without doing this, the Parish Council, Plan and its Steering Group could be accused of not including matters which are important to the community which were raised during consultation.

Our objectives are set out in the following table. Alongside them, we have identified the land-use planning topic in this Plan where policies and / or other non-planning actions are specified.



1. Sustaining its identity, facilities and considerable community strengths both as a rural and as a mixed community	
Objective	Topic(s) in this Plan
a) Historically Willand has had a mix of social, affordable and private housing, with local employment. This has been an important ingredient in creating a distinctive and vibrant community. This balance should be enhanced by any future development.	<ul style="list-style-type: none"> • Housing • Economy and Employment
b) We need a greater variety of social, affordable and private housing types, particularly for younger people and older ones to keep them in the village. Members of village families in social, affordable housing within Willand should have suitable housing available within Willand when their housing needs change rather than having to move elsewhere.	<ul style="list-style-type: none"> • Housing
c) The recent industrial estate at Mid Devon Business Park evidences the continued appetite for commercial development which provides local employment. Proximity to the motorway exit and Tiverton Parkway means that the land north of the Parish boundary has already begun to be considered for development (Hitchcock’s Business Park, Willand Business Park and Pitt Farm etc.). There is already a specific plan for development currently coming down to Mount Stephen Farm from Waterloo Cross. All of this area is the primary human zone of Willand. Any future development within and without the current Parish boundary must be consistent with and enhance the distinctive characteristics of Willand’s identity.	<ul style="list-style-type: none"> • Economy and Employment
d) Any future plans within and beyond the current Parish boundary should retain spatial differentiation between Willand and existing neighbouring settlements.	<ul style="list-style-type: none"> • Green Infrastructure
e) In the MDDC Design Guide Willand is uniquely described amongst Mid Devon villages as a Patchwork, which also offers a model for future development along the B3181 if it occurs.	<ul style="list-style-type: none"> • Sustainable Development
f) Willand’s identity is bound up with its network of accessible non-residential facilities. <ul style="list-style-type: none"> i) The area including the Willand Rovers football field through to the Methodist Church and across to the Jubilee Field contains an important range of community facilities which must all be conserved, and pedestrian and vehicle access protected and improved. ii) The area including the Parish Church, the Hall and the Post Office contains a range of community facilities which must be conserved and pedestrian and vehicle access protected and improved. 	<ul style="list-style-type: none"> • Community • Travel, Access and Connectivity
g) All existing leisure and green areas and community facilities must be protected. <ul style="list-style-type: none"> i) All existing play areas, green spaces and woodlands ii) Existing cycleways and pathways iii) Willand Football Ground iv) Village Hall Complex v) Church Hall vi) Cemetery vii) Parish Church Area viii) Methodist Church Area ix) Willand Health and Community Centre x) GP Surgery xi) Halfway House xii) Garage, Hairdresser, Bluebell Cafe xiii) Pharmacy xiv) Diggerland area + Fishing Lakes xv) Elmside down to the river xvi) Willand School 	<ul style="list-style-type: none"> • Community • Green Infrastructure

2. Securing sustainability now and for the long-term future.	
Objective	Topic(s) in this Plan
2.1 Climate change	
a) In future Willand will require more variety of local employment opportunities for working age residents, involving more emphasis on working at or near home. These should be clustered around the Garage site to the south and near the Halfway House to the north. The development should include <ul style="list-style-type: none"> i. small starter units - office premises - light industrial units ii. home worker support facilities iii. greater choice of catering/refreshment outlets. 	<ul style="list-style-type: none"> • Economy and Employment
b) Allotments and community green space and protected woodland should be an integral part of any proposed future housing and industrial development.	<ul style="list-style-type: none"> • Community • Green Infrastructure
c) New development to result in a net increase in biodiversity.	<ul style="list-style-type: none"> • Green Infrastructure
d) All new houses and businesses should have private electric charging points.	<ul style="list-style-type: none"> • Sustainable Development
e) Solar panels and heat pumps should be integral to all new employment and residential properties.	<ul style="list-style-type: none"> • Sustainable Development
f) Commercial and community organisations should be encouraged to provide public electric charging points.	<ul style="list-style-type: none"> • Sustainable Development • Community
g) Consideration should be given to providing a “hub” to the north of the village equipped with electric bikes enabling people to commute to Parkway Station and to the canal and beyond.	<ul style="list-style-type: none"> • Travel, Access and Connectivity
h) Tree planting.	<ul style="list-style-type: none"> • Green Infrastructure
2.2 Care of the natural environment	
a) The production of a clear mapped statement as to who is responsible for keeping which existing paths, verges and green areas clear, including those with no registered ownership.	<ul style="list-style-type: none"> • Travel, Access and Connectivity • Community
b) A planting strategy for more trees and other wildlife habitat on public and private land.	<ul style="list-style-type: none"> • Green Infrastructure

2. Securing sustainability now and for the long-term future.	
Objective	Topic(s) in this Plan
<p>2.3 Opportunities for the future</p> <ul style="list-style-type: none"> i) Young people have been well served by a strong village school, access to nearby secondary schooling and good play and youth club facilities. Ready access to education and training needs to be continued and strengthened. ii) Accessible Pre-school and Primary education are an important part of making Willand what it is. Current pedestrian and cycle access and parking issues need to be addressed, and more provision of secure safe bike access to schools and community facilities with secure onsite bike storage. iii) Transport must be secure for young people's and adults' access to out of village education, work and leisure opportunities iv) Continued local presence of Pharmacy and of GP facilities is important for all ages. v) The current strong community spirit requires constant support for community buildings, organisations and facilities. 	<ul style="list-style-type: none"> • Community • Travel, Access and Connectivity
<p>2.4 Key reminders of Willand's history</p> <ul style="list-style-type: none"> a) Preserve and enhance historic remnants if any of the old Tiverton Junction area including the Station, Maunders and the Duchess Dairy and the remaining railway cottages. b) Preservation and enhancement of the Old Village Conservation Area, Willand's listed buildings and other notable sites. 	<ul style="list-style-type: none"> • Heritage

3. Engaging with its rural context	
Objective	Topic(s) in this Plan
a) Increasing access by foot and bike especially to the rural hinterland is a major priority for residents. In contrast to other villages Willand lacks walkways and cycleways, noting the need for wider access for the disabled and children's mobility.	<ul style="list-style-type: none"> • Travel, Access and Connectivity
b) More public seating.	<ul style="list-style-type: none"> • Community
c) Jaycroft should be protected as a place to walk and cycle.	<ul style="list-style-type: none"> • Travel, Access and Connectivity
d) Pedestrian access across the road from the churchyard path to Jaycroft should be given protection.	<ul style="list-style-type: none"> • Travel, Access and Connectivity
e) Willand residents should have <ul style="list-style-type: none"> i) Safe pedestrian/cycle access to the cemetery. ii) New crossing from where the footpath joins Silver Street by Ash Close to be routed through Townlands to provide pedestrian access to the Post Office, Church and Hall etc. iii) Pedestrian/cyclist access from Halfway House up to Waterloo Cross, connecting to existing paths for Bridwell and Muxbeare. iv) Safe cycle and pedestrian accesses to the Culm. 	<ul style="list-style-type: none"> • Travel, Access and Connectivity

3. Engaging with its rural context

Objective	Topic(s) in this Plan
<ul style="list-style-type: none"> v) An early start linking Jaycroft to the proposed off-road footpaths/cycleways intended eventually to reach the Garden Village with Willand, and consideration how this might provide safe pedestrian/cycle access to Cullompton. vi) Safe footpaths/cycleways alongside the B3181 or off road provision to replace the current unsafe link to and from Cullompton to Willand and then the cycleway to Tiverton Parkway Station. vii) A cycle/pathway to Uffculme, possibly opening up old railway line to Hemyock (even where blocked). viii) Open viewing spaces and public access through towards the Culm Valley. ix) The solar farm field south of Dean Hill Road and alongside Five bridges should be promoted as a place to walk with dogs. x) The traditional walk 'Round the World' should be recovered, made safe for pedestrians and cyclists and maintained, with protection from any development on the farmland alongside it. xi) Pedestrian and cycling opportunities to be improved / enhanced by remediation of pavements/pathways that are overgrown and where the verge has encroached, particularly where this inhibits pedestrian access to school and other facilities. xii) safer pedestrian crossing points and safer cycleways on or across roads, particularly Silver Street. 	

3. PLAN TOPICS

This Plan's planning policies, and community actions and projects are set out under the topic headings identified in the right-hand column of the table in the previous section. These topics are:

- **Sustainable Development;**
- **Community;**
- **Green Infrastructure;**
- **Transport, Accessibility and Connectivity;**
- **Economy and Employment;**
- **Heritage;**
- **Housing.**

These topics are not listed in any priority order as the Plan's policies all carry equal weight in the planning system once the Plan is made (adopted). The policies, and the community actions and projects which are set out under each topic seek to provide a positive response to the Plan vision and objectives.

Neither the Heritage nor Housing topics have any planning policies, but we consider it appropriate to have a commentary in this Plan about those issues, given that they were raised as key issues during consultation and feature in the objectives set out in the Plan.

3.1 A Note About Planning Policies

The planning policies in this Plan are not able, within the context of planning policies and regulations, to provide a solution for every issue in the Parish. Broadly speaking, the following factors need to be remembered when looking at or using the policies in the Plan:

- Policies must be evidenced and justified, supported by written evidence gathered and community consultation;
- Policies need to relate to land-use and either protect something, propose something or be able to be used by the local planning authority to respond to a development proposal (i.e. help determine its appropriateness, or not);
- Policies should be 'positively framed' to support or enable development subject to various criteria / conditions;
- Policies cannot deal with certain 'excluded matters' such as waste or minerals planning matters which are dealt with by the County Council;
- Policies in a neighbourhood plan should not simply duplicate policies set out elsewhere in policy at the national or local authority level. The neighbourhood plan forms part of the 'development plan', the other parts of which are the district-wide Local Plan and other development plan documents produced by the District Council. The policies across these documents should align, with policies in the neighbourhood plan being in "general conformity" with the strategic policies of the local authority's Local Plan;
- It is the planning policies in the Plan which carry legal weight (or are the statutory element of the Plan);
- Each policy has a unique title and reference number.

It is important to note that, while we have packaged policies under topic headings, when development proposals are being assessed, the whole plan (i.e. all policies) should be considered, as policies in one theme may apply to proposals which naturally fit under another. In other words, the Plan should be read as a whole.

4. SUSTAINABLE DEVELOPMENT

4.1 Introduction

Section 1.9 in the Plan references the need to consider sustainable development within the context of the planning framework set out by national policy. Consultation also gave rise to concerns about our changing climate and the need for this Plan to respond positively to opportunities to help reduce emissions. In response to this, and the resultant objectives of the Plan set out in section 2.2, this first topic and section of the Plan sets out our response to these concerns and key issues raised, setting out planning policies which introduce criteria to help contribute to adaptation to and mitigation of climate change and encourage a positive response to the challenges which a changing climate poses.

The policies in this section are:

- Policy SD1: High -Quality Design in New Development
- Policy SD2: Sustainable Development in New Development

4.2 Sustainable Development and High-Quality Design

Policies Justification

We have identified good, high-quality and sustainable design as an important factor that new housing, commercial and retail development, in particular, should consider and meet. The Government has acknowledged the importance of good design of development in the National Design Guide and emerging National Design Code⁸, while the Levelling-up and Regeneration Bill⁹ has elevated the importance of delivering good design through the planning system further. Mid-Devon District Council's Design Guide includes useful guidance for a variety of development types¹⁰.

We consider that there is a good level of design guidance for high-quality design to take place in Willand. However, there are some areas in relation to sustainable development and climate change which we consider are worth emphasising through planning policy in this Plan and so policies SD1 and SD2 focus on these areas.

Good design is not simply about the “look and feel” of a development in terms of the materials it is made of or the colour it is. It extends to many other factors. To understand what good design means development should:

- integrate new development with its surroundings while also providing identity;
- consider the impact on and relationship with the climate change;
- be a sustainable development, both in terms of energy efficiency of development, low carbon energy generation and ease of access to help minimise unnecessary travel by private car;
- create a safe and secure environment;
- provide good accessibility and permeability within and through a development;

⁸ See <https://www.gov.uk/government/publications/national-design-guide>

⁹ See <https://bills.parliament.uk/bills/3155>

¹⁰ See <https://www.middevon.gov.uk/residents/planning-policy/supplementary-planning-documents/mid-devon-design-guide/>

- recognise the day-to-day impact of on-street parking on maintaining good access for pedestrians, parents and carers with prams, the disabled and those with mobility problems and other vehicles;
- consider its environmental impact;
- ensure that it is fit for purpose for the people who will use, live or work within the development;
- reflect the amenity of existing neighbouring uses;
- ensure a positive legacy;
- not simply be “pastiche”;
- introduce balance between colour, shape, form, space and textures;
- be of an appropriate scale, massing, density and materials relative to the site and the development’s setting.



While planning policies cannot force development to comply with sustainability standards above those required by Building Regulations, policies can strongly encourage developers to exceed those standards where those higher standards do not compromise a development’s viability. We therefore signpost tests for new housing such as Building for a Healthy Life¹¹ and guidance such as Active Design principles¹² to ensure that new development is sustainable and encourages healthy and active lifestyles, and BREEAM in relation to commercial development¹³ to help ensure that new commercial development is sustainable. It is critical for new development to help drive us towards meeting net zero carbon emissions targets as soon as we can, including commercial development, which can often have a large carbon footprint given the energy uses of businesses.

¹¹ See <https://www.designforhomes.org/project/building-for-life/>

¹² See <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

¹³ See <https://www.breeam.com/>

Policy SD1 also signposts our desire to see proposals for major development¹⁴ go through a design review process¹⁵ to help guide applicants and local authority planning officers towards a high-quality designed development. This approach has been successfully introduced in policies in other made neighbourhood plans.

Policy SD2 requires development proposals to do as much as they can to have a positive impact on climate change issues on the basis that the level of response to the criteria set and measures introduced will need to be proportionate to the scale and type of development being proposed. In some cases, for example, smaller or householder applications, some criteria will not be relevant to the proposal. The policy also includes reference to the Devon County Council “Sustainable Drainage Systems – Guidance for Devon” document¹⁶, which should be used, where relevant to the proposals, to ensure that flood risk is appropriately managed.

It should be noted that changes to buildings undertaken through permitted development rights will not have to adhere to planning policies.

Policy SD1: High-quality Design in New Developments

For housing, retail and commercial development proposals to be considered high quality in the Willand context, they should have particular regard to the following considerations, where feasible, viable and applicable:

- i) be well-related to scale, form, density and character of the settlement / built-up area and of its setting, enhancing visual amenity;**
- ii) have boundary treatment well-related to those of nearby buildings to complement the character of its setting;**
- iii) provide safe and easy access for pedestrians, those with impaired mobility and disabilities and cyclists onto existing pedestrian footpaths and cycle lanes and, where feasible provide segregated, direct, safe routes to support good connectivity to local facilities and amenities. Pedestrian and cycle routes should assist permeability and “desire line” point to point access into and out of the development;**
- iv) ensure good and safe accessibility for refuse, emergency and delivery vehicles, where feasible, taking into account likely levels of on-street parking by occupants, users and visitors;**
- v) for proposals for dwellings, provide private amenity space (gardens) appropriate to dwelling type and size and to inform consideration of the appropriateness of a proposal’s suitability in relation to the character of the built environment and the site’s setting. Applicants should provide an analysis of proposal’s plot size(s) and building footprint in relation to garden areas of the dwellings in the surrounding area;**
- vi) follow a design review process prior to the submission of a planning application (for major development) where the development is in a sensitive built or landscape character area or would introduce significant change to its setting; and,**
- vii) respond positively to the National Design Guide and Code, and the Mid-Devon Design Guide.**

¹⁴ Major development is: for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the [Parish and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). See the NPPF - <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

¹⁵ See <https://www.designreviewpanel.co.uk/> for further information.

¹⁶ See <https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>

Policy SD2: Sustainable Design in New Developments

Development will be required to respond positively to the challenge posed by climate change. It should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions. Proposals are encouraged to meet as many of the following criteria as possible, where feasible, viable and where relevant to the scale and type of proposal:

- i) meet the highest standards for commercial / employment uses, or other up-to-date standards at the time of application;
- ii) utilise the most up-to-date Building for a Healthy Life sustainable development tests for dwellings, achieving as many green scores as possible;
- iii) respond positively to principles such as those for “walkable communities” in Sport England and Public Health England’s “Active Design” guidance;
- iv) have a layout which optimises passive solar gain;
- v) have sustainable drainage systems installed on-site, where relevant, to mitigate the impact of increased surface water run-off or provide off-site solutions where on-site provision is not possible. Proposals should demonstrate, through a Planning Statement, that they have taken into account the Devon County Council “Sustainable Drainage Systems – Guidance for Devon” (or the most up-to-date equivalent where this is superseded during the Plan period);
- vi) ensure that all off-road parking spaces are permeable to help prevent surface water run-off and include filtration or interceptors to prevent vehicle oil polluting the ground and watercourses;
- vii) incorporate on-site energy generation from renewable sources such as solar panels or heat pumps;
- viii) provide an appropriate number of electric vehicle charging points for electric cars and electric bikes in accordance with the most up-to-date standards;
- ix) provide secure outside covered storage space for refuse bins and recycling boxes (ensuring that their location gives easy access to the kerbside for collection) and secure inside or outside covered storage for bicycles.

5. COMMUNITY

5.1 Introduction

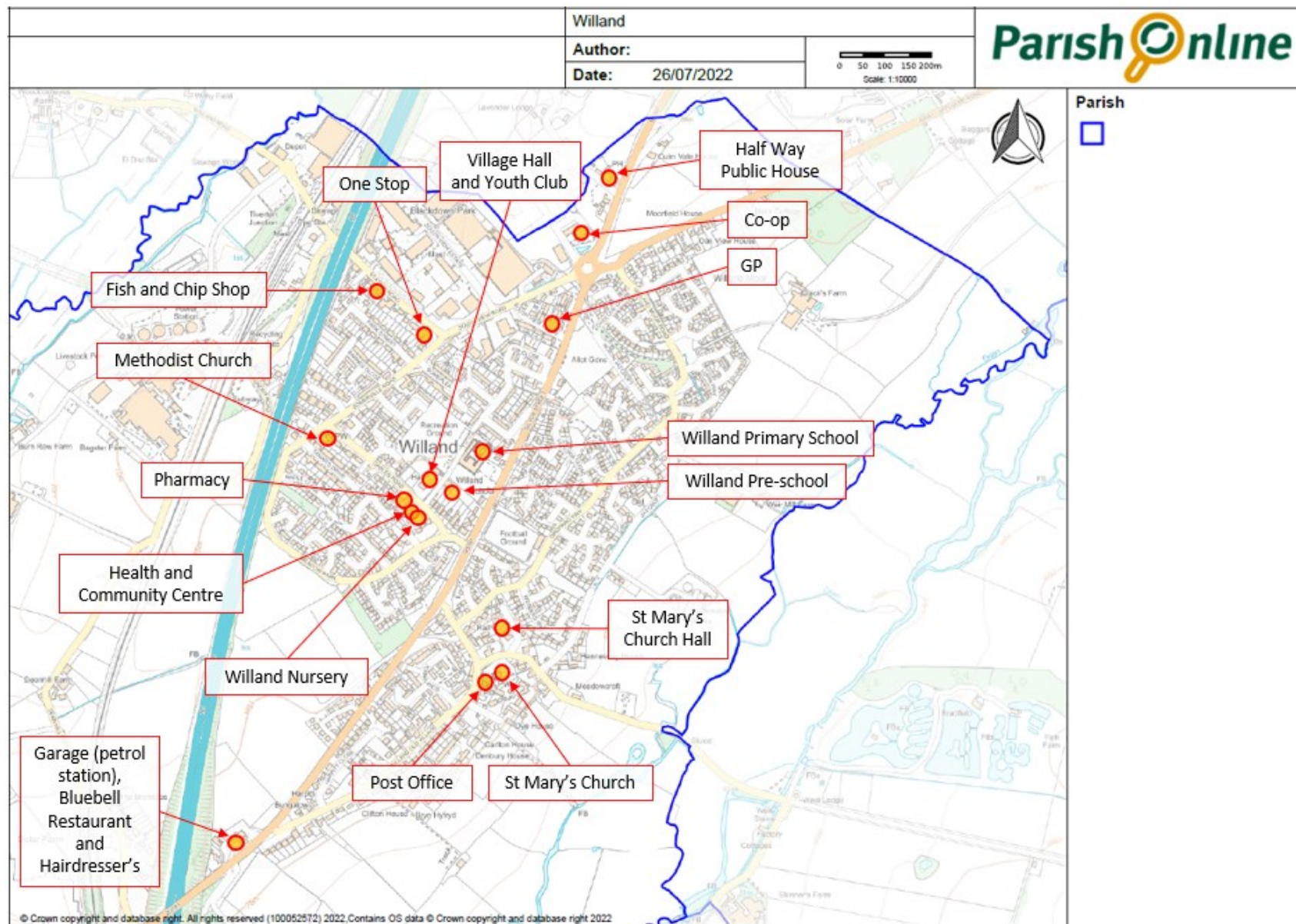
The “community feel” in Willand is central to what makes our Parish the place it is. The environmental, social and economic assets that the Parish benefits from all contribute to this and the apparent balance between living, playing, enjoying and working in the Parish. From this perspective this section could cover almost all objectives of this Plan. However, this topic, in relation to land-use planning, focuses on helping to protect and enhance community identity, by supporting its assets and facilities. The policies in this section are:

- Policy COM1: Engaging with the Community on Major Development Proposals
- Policy COM2: Protecting Community Facilities, Amenities and Assets
- Policy COM3: Enhancing Community Facilities, Amenities and Assets
- Policy COM4: Protecting Sports Facilities, Amenities and Assets
- Policy COM5: Enhancing Sports Facilities, Amenities and Assets
- Policy COM6: Protecting Community “Services”

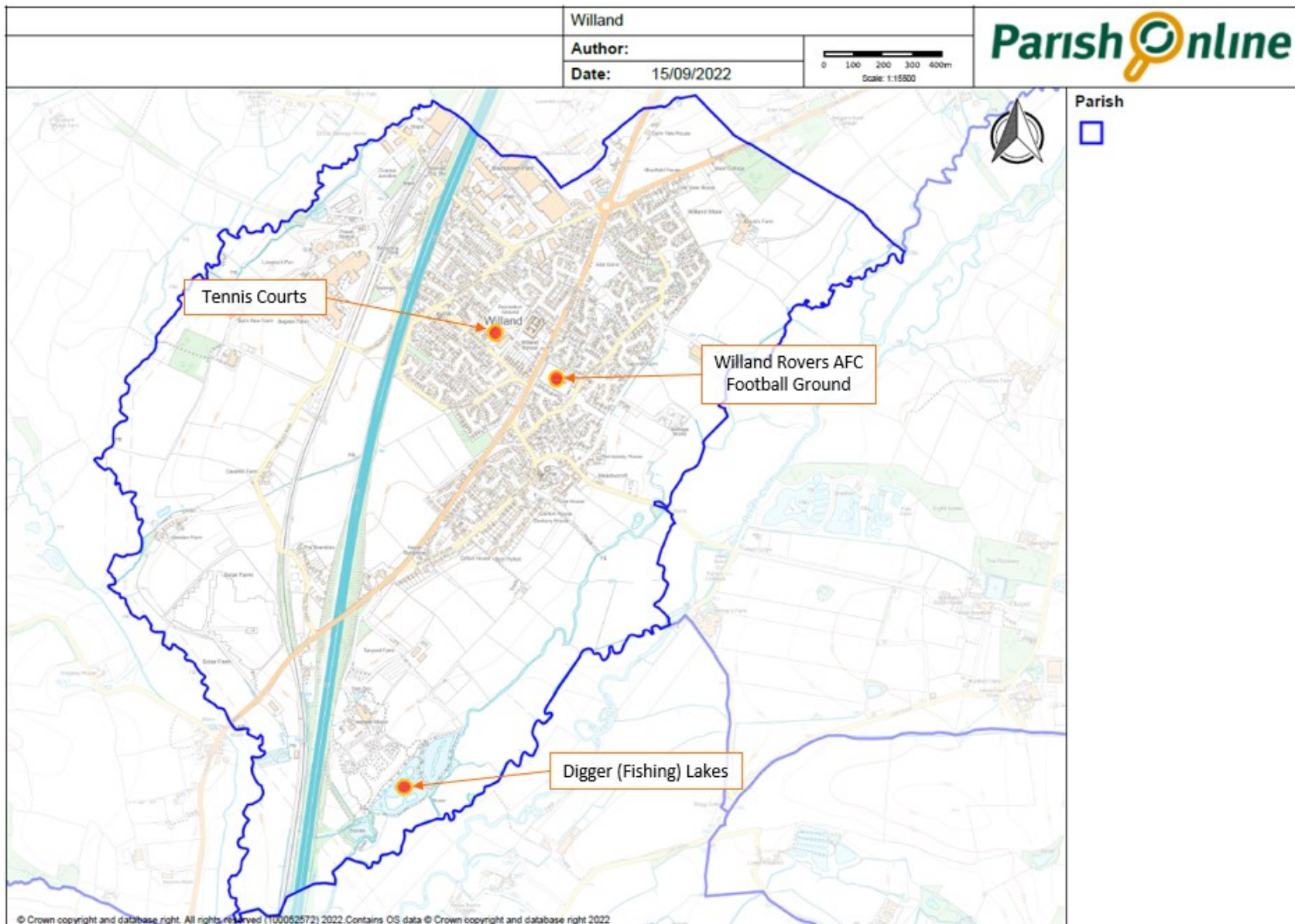
We are fortunate to have a wide range of well-used community and sports facilities and assets, which are shown on Maps 3 and 4 below. This also includes buildings which house or host what we consider to be of critical importance to the health and sustainability of the Parish and its community as community “services”. Many of these also play a much wider role in supporting residents in neighbouring parishes.



Map 3: Community and Sports Facilities, Assets and "Services"



Map 4: Sports Facilities and Assets



5.2 Engaging with the Community on Major Development Proposals

Policy Justification

As noted earlier in this Plan, the Parish (and village) of Willand is fortunate to have a good balance between housing, employment and community facilities, making it a relatively sustainable place to live and work. Ironically, its position of balance comes largely from its location on the strategic road network and proximity particularly to Junction 27, but also Junction 28 to the south and the Tiverton Parkway railway station.

Retaining the “look and feel” and this balance of our community is a clear issue of importance for residents during our consultations but also from a planning perspective with the Local Plan and its evidence base recognising Willand’s role in this regard¹⁷. Our policy COM1 is a simple, but important, requirement for developers of major development¹⁸ proposals to engage with the local community at an early stage to ensure that the aims of this Plan and aspirations of the community are met. This is particularly important in the later years of the Plan period and should a new Local Plan come into place during the same period. While we cannot, at this stage, predict with any accuracy what might happen with regard to future housing and employment allocations, having policy COM1 in place will help to ensure that any future planned or speculative planning proposals have some form of early community engagement. While the current Local Plan encourages developers to take opportunities to do this, it is by no means certain that all will, hence the need for this policy to give some weight to the importance of both this Plan, its policies and the community of Willand.

Policy COM1: Engaging with the Community on Major Development Proposals

Proposers of major development (on sites of 10 or more dwellings) are strongly encouraged to engage with the local community and Parish Council, prior to submission of a planning application to the Local Planning Authority, to help ensure that proposals take into account both this Plan’s Aims and Objectives and the views of the local community.

5.3 Protecting and Enhancing Community Facilities and Assets

Policy Justification

In order to maintain and enhance the sustainable balance in our community, our community facilities must be protected for future use. They provide important opportunities for people to meet and

¹⁷ For example, in the Local Plan itself, and various evidence base documents which suggest this position such as the Settlement Character Assessment, Employment Land Review, Area Profile and Sustainability Appraisal. See <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/adopted-local-plan-review-evidence-base/>

¹⁸ Major development is: for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the [Parish and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). See the NPPF - <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

socialise, learn, practice religion, and engage in mental and physical exercise, and are essential for people's mental and physical wellbeing.

In the context of policy COM2 below, these comprise those facilities which are not run commercially by a private business and which largely provide facilities for community activities, events, clubs, organisations and faith groups, across age groups. The facilities we are seeking to protect are Willand Village Hall¹⁹, Willand Health and Community Centre²⁰, St Mary's Church and St Mary's Church Hall²¹, Willand Methodist Church²² and Willand Primary School, Pre-school and Nursery.

These facilities are used by a wide range of groups and organisations including, but not limited to:

- Theatre groups;
- Gardening club;
- Coffee mornings and other social meeting events and groups;
- Youth clubs;
- Various sports clubs;
- Various parent and toddler groups;
- Various faith groups, church meetings and worship;
- Various exercise groups;
- Various martial arts clubs;
- Bingo;
- Fairs;
- Education, learning and training courses;
- Concerts;
- Parish Council meetings.

All facilities listed in policy COM2 are well-used by the community and changes to alternative, non-community use facilities, will be resisted. This policy therefore seeks to protect them for community use.

National policy supports a policy position of protecting community facilities²³ and our policy COM2 adds value and local specificity to Local Plan policies S1: Sustainable development priorities and DM23: Community facilities²⁴. In addition to protecting facilities it seeks to enable improvements to be made to them and protect from their loss as far as planning policies are able. The policy also seeks to ensure that proposals are "fit-for-purpose" and early engagement with the local community is encouraged.

¹⁹ See <https://willandvillagehall.org.uk/>

²⁰ See <https://www.facebook.com/groups/190698607681346/>

²¹ See <https://www.stmaryswilland.org/>

²² See <https://www.tivwell-methodists.org.uk/culm-valley>

²³ See paragraphs 92 and 83 d) of the NPPF, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf. Paragraph 92 states that "To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments..." and "... (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs...". Paragraph 83 d) states that planning policies and decisions should enable "the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship." to support a prosperous local rural economy.

²⁴ See Mid-Devon Local Plan, <https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-and-policies-maps/>

Policy COM2: Protecting and Enhancing Community Facilities, Amenities and Assets

1. Existing community facilities, amenities and assets (as identified on Map 3 and listed below) are locally valued and will be protected for community use. Their loss will not normally be supported:

- i) Willand Village Hall and Youth Club;**
- ii) Willand Health and Community Centre;**
- iii) St Mary’s Church Hall;**
- iv) St Mary’s Church;**
- v) Willand Methodist Church;**
- vi) Willand Primary School;**
- vii) Willand Pre-school;**
- viii) Willand Nursery.**

2. Proposals for new community facilities and those which result in the loss (redevelopment or change of use) of the named facilities, amenities and assets above will only be supported where:

- i) they meet the requirements of Local Plan Policy DM23: Community Facilities; and,**
- ii) they do not have an adverse impact on the special character of the area’s natural and built environments.**

3. Proposers of development are encouraged to engage with the local community and Parish Council at the earliest opportunity to help ensure that any proposals take into account both this Plan’s Objectives, the needs of users and the views of the local community.

5.4 Protecting and Enhancing Sports Facilities and Assets

Policy Justification

Our sports facilities in the village also have a key role to play in supporting the sustainability and health and wellbeing of the community. We are fortunate to have a well-supported Football Club and Tennis Club, both with a buoyant membership. The Willand Rovers Football Club²⁵ (WRFC) 1st team plays in the Southern League. The club’s ground is at Silver Street and should be protected from loss as a sports facility. Willand Tennis Club²⁶ is an active village club based at the courts in Jubilee Field and supports social and competitive tennis for both adults and juniors.

The Mid-Devon Playing Pitch Strategy²⁷ highlights both the football and tennis clubs, supporting resurfacing of the tennis courts and upgraded lighting, and additional facilities for the football club should demand become apparent from youth and ladies teams (with at least one youth 11v11 pitch required).

²⁵ See <https://www.facebook.com/willandroversfc/> and <http://www.willandrovers.co.uk/>

²⁶ See <https://www.facebook.com/Willandtennisclub/> and <https://clubspark.lta.org.uk/WillandTennisClub>

²⁷ See <https://www.middevon.gov.uk/residents/planning-policy/playing-pitch-strategy/>

Policy COM3 seeks to protect these facilities from loss. However, the policy does not seek to ossify these facilities. Should improvements and enhancements be required which support their main use, these should be supported. Equally, if either facility could be improved by relocation, this is supported subject to better quality and quantity (or capacity) of facilities being provided. It is important to note that a secure community use agreement is a common way to ensure that the community gets access to new provision for sport in particular. These are typically secured through section 106 agreements and organisations such as national sports governing bodies and Sport England have model agreement examples which the local authority can use where such an agreement is required. It is important, after agreement is in place, for the local authority to enforce it. The policy also rightly draws attention to the need for proposals where mitigation is proposed, to take fully into account Sport England’s most up-to-date policy. For example, Sport England’s Playing Fields Policy²⁸ is a critical policy document used to help defend against loss of playing fields. This is particularly relevant for applications where Sport England will not be a statutory consultee, such as smaller scale proposals.

Policy COM4 provides support to enhance facilities, subject to criteria being met to ensure that a balance of factors are taken into account. It is considered appropriate to seek to retain spend for enhanced facilities within the Parish. The criterion in the policy is borne from an understanding of how mitigation can sometimes be “gained” from a housing proposal but then provided or spent outside of the Parish if it goes into a central “pot” held by the local authority. It is also important to reflect the position that there can sometimes be a misconception that sports clubs always require additional pitches or facilities to increase their capacity (and cater for an increased local population from new development). Clubs (and indeed the Parish Council) can prefer a financial contribution to improve the quality (and therefore enhance capacity of) facilities and pitches.

Policy COM3: Protecting Sports Facilities, Amenities and Assets

1. Our main sport facilities and pitches are identified on Map 4 and are:

- i) Tennis Courts at Jubilee Field;**
- ii) Digger (Fishing) Lakes;**
- iii) the Willand Rovers Athletic Football Club ground.**

2. Existing sports facilities and pitches will be protected from loss. Where loss of a facility or pitch is unavoidable, it will be supported only where:

- i) redevelopment of the existing site includes an alternative type of community use, space or access;**
- ii) alternative replacement provision will normally be expected to be made within the Plan area but in some circumstances replacement adjacent to Willand Parish may be acceptable if the site is still accessible to the residents of Willand, as defined in Local Plan guidance. Replacement shall be to an equal or better quality and quantity than the facility and / or pitches being lost;**
- iii) provision ensures community access through an enforceable legal agreement;**
- iv) that the proposal demonstrates how it has taken into account the most up-to-date Local Planning Authority Playing Pitch Strategy and / or Sports Facility Strategy; and,**

²⁸ See https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy

v) proposals for replacement to mitigate loss should where possible comply with the guidance of Sport England and relevant sports governing bodies.

3. Where replacement cannot be achieved in line with 2ii) above, a financial contribution may be acceptable instead to ensure that provision is enhanced at other existing facilities, amenities and assets, where possible within the Parish of Willand.

Policy COM4: Enhancing Sports Facilities, Amenities and Assets

1. Where relevant, development, refurbishment or redevelopment proposals for sports will be supported where they :

- i) deliver or contribute towards improving quality and / or capacity to accommodate demand at existing facilities and / or pitches through on-site improvements, enhancements or extension; and / or,
- ii) deliver or contribute towards identified opportunities and / or resolve identified constraints; and / or,
- iii) secure or improve the financial viability of long-term use of facilities and pitches;

and;

- iv) do not exacerbate identified constraints or challenges on or associated with the site and proposal; and,
- v) satisfactorily mitigate adverse impacts which arise from the proposal.

2. If proposals for additional or improved facilities and / or pitches to accommodate demand arising from development proposals are not feasible or viable on-site, off-site provision or financial contributions towards provision should be made in line with Policy COM3.

5.5 Protecting and Enhancing Community “Services”

Policy Justification

There are several services in the village which are considered “essential” for the community to continue to be sustainable in the long-term. These are services which are relied upon by the community which are operated either on a purely commercial footing or as businesses. The planning system cannot control whether or not a business or commercial operation remains in its premises given that this will come down to economic viability and that the planning system can only be concerned with matters of land-use. However, planning policy can have some limited control over what uses take place in buildings. It is important for this Plan to identify the services which are important to the community. These often also operate as meeting places which can provide people with social support and provide services which would otherwise be difficult to access locally if they were absent. The community services of particular importance in Willand are the post office, the GP surgery, pharmacy, garage, hairdresser’s and the Halfway Public House. Policy COM5 seeks to protect the uses of the buildings which they occupy to enable similar provision to use them should they

become unviable or cease trading in the future. We recognise that planning policies will have a limited impact on retention of these in the village, particularly with permitted development rights allowing certain changes of use without the need for planning permission. The policy also seeks to protect other businesses which offer top-up or convenience retail food shopping (such as the Co-op and One Stop) and the Fish and Chip shop. These also play a role as “services” and contribute to the sustainability of the village, even though they are purely retail and take-away uses.

Policy COM5: Protecting Community “Services”

1. Our locally valued “services” which support the vitality of the community are identified on Map 3, and are:

- i) Willand Post Office;**
- ii) General Practitioners (GP) Surgery;**
- iii) Willand Pharmacy;**
- iv) Willand Garage (petrol station), Bluebell Restaurant / Café and Hairdressers;**
- v) Fish and Chip shop (Station Road);**
- vi) Co-op;**
- vii) One Stop; and,**
- viii) Halfway House Public House.**

2. Development proposals (which require planning permission) which result in the loss to alternative uses of community “services” which support the vitality of the community will only be supported where:

- i) it can be satisfactorily demonstrated that the use is no longer viable having been publicly and openly marketed for sale, lease and / or rent (under current and other ownership models) for a minimum of 12 months for a similar use, unless there is robust local evidence for a shorter timeframe; or,**
- ii) a replacement use or provision is proposed (and will be delivered) on an alternative site within the Plan area; or,**
- iii) the proposed alternative use would provide equal or greater benefits for the local economy and community than the current use.**

6. GREEN INFRASTRUCTURE

6.1 Introduction

The Parish’s “green infrastructure” is of critical importance to the community, people who work in Willand and to flora and fauna. It comprises many elements, some natural, some semi-natural and some human-made²⁹. Typical types of green infrastructure are shown in the box on this page.

Collectively, all of these elements of green infrastructure are important to quality of life, health and wellbeing, biodiversity, and the wider environment.

These elements also play a vital role in a much wider network of green spaces. The declared “Climate Emergency”³⁰, legal targets for the nation to be “net zero carbon” by 2050 and the District and County-wide aspirations to reach net zero by 2030 will mean that the natural environment must be protected and will have an even more important role, moving forward, to help to reach these targets. Solutions such as “carbon sequestration” which can

include the planting of more trees to absorb and “capture” carbon will become more important in future.

The policies in this section of the Plan are designed to perform several roles, namely, to protect the green spaces that we value for local amenity and recreational enjoyment, to protect natural and semi-natural areas which do not already enjoy policy or legal protection through existing legislation, or national and Local Plan policies, to take opportunities to protect and enhance biodiversity, and provide policy protection for locally important reasons and which are not otherwise recognised elsewhere. They also have justification based in Mid-Devon District Council’s Green Infrastructure Assessment and Strategy³¹. The Assessment states that “Overall GI is below average, as is the GI per head of

Typical elements of “green infrastructure”	
	Agricultural field systems, rural landscape, urban fringe and gaps between settlements
	Grassland, heathland, woodland, hedgerows, trees and their interconnecting corridors critical to biodiversity and habitat
	Protected areas such as Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and Nature Reserves
	Recreational, sport and leisure greenspaces, parks and gardens, public amenity greenspace, village greens, formal greenspaces, playing pitches, heritage / cultural greenspace, churchyards and allotments
	“Greenways”, footpaths, cycle paths, coast path, bridleways and lanes
	Includes “blue infrastructure” such as: rivers, streams, wetland, sustainable drainage systems

²⁹ It is defined in the National Planning Policy Framework (NPPF) glossary as “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.”

³⁰ See <https://www.devonclimateemergency.org.uk/> for further information on both the climate emergency and ecological emergency declared in Devon.

³¹ See <https://www.middevon.gov.uk/residents/planning-policy/local-plan-history/previous-local-plan-evidence/green-infrastructure-assessment/>

population. Nature sites are in short supply, with very few County Wildlife Sites and no SSSIs. There is a high land area of protected trees (Tree Preservation Orders) in comparison to other catchment areas.” (Paragraph 5.163) It goes on to say that “...public right of way density is one of the lowest in Mid Devon at 0.45km per square kilometre, and qualifies as a ‘deficiency area’. Devon County Council categorises deficiency areas as those parishes with 0.5km public rights of way per square kilometre, or less.” (Paragraph 5.164) The Fields in Trust Green Space Index suggests that Willand village, and much of the remaining Parish area, has a lower than minimum national standard score³². The Assessment and the Green Space Index suggest a need to protect the green infrastructure we have and support its improvement. This also leads to the Strategy’s recommendation that Willand is the 5th priority for local authority investment in delivering green infrastructure of 28 priority areas (policy GI/2, p.8). However, the Assessment does suggest that Willand is fortunate to have a higher area of small-scale open space and play areas compared to other areas. This reinforces the need to protect these areas.

The policies in this section are:

- Policy GI1: Local Green Space
- Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat
- Policy GI3: Protecting Trees from Loss as a Result of Development
- Policy GI4: New Trees and Planting

Our Green Infrastructure network, comprised of a variety of land uses / elements is set out, below on Maps 5 and 6.

6.2 Local Green Space

Policy Justification

Through national planning policy³³, we have an opportunity to designate our important local green spaces in order to protect them and ensure that their current use remains. For a space to be designated as Local Green Space, it needs to be:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,
- c) local in character and not an extensive tract of land.³⁴

Through local consultation and gathering evidence on the nature, use of and quality of important local spaces, we have identified 19 spaces which we designate as Local Green Spaces (LGS).

³² See <https://experience.arcgis.com/experience/5301c55a8189410b9428a90f05596af4/page/GSI-Score/> Fields in Trust states that the “Green Space Index is Fields in Trust’s annual barometer of park and green space provision in Great Britain. It helps to identify where legal protection of green space can help to achieve these targets and bring lasting benefits to people, place and the planet.”

³³ See NPPF, paragraphs 101-103, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf.

³⁴ See NPPF, paragraph 102, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf.

They are designated where they play mainly a social, play, leisure and recreational role. In many instances they play a multi-functional role and also connect to the areas of habitat and biodiversity, therefore forming an integral part of our wider green infrastructure network important for the community and wildlife alike.

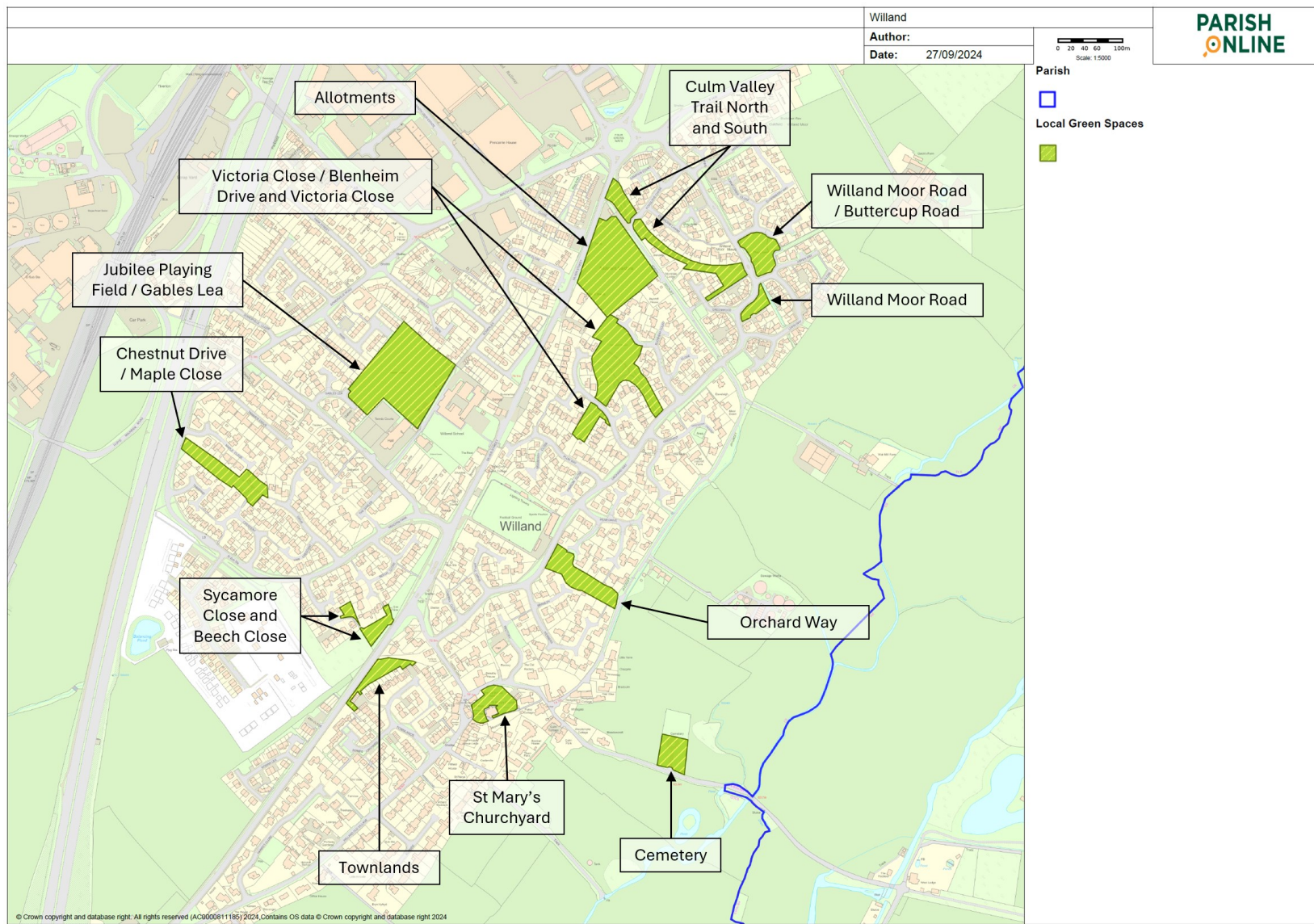
The identified spaces defined in Map 7 (and in more detailed mapping in Appendix 2) all meet the requirements set out in national policy³⁵. Our assessment to demonstrate that the spaces do meet the required criteria is also set out in this appendix.

The designation does not mean that no change can happen on the sites and policy GI1 below sets out the criteria against which any planning proposals on these sites would be acceptable. Typically, for example, a proposal (which needs planning permission) for facilities which help to support or enhance the main use for which the site is protected, could be permissible.



³⁵ See our Local Green Space Study which can be seen in Appendix 2.

Map 5: Local Green Spaces



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Policy GI1: Local Green Space

1. Our locally valued green spaces are identified on Map 5 (and Appendix 2) and are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework. These areas will be protected for their local environmental, heritage and / or recreational value. Willand's Local Green Spaces are:

- i) Chestnut Drive / Maple Close;**
- ii) Culm Valley Trail North and South;**
- iii) Jubilee Playing Field / Gables Lea;**
- iv) Orchard Way;**
- v) St Mary's Churchyard;**
- vi) Sycamore Close and Beech Close;**
- vii) Townlands;**
- viii) Victoria Close / Blenheim Drive and Victoria Close;**
- ix) Willand Allotments;**
- x) Willand Moor Road / Buttercup Road;**
- xi) Willand Moor Road;**
- xii) Willand Parish Cemetery.**

2. Development that would harm the openness and / or special character of a Local Green Space or its significance and value to the local community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.

3. Any development of such areas will be managed in accordance with national policy for Green Belt.



6.3 Locally Valued Areas of Biodiversity, Geodiversity and Habitat

Policy Justification

There are several areas of woodland and other areas of land with noted habitats which require protection from harm and adverse change. These form a critical part of the green infrastructure network in the Parish. These areas of locally valued biodiversity, geodiversity and habitat will be protected.

Using local knowledge, aerial mapping, Devon Environment Viewer³⁶ and Natural England's habitats data³⁷, areas of habitat and green corridors which link these areas of biodiversity have been defined on Map 6 (and in greater detail in Appendix 3). These areas should be protected from loss as a basic principle. However, the planning system requires policies to enable the opportunity for development proposals to mitigate impact and so policy GI2 also sets out the criteria which must be considered and passed for development to be considered acceptable in these designated areas. The policy also requires proposals to take fully into account other notable and significant environmental records relating to habitat and species.

In applying the policy, a funded management and maintenance plan should be agreed between the applicant and Local Planning Authority to ensure that net gains in biodiversity are properly managed and realised. Any proposal should also not cause significant harm to the setting with regard to biodiversity, geodiversity and habitat, or such impacts can be satisfactorily mitigated.

These areas will naturally link to other areas of importance outside the Parish boundary, but this Plan can do nothing to protect these areas. This Plan cannot introduce policy for these neighbouring parish areas but planning officers and developers are encouraged to consider the natural continuity and inter-connectivity of the areas designated in policy GI2 beyond this Plan's area. Mid-Devon District

³⁶ See <http://map.devon.gov.uk/dccviewer/>

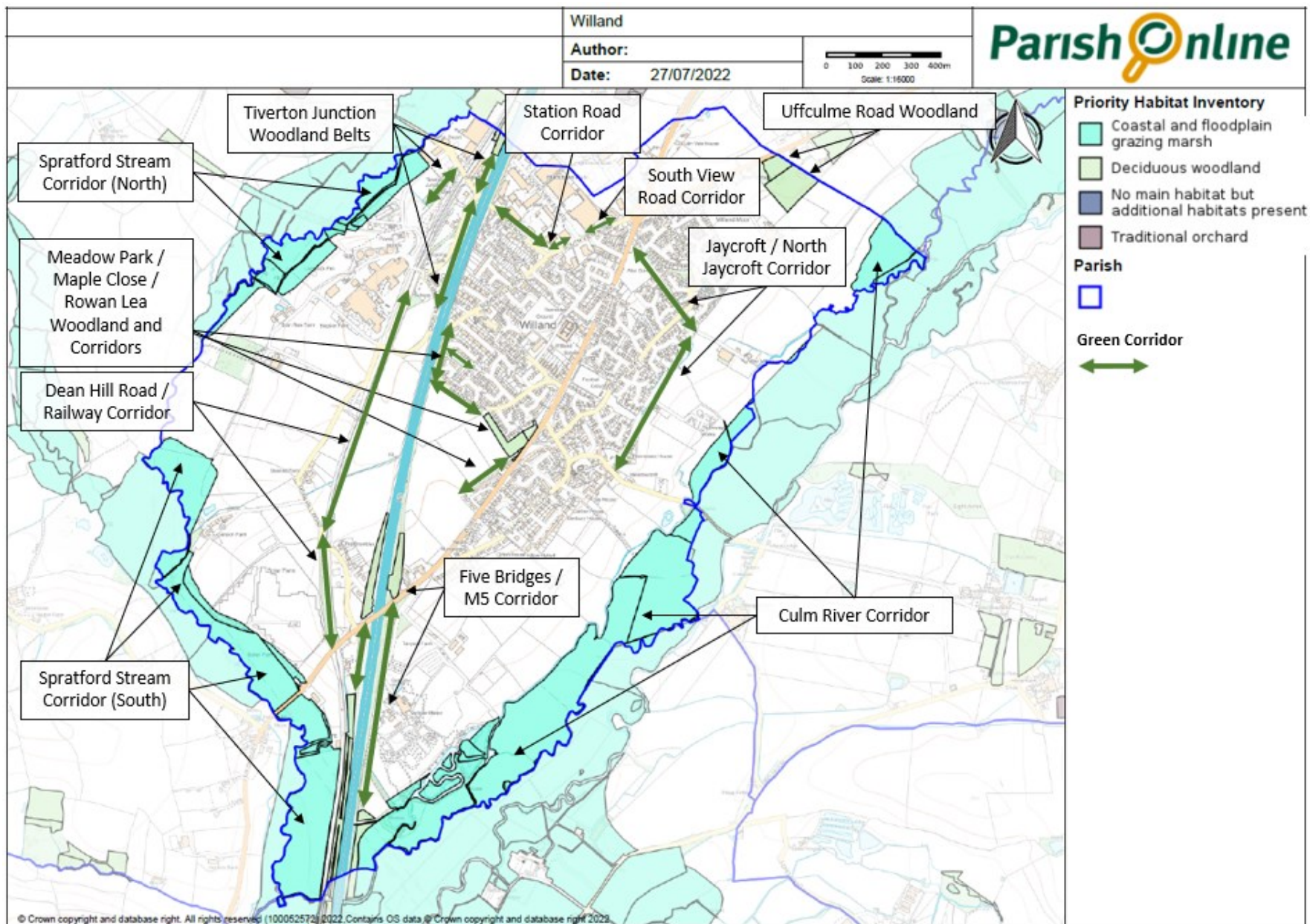
³⁷ This is documented in our evidence base, but detailed interactive mapping of these areas can be searched and seen here <https://magic.defra.gov.uk/>

Council is encouraged to ensure that a strategic and cross-parish boundary protection is put in place through the Local Plan review.

The policy requires that proposals on or affecting these sites should demonstrate how they have responded to the requirements of the policy through an ecological assessment. This provides applicants with the opportunity to demonstrate how they have responded and will ensure that the areas can be protected from significant harm or that satisfactory mitigation can be introduced.

The Devon Carbon Plan, targets for zero carbon emissions, emerging Climate Change Bill, Environment Act and Levelling-up and Regeneration Bill, and recent changes to the NPPF in relation to the importance of trees, emphasise the need to retain areas of habitat and woodland as essential components of a wider green infrastructure network.

Map 6: Locally Valued Areas of Biodiversity, Geodiversity and Habitat and Supporting Green Corridors



Policy GI2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat

1. Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and the following are of particular significance:

- i) Culm River Corridor;**
- ii) Five Bridges / M5 Corridor;**
- iii) Meadow Park / Maple Close / Rowan Lea Woodland;**
- iv) Spratford Stream Corridor (North);**
- v) Spratford Stream Corridor (South);**
- vi) Tiverton Junction Woodland Belts;**
- vii) Uffculme Road Woodland.**

2. Areas shown on Map 6 will be protected (and enhanced where possible) as areas important in supporting wildlife habitats, biodiversity and geodiversity and their role within the wider network of green infrastructure. Green corridors linking these areas will also be protected.

3. Proposals which result in the unavoidable significant harm to areas designated in clause 1 of this policy (in whole or in part) will only be supported where the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced with net gains in biodiversity to that feature.

4. Where appropriate, proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.

6.4 Protecting Trees from Loss and New Trees in Development

Policies Justification

Trees, whether part of woodland, hedgerows, copse, isolated clumps or as a single prominent feature in both the rural areas and the village, form a key component of the landscape and as habitats for wildlife. All common species have value and so protection of habitats and ecosystems should not simply be limited to rare or endangered species of flora and fauna.

Within the settlement limits in particular trees play a vital role in helping to reduce airborne pollution and are increasingly recognised, wherever they are located, as vital in the absorption of carbon dioxide emissions (i.e. carbon capture and contribution to carbon sequestration³⁸), and playing a role in flood prevention, and therefore very significant in their contribution to meeting the challenge of climate change. Retention of trees also plays an important role in helping to slow and extend the period of time for the drainage of water during periods of rainfall. Trees are a key feature of our immediate environment which help contribute to positive mental health. For all of these reasons, their loss will not be supported.

³⁸ See <https://www.devonclimateemergency.org.uk/glossary/> for definitions relating to climate change. Also see <https://www.woodlandcarboncode.org.uk/standard-and-guidance/3-carbon-sequestration/3-3-project-carbon-sequestration> for details on how development proposals can calculate carbon sequestration.

While some trees benefit from Tree Preservation Orders (TPOs) designated by Mid-Devon District Council³⁹, and those within our designated Conservation Area also carry some protection, there are others within habitat areas identified by policy GI2 and outside of these which play an important role as part of the essential green infrastructure network.

Policy GI3 seeks to protect this valuable part of our green infrastructure, although it is recognised that planning policy can play only a limited role given that policies can be used only in relation to proposals for development.

Our support for trees and the important role they play in the natural and village environments extends, through policy GI4, to increasing tree planting to also help with improving air quality, canopy cover and shade during hot weather, biodiversity, and help mitigate carbon dioxide emissions and the drive towards net zero emissions. The planting of trees can also help contribute significantly to demonstrating net gains in biodiversity in relation to a development site. The Environment Act 2021⁴⁰ introduced, through Regulations in 2022/23, statutory requirements for providing net gains in biodiversity in relation to development proposals (in addition to the existing Local Plan policy requirement in policies S1: Sustainable development priorities and DM26: Green infrastructure in major development) and so this Plan does not seek such requirements. Policy GI4 support for tree planting and sets out the checks and balances required to ensure that planting is fit for purpose. However, the policy is limited to use when planning proposals come forward as a planning policy cannot simply require tree planting to happen, given that planting a tree does not require planning permission.

In addition to the policy requirements, development proposals incorporating new trees and planting will be required to submit management and maintenance details to help ensure that new trees are managed and maintained, not only to ensure that they “bed in” in the first season of planting but also that they remain managed in the longer-term as necessary. Our policies support the efforts of organisations such as the Devon Wildlife Trust in saving treescapes⁴¹.

Policy GI3: Protecting Trees from Loss as a Result of Development

- 1. Where development proposals are on a site on which trees exist, these existing trees will be retained wherever possible for the contribution they make to reducing air pollution, softening the built landscape, providing shade in the summer months (urban cooling), good mental health, carbon sequestration and biodiversity.**
- 2. Where the loss of a tree or trees is unavoidable, proposals will replace trees to an equivalent maturity where feasible and in all cases to the same scale, effect or massing of trees to ensure an equivalent contribution to local biodiversity, air quality and health, and carbon sequestration, on site or within close proximity if on-site is not feasible. Where replacement of trees is required on-site or off-site to mitigate loss, policy GI4 will also be relevant.**

³⁹ See <https://www.middevon.gov.uk/residents/planning/trees-and-hedgerows/tree-preservation-orders/> for further information on Tree Preservation Orders.

⁴⁰ See <https://www.legislation.gov.uk/ukxi/2022/48/contents/made>

⁴¹ See Wild about Devon - Saving Devon’s Treescapes project <https://www.devonwildlifetrust.org/what-we-do/our-projects/saving-devons-treescapes>

Policy GI4: New Trees and Planting

Development proposals which include the provision of trees and other planting to enhance the environment should ensure that:

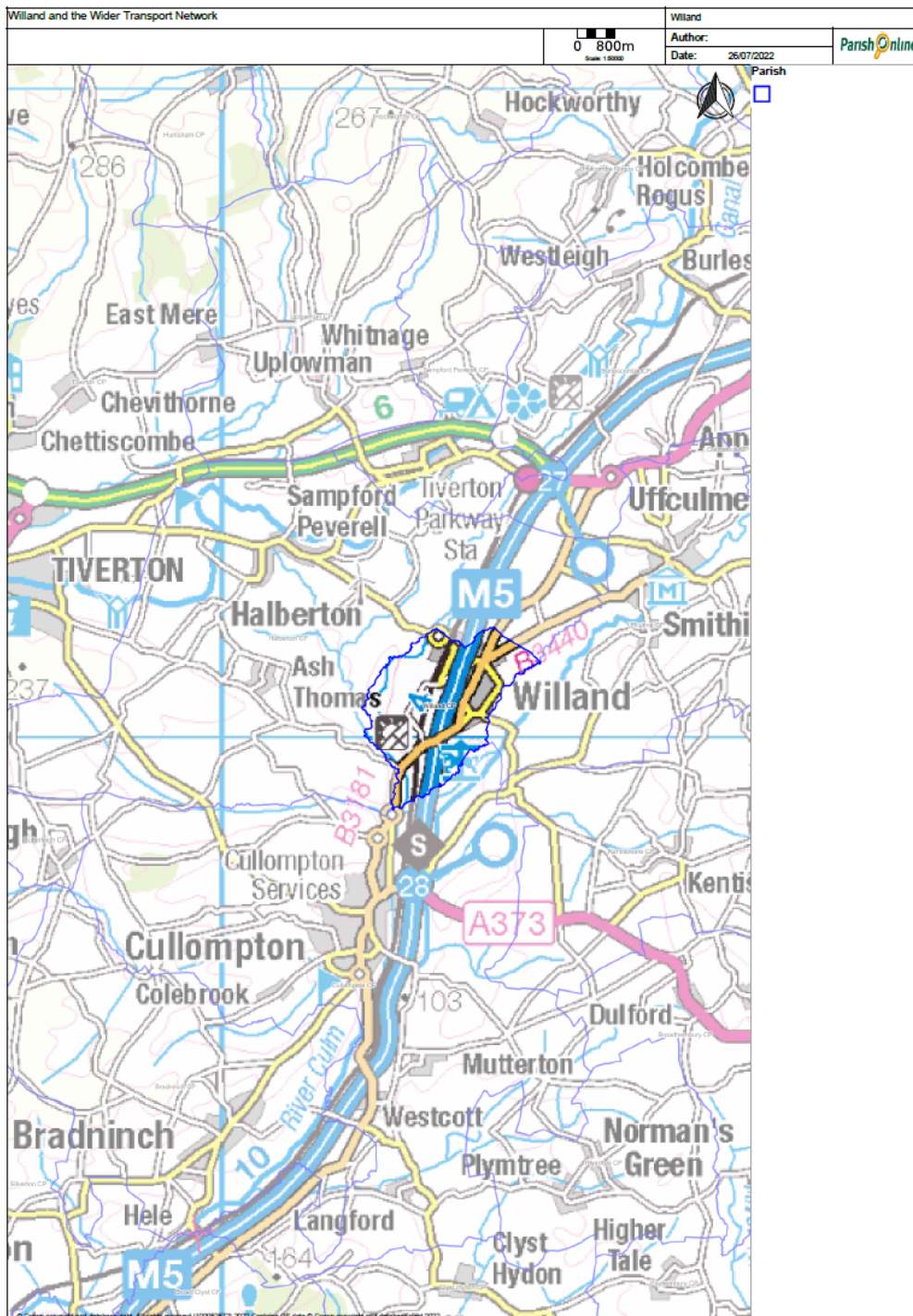
- i) the trees are of a species, size and massing appropriate to the immediate setting;
- ii) planting and trees in foliage allow adequate access to buildings within their setting through adoption and implementation of an appropriate management and maintenance programme;
- iii) trees and planting areas are designed and contained in such a way as to prevent future problems from roots to the planting structure (where relevant), paving surface and underground structures and infrastructure; and,
- iv) species are planted which are resilient to likely changes in the climate and weather patterns.

7. TRANSPORT, ACCESSIBILITY AND CONNECTIVITY

7.1 Introduction

Willand benefits from having a good position on the strategic road network, being most closely linked to the M5 Junction 27 but also close to Junction 28. It is also relatively close to Tiverton Parkway railway station with trains running up and down the Great Western mainline between Penzance, Exeter, Bristol and London. Its location means that it is viewed as a good place to be based for many businesses and this is true of the wider area outside the Parish boundary.

Map 7: Willand and its Wider Transport Network



Locally, the village has its own range of transport, accessibility and connectivity challenges and opportunities. This section sets out a range of policies to respond to these challenges and opportunities. In doing so we recognise, however, that the planning system only has a limited role in being able to effect change and deliver improvements to the transport network. Other organisations and agencies have responsibility for the transport network and issues related to it, for example, Devon County Council Highways for the county road network and public highways, Highways England for the strategic road network (motorways and trunk road network), on-street parking enforcement by Devon County Council, and the Police for traffic speeding. In addition, many measures which could introduce changes and improvements are subject to permitted development rights and would not be influenced by planning policies. However, our suite of policies in this section present a planning policy response where development proposals should be influenced and have the opportunity to support improvements in our transport network.

The policies in this section are:

- Policy TAC1: Improving Transport, Accessibility and Connectivity
- Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network
- Policy TAC3: Electric Charging Points for Plug-in Vehicles
- Policy TAC4: E-cargo and Electric Vehicle Hub

7.2 Improving Transport, Accessibility and Connectivity

Policy Justification

As we have noted above, the planning system can influence only some aspects of transport. For example, minor alterations to the road network, repairs and traffic calming are usually permitted without the need for planning permission and issues such as enforcement of traffic speeds and parking regulations are the responsibility of bodies such as the Devon & Cornwall Police and Devon County Council (as both Parking Enforcement and Highways Authority). The frequency of rail and bus services are not regulated through the planning system and planning policies can only influence provision of smaller scale infrastructure and changes to buildings and land-use.

However, this Plan draws together several key issues, challenges and opportunities identified through consultation with the community and sets out policies where they can be used to help protect or enhance transport, accessibility and connectivity. Taking such measures not only helps to improve travel options, but helps to support improvements to our health while presenting a positive response to the challenges posed by climate change. As indicated earlier in this Plan, Willand is a relatively sustainable village. With the walking time around 15-20 minutes from the northern to southern tip of the village, and walking times from most parts of the village to the centre around 10-15 minutes, this is something which can be built-upon. The concept of a 15 or 20 minute walking radius to and from facilities and services is becoming a more central part of town planning thinking and Willand can capitalise on this⁴².

⁴² For example, see <https://tcpa.org.uk/collection/the-20-minute-neighbourhood/>, <https://www.rtpi.org.uk/research/2020/june/net-zero-transport-the-role-of-spatial-planning-and-place-based-solutions/>, <https://tcpa.org.uk/resources/the-climate-crisis-a-guide-for-local-authorities-on-planning-for-climate-change/>, and <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Importantly, this Plan does not simply leave non-planning transport issues and problems to one side but presents them as issues connected to planning and our wider environment. We have identified non-planning transport actions and projects at the end of this section.

The main transport challenges and opportunities in Willand can be grouped around the following issues:

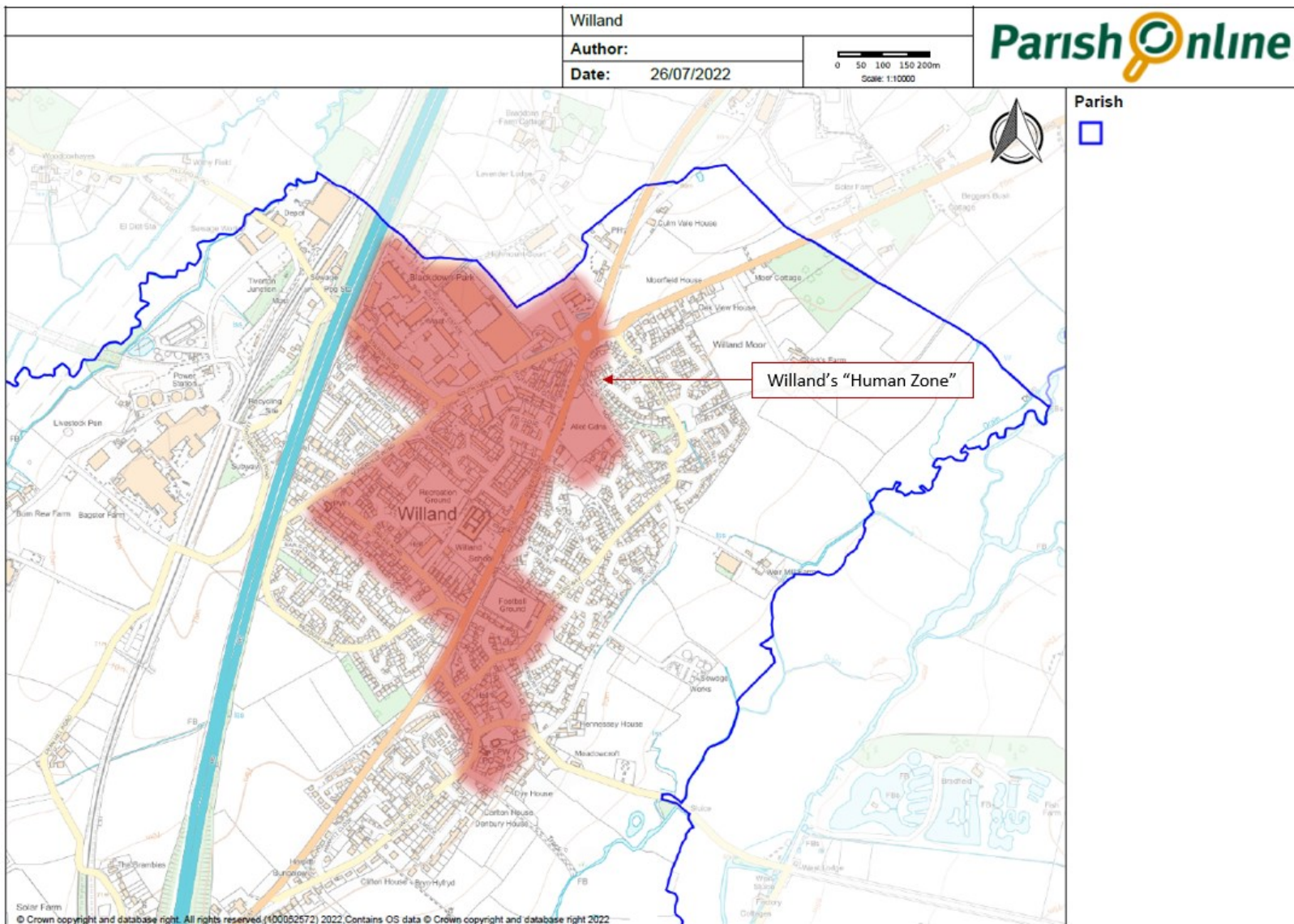
- Improving safe pedestrian and cycle routes;
- Improving pedestrian safety (with a focus on children);
- Increasing the frequency of local trips to be made by foot and bicycle (also called “modeshift”) to benefit health and help reduce the local carbon footprint, congestion at busy times and road safety;
- Supporting opportunities to introduce electric vehicle infrastructure.



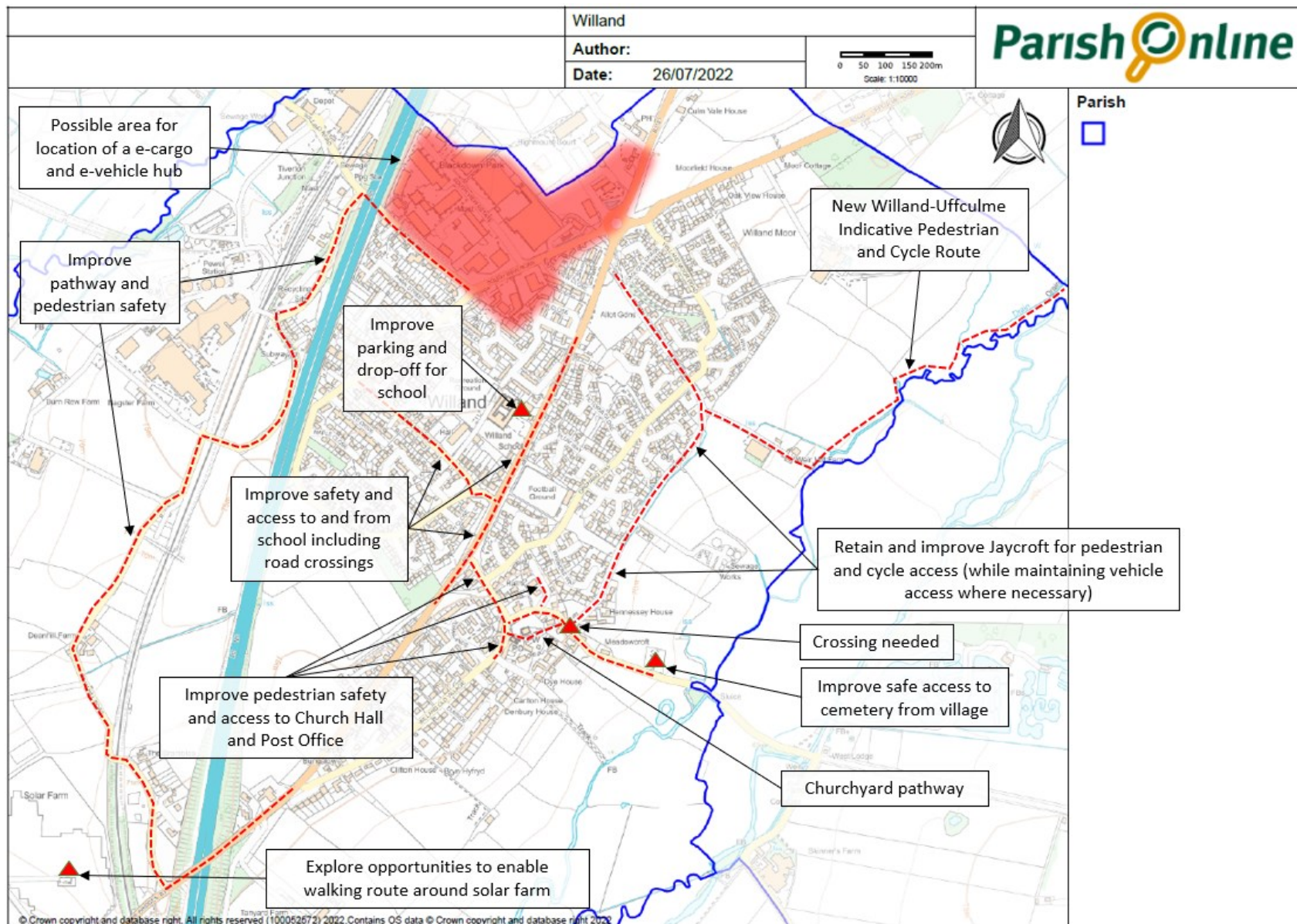
Willand village’s character of being a sustainable place to live and work is formed not just by the right balance between housing, facilities, services, retail and employment opportunities but also by the compact nature of where these are located. As referenced, the walking distances in and across Willand make it ideal for people having their day-to-day needs within easy reach. Uses are spread across the village, with no central area where all shops, facilities and services are located. Willand does have a “human zone” where most activity and journeys take place day-to-day, based on common destinations. This indicative “human zone” is shown on Map 8. Improving travel across this Human Zone, to help enable Willand to continue to be a sustainable place to live, work and enjoy, with easy access to employment, facilities and services is a priority for the village.

Map 8 below, shows the key transport and accessibility constraints, opportunities and features which will help to enhance Willand’s connectivity and ease of accessibility. Policy TAC1 then provides a positive policy framework to enable such projects and actions to be brought forward in planning terms, where opportunity arises to do so through the planning system.

Map 8: The Willand "Human Zone"



Map 9: Transport, Accessibility and Connectivity Plan



Policy TAC1: Improving Transport, Accessibility and Connectivity

1. Our Transport, Accessibility and Connectivity Plan is set out on Map 9 and identifies the key transport and accessibility constraints, opportunities and the network’s key features’ contribution to Willand’s character, across modes. Where relevant, development proposals will be supported which:

- i) deliver identified opportunities and / or resolve identified constraints; and / or,**
- ii) do not erode key features’ contribution to the built and landscape character of Willand; and / or,**
- iii) do not exacerbate identified constraints or satisfactorily mitigate adverse impacts which arise from the proposal.**

2. Development proposals should contribute positively to reducing, adapting to and mitigating the locally generated impacts which would result in increasing factors related to climate change and contribute positively to moving the Parish up the sustainable transport hierarchy.

3. Development proposals should, where relevant, improve accessibility for all through consideration of disability access including (but not limited to) direct route desire lines between crossing points at dropped and tactile kerbs, pavement widths which allow for mobility vehicles to pass alongside other users and cycle lanes, and facilitate good access to public buildings, business premises, shops and services.

5. Development proposals should not exacerbate existing problems related to traffic flow, off-street parking capacity and the capacity of the road network to accommodate movement at peak travel times and should enhance road safety where feasible.

7.3 Protecting the Footpath, Bridleway and Cyclepath Network

Policy Justification

Much of the Parish’s footpath network is within the village. However, there are also opportunities to access the countryside from the edges of the village⁴³ and such footpaths and bridleways will be protected through policy TAC2 below. While there is some protection through Law, our policy draws attention to the importance of the Public Rights of Way in the Parish and the desire to protect them from a land-use planning perspective. There are very few dedicated cycle paths in the Parish but opportunities to provide more safer routes for leisure activities, safe travel to school and to work. Of particular note is the opportunity to introduce an off-road walking and cycling route between Willand and Uffculme and improve the “Round the World” circular walking route around the Parish. Such improvements are set out above under Policy TAC1 and the Transport, Accessibility and Connectivity Plan. The popularity of electric bikes and e-scooters looks likely to increase during the Plan period and also necessitates safe infrastructure to be put in place for both modes for users and pedestrians.

⁴³ The footpath (and cycle) network can be viewed on the following websites - <https://fourpointmapping.sustrans.org.uk/devoncyclemap/devon.html> and <https://www.devon.gov.uk/prow/interactive-map/>

Policy TAC2 also sets out criteria for new development to respond to where proposals have or could have an impact on existing provision and provides policy guidance for new foot and cycle paths to meet to ensure that they provide safe and good access and have no adverse impact on the Plan area.

Policy TAC2: Protecting the Footpath, Bridleway and Cyclepath Network

- 1. Development proposals which result in the loss of public footpaths, bridleways and cycle paths or reduce permeability within the settlement limits boundary will not be supported.**
- 2. Proposals on or affecting existing or for new Rights of Way and other public non-vehicular routes (for example, which could enhance accessibility to local amenities, community facilities and services) should, where relevant:**
 - i) help to increase opportunities for recreational access to and within the countryside;**
 - ii) better link existing areas of green infrastructure and Local Green Space used for recreational purposes;**
 - iii) help to retain and enhance safe and easy pedestrian and cycle access to local amenities including the school, community and sports facilities and assets and services;**
 - iv) ensure permeability through the built area and desire line access for pedestrians, those with impaired mobility and disabilities, and cyclists;**
 - v) provide safe routes with appropriate lighting, where necessary;**
 - vi) provide sufficiently wide pedestrian pavements for use by passing wheelchairs, mobility vehicles and pushchairs;**
 - vii) have no adverse impact on landscape or built character or such impacts are satisfactorily mitigated;**
 - viii) meet the most up-to-date standards of design (including preferable use of permeable and / or utilising sustainable drainage systems (SuDS) where feasible).**

7.4 Electric Charging Points for Plug-in Vehicles

Policy Justification

Building Regulations now require electric vehicle charging points for new dwellings. However, in light of the need to respond positively to the climate change emergency and the aspirational target to achieve net zero carbon emissions by 2030 ahead of the legal national target of 2050, Policy TAC3 supports the provision of electric charging points for other types of development, where they require planning permission, subject to such infrastructure not having an adverse impact on accessibility or the character of the built environment.

Policy TAC3: Electric Charging Points for Plug-in Vehicles

1. Development proposals for the provision of electric vehicle charging points, where planning permission is required, will be supported where they have no significant adverse impact on:

- i) safe and good accessibility of pedestrians, those with impaired mobility and the disabled and cyclists along footpaths and cycle paths; and,**
- ii) the character of the built and natural environment where relevant.**

2. Proposals for commercial charging “stations” or “hubs” on existing fuel station locations, or new bespoke facilities, will be supported, subject to other policies in the development plan.

7.5 E-cargo and Electric Vehicle Hub

Policy Justification

A growing area of interest is the potential for a positive response to the decarbonisation agenda through more localised e-cargo hubs. Such hubs have been identified as potential solutions to a “greener” network of distribution for goods⁴⁴ currently delivered locally by couriers and vans which results in a significant carbon footprint. Policy TAC4 is therefore forward looking and supports provision of such an e-cargo distribution site in the Parish, potentially on the South View Business Park or the former garage on the B3181 close to existing employment areas both within the Parish and outside at Junction 27 of the M5. The policy is not an allocation of land for this facility.

Policy TAC4: E-cargo and Electric Vehicle Hub

Development proposals for, or which support the delivery of, an e-cargo exchange and electric vehicle sustainable transport hub at the northern end of Willand village will be supported.

⁴⁴ For example, see recent research here - <https://www.rtpi.org.uk/research/2020/june/net-zero-transport-the-role-of-spatial-planning-and-place-based-solutions/>

8. ECONOMY AND EMPLOYMENT

8.1 Introduction

As outlined in the introduction to the Plan in section 1.2, Willand is in a fortunate position to host numerous businesses, partially due to its good location close to the M5. The main areas of employment are at the northern end of the village at South View Business Park, and at Mid-Devon Business Park (with part of a Local Plan allocation site already delivered there and part still to be developed), and on the Parish's western edge at Tiverton Junction and Lloyd Maunder Road where the 2 Sister's Food Group is located. Other key areas include Diggerland, Tanyards Farm, the garage and hairdresser's just outside the settlement limit to the south of the village. The school is also a key employer in the village and there are numerous businesses run from home, as well as the key services mentioned earlier in the Plan. Map 10 shows the main existing locations for employment in the Parish. Just outside (to the north) of the Parish boundary the Hitchcocks Business Park and Langlands Business Park provide further employment which relate to the Parish, as do other businesses and facilities at Junction 27 of the M5 and at Waterloo Cross.

The Local Plan provides sufficient policy coverage for strategic employment matters, including the allocated employment site at the Mid-Devon Business Park (policy WI2), and also through policies S6: Employment, S13: Rural areas, S14: Countryside, DM18: Rural employment development and DM19: Protection of employment land. The policies in this Plan reflect locally important employment matters.

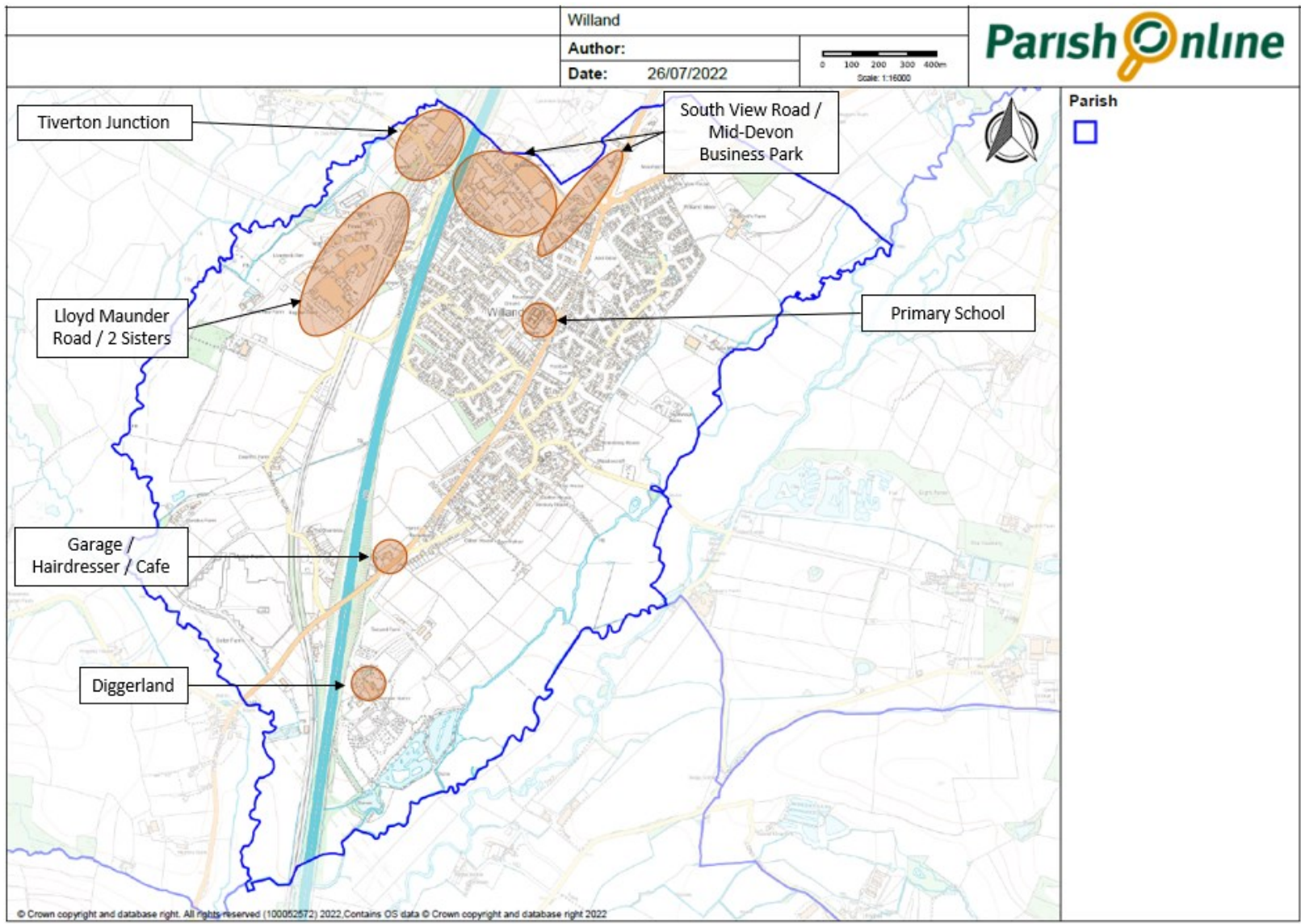
The policy in this section is:

- Policy EE1: Small Employment Units and Hubs to Support the Local Economy

Anecdotally, the employment premises occupancy seems to have remained reasonably buoyant through the Covid-19 pandemic, although the pandemic has shown the growth in businesses operating from home and more people working from home instead of travelling to work outside of Willand every day. This amplifies the need stressed, throughout this Plan, for Willand to continue to provide support to enable the village to remain as a sustainable place to live and work, a place which can successfully host micro and small businesses, and also a location which continues to be attractive for medium and large scale employers and which contribute to the local economy.

Looking forward, it is clear that the economy, nationally and locally, is undergoing and will continue to undergo change and is a change that Willand should be prepared for by supporting local businesses.

Map 10: Main Employment Areas in Willand



8.2 Small Employment Units and Work Hubs to Support the Local Economy

Policy Justification

At the local level, this Plan provides policy support for and encouragement to the provision of small scale units for micro and small businesses to complement the larger scale businesses which operate in the Parish and help support businesses starting-up or wanting to access flexible or temporary office or workshop space. Flexibility seems to be key to the future of business working patterns, as well as the traditional format of provision of traditional office, warehouse, manufacture and other industrial units. To this end, policy EE1 provides support for flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses. Locations could include the existing employment areas identified on Map 10, but equally, if a village centre location presented itself, this could also be appropriate for such units (which could be provided as part of a community-led initiative or community facility). This policy is not allocating sites for this type of development and does not preclude the consideration of other locations outside of Willand village subject to other development plan policies being met.

Policy EE1: Small Employment Units and Hubs to Support the Local Economy

- 1. Development proposals for the creation of flexible work hubs, workshops and other business premises to support micro, small and medium sized local businesses will be supported, subject to policies in the development plan, where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents.**
- 2. Proposals which also provide community access or facilities will be particularly welcomed.**

9. HERITAGE

9.1 Heritage Statement

There are numerous heritage assets⁴⁵ in the Parish which contribute to the character of the built environment. These vary in their protective designations and include listed buildings⁴⁶, assets protected in the village's Conservation Area⁴⁷ and assets identified on the Mid-Devon District Council "local list" of heritage assets⁴⁸. Maps showing the location and number of these heritage assets are shown in Appendix 4. There is much policy protection and legal protection for heritage assets. Additionally, the Local Plan extends protection to assets included on the Historic Environment Record⁴⁹ which are otherwise unregistered.

As Heritage was identified as important in Willand in this Plan's objectives, we have retained this short section to reflect its importance.

However, we do not consider that additional policies for heritage assets are necessary in this Plan as existing policy and legal protections already provide sufficient coverage to protect these assets. Additional local heritage assets can be added to the local authority's "local list" outside of this Plan and a policy is not necessary in this Plan to include them in that list.

10. HOUSING

10.1 Housing Statement

The Mid-Devon Local Plan allocates housing in Willand at Land East of M5 (policy WI1) to the south of the village for 42 dwellings with 30% affordable housing. The policy and allocated site area are reproduced in Appendix 1 for ease of reference. A planning application has since been approved for 125 dwellings with 35% affordable housing which includes the allocated site and an extended area⁵⁰.

The planning system requires our Neighbourhood Plan to be in "general conformity" (or aligned) with the strategic policies of the adopted Mid-Devon Local Plan. This Neighbourhood Plan is not allowed to reduce the scale of housing proposed or allocated in the Parish.

Outside of the strategic allocation made in the Local Plan, there is no requirement for a Neighbourhood Plan to allocate additional housing, but it can allocate housing sites to help address local needs if it wishes, where sites are demonstrated to be deliverable and the community is supportive. To date, nothing in the consultations held suggest that there is support for further additional housing allocations to be made in light of both the Local Plan's strategic allocation, the permission received for a greater number of dwellings than that specified in the Local Plan allocation

⁴⁵ The NPPF defines a "heritage asset" as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)." See <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

⁴⁶ Listed buildings have legal protection. Further details can be seen here - <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>

⁴⁷ See <https://www.middevon.gov.uk/residents/planning/conservation/conservation-areas/>

⁴⁸ See <https://www.middevon.gov.uk/residents/planning/conservation/local-heritage-assets-register/>

⁴⁹ See <https://www.devon.gov.uk/historicenvironment/the-devon-historic-environment-record/> for further details

⁵⁰ Application reference 18/00175/MOUT

and other windfall⁵¹ sites which have come forward such as the site for 35 affordable dwellings now built at Rowan Lea and Ash Close adjacent to the allocation site⁵².

Local Plan policy S13: Villages sets the policy framework for additional housing (and other) development in Willand, with proposals for housing limited to small scale sites within the defined settlement limit. The Rowan Lea and Ash Close sites, being for 100% affordable social rented housing, will have come forward under the Local Plan rural exceptions policy (Policy DM6: Rural exceptions sites) which allows this type of housing to be developed outside of settlement limits in rural areas where there is local need.



We consider that between the above-mentioned developments, a sufficient number of both market and affordable dwellings have been or will soon be developed to address local needs while balancing an appropriate level of development for Willand. While affordability is a national problem the imperative is still to achieve a balance in the scale of development in villages like Willand and local needs will continue to be monitored over time through mechanisms such as the Devon Home Choice register⁵³ and the ability to undertake housing needs surveys and assessments when evidence requires updating. This is alongside Mid-Devon District Council monitoring which records the position on housing land supply and delivery of dwellings⁵⁴.

However, the review of the current Mid-Devon Local Plan is very likely to consider higher housing numbers in the district over a longer Plan period and so minimum requirements in the Parish could be subject to change in the future. In that scenario it will be appropriate to review this Neighbourhood Plan if changes to housing numbers in Willand suggest a need to do so. Importantly, however, this Plan can be used to influence the Local Plan review.

⁵¹ A windfall site is a site not specifically allocated for development, but which unexpectedly becomes available for development during the lifetime of a Plan.

⁵² Application reference 17/01179/MFUL

⁵³ Devon Home Choice – see

<https://www.devonhomechoice.com/sites/default/files/DevonEditor2/devonhomechoicepolicyv6effectivefrom1jan2017.pdf>

⁵⁴ See <https://www.middevon.gov.uk/residents/planning-policy/monitoring/housing-land-availability/> for further details.

Given the policy coverage in the Local Plan, and feedback from local consultation, we do not consider it necessary to have housing specific policies in this Neighbourhood Plan. However, we do have policy coverage of how sustainable design should play a key role in development, including housing, set out in section 4 of this Plan.

11. MONITORING AND REVIEW

The Plan will be subject to periodic monitoring and review by the Parish Council , possibly through a Council Committee, who will be closest to the process and able to raise issues where parts of the Plan may need to be revised to ensure that it continues to be appropriate.

It will be subject to a review as and when various triggers suggest the need to do so. For example, this could be because of changes to the Local Plan, national policy or Parish Boundary changes, where they suggest a need to update or amend policies or other Plan content.



12. COMMUNITY ACTIONS AND PROJECTS

Our community actions and projects which have arisen during development of this Plan and which cannot form a planning policy follow.

Sustainable Development

- Commercial and community organisations should be encouraged to provide public electric charging points.

Community

- Access to education and training needs to be continued and strengthened.
- More public seating should be provided.

Green Infrastructure

- Develop a planting strategy for more trees and other wildlife habitat on public and private land.
- Work with public and private landowners to ensure that good and easy access to these areas is maintained.
- Work with neighbouring parishes and Mid-Devon District Council to help retain spatial differentiation between Willand and existing neighbouring settlements and the continuation of what is, in reality, a strategic network of green infrastructure which extends well beyond the Parish boundary.

Transport, Accessibility and Connectivity

- Work with responsible authorities such as Devon County Council Highways and Education departments, Mid-Devon District Council and the Devon & Cornwall Police, to introduce the measures and projects identified in the Transport, Access and Connectivity Plan, including (but not limited to) increased and safer accessibility, improved parking at the school and safe pedestrian and cycling routes.
- Work with local landowners (public and private sector) to increase access to the countryside around Willand village, explore access to the area around the solar farm for walking and restore the traditional walk 'Round the World' (including Dean Hill Road, past Gerston Farm and Burn Rew round to Station Road).
- Produce a clear mapped statement as to who is responsible for keeping which existing paths, verges and green areas clear, including those with no registered ownership.

13. APPENDICES – SEE SEPARATE DOCUMENTS

Appendix 1 – Mid-Devon District Council Local Plan Key Policies

Appendix 2 – Willand Local Green Spaces Assessment

Appendix 3 – Green Infrastructure Evidence Maps

Appendix 4 – Willand Heritage Assets Summary

Appendix 1 – Selection of Key Adopted Mid-Devon Local Plan Policies

Policy S1

Sustainable development priorities

The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All development will be expected to support the creation of sustainable communities by:

- a) A development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with long-term growth to the east of Cullompton and a limited level of development in identified villages;
- b) Building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances;
- c) Ensuring the vitality of town centres and communities through a hierarchy of centres, defined town centre shopping areas, a diverse retail offer at Tiverton, Crediton and Cullompton, through controls on Junction 27 retail and support for the vitality and viability of defined villages;
- d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land-based businesses, support for equestrian activities, retention and development of local services and community facilities in villages, and the promotion of sustainable rural tourism and leisure development;
- e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality;
- f) Supporting high quality communications infrastructure by supporting the expansion of telecommunications and high speed broadband throughout Mid Devon;
- g) Delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community including the provision of accessible housing for the elderly and disabled, those wishing to build their own home, affordable housing and gypsy and traveller pitches;
- h) Requiring good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place;
- i) Promoting healthy communities through the delivery of social, educational, recreational and cultural facilities and services, access to high quality open space, public rights of way, recreational trails, accessible land and other green infrastructure, and opportunities for sport and recreation and the designation of Local Green Space;
- j) Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land;
- k) Conserving and enhancing the natural environment by protecting and enhancing valued landscapes including the Blackdown Hills Area of Outstanding Natural Beauty, Exmoor and Dartmoor National Parks, providing accessible green infrastructure, and preventing significant harm to soil, air, water, noise and visual quality, in particular air quality as a local issue at Crediton and Cullompton;
- l) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites; and

Policy S13

Villages

The following rural settlements will be designated as villages suitable for limited development: Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Coplestone, Culmstock, Halberton, Hemyock, Holcombe Rogus, Kentisbeare, Lapford, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme, **Willand** and Yeoford.

Development will be limited to proposals within their defined settlement limits and to allocations for:

- a) Small scale housing, employment, tourism and leisure;
- b) Services and facilities serving the locality; and
- c) Other limited development which enhances community vitality or meets a local social or economic need.

Policy S14

Countryside

Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:

- a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;
- b) Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings);
- c) Appropriately scaled and designed extensions and other physical alterations to existing buildings;
- d) Agricultural and equestrian development;
- e) Community facilities, such as educational facilities, buildings associated with public open space, transportation and infrastructure proposals (including green infrastructure); and
- f) Renewable energy and telecommunications.

Policy WI1

Land east of M5, Willand

A site of 2.9 hectares at land east of M5, Willand, is allocated for residential development subject to the following:

- a) 42 dwellings with 30% affordable housing;
- b) Provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway;
- c) Mitigation of any wildlife impact including protection of trees;
- d) Transport assessment of capacity at the junction of Silver Street and Meadow Park; and
- e) Retention and enhancement of the public right of way.

3.236 The site is located to the south of Willand, adjacent to modern housing to the north and the M5 to the west. Noise from the M5 should be mitigated by a buffer zone and planting along the boundary to ensure residential amenity is not adversely affected. The site has a number of mature trees on the eastern boundary and established woodland along the north east boundary. Mitigation measures should be taken to ensure there are no adverse impacts on any of the surrounding biodiversity.

3.237 A Transport Assessment of the capacity of the junction of Silver Street and Meadow Park may result in a different number of dwellings from the number allocated. The current public footpath across the northern boundary of the site should be retained and enhanced.

Policy WI2

Willand Industrial Estate, Willand

A site of 9.2 hectares is allocated for commercial uses subject to the following:

- a) 22,000 square metres of commercial floorspace within use classes B1, B2 and B8; and
- b) Archaeological investigation and appropriate mitigation.

3.238 This site comprises level land within and adjoining the existing Willand Industrial Estate. It is part of a larger site allocated in the previous Local Plan which has partly been developed. Access has now been secured to Phase 2 and an application for nearly 13,000 sqm of employment units has been submitted. This application would facilitate the relocation of Pallex from the neighbouring industrial estate to a purpose built Regional Distribution Centre within Phase 2 whilst providing a range of different sized units to meet market demand. It is anticipated that any remaining unconsented parts of the site could come forward over the plan period.

Policy DM28

Other protected sites

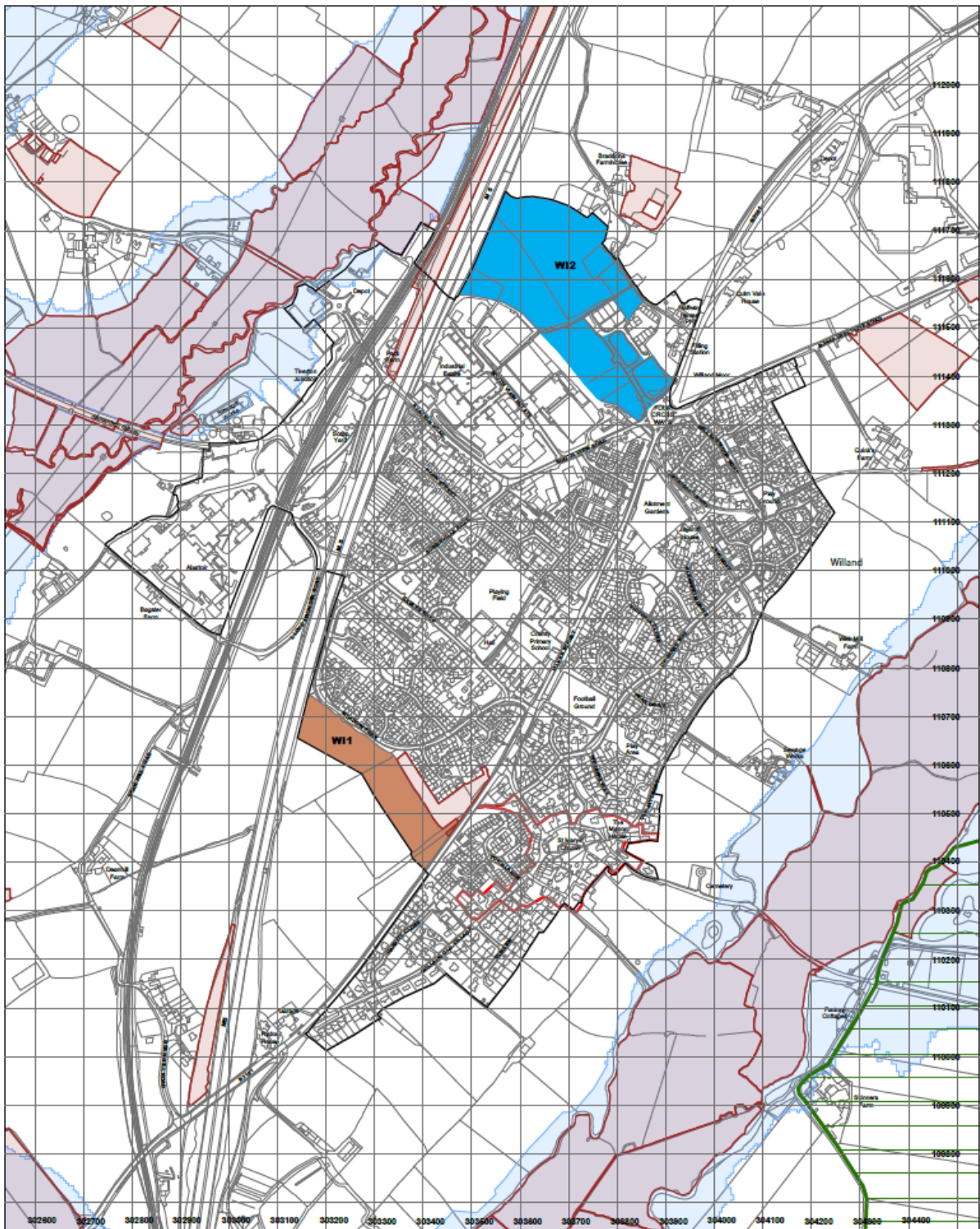
Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or **priority habitats** defined under the UK and Devon Biodiversity Action Plans, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it. Planning permission will be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;
- b) The development could not be located in an alternative, less harmful location; and

145

-
- c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate.

Where development proposals are likely (leaving aside mitigation measures) to have a significant effect on a European site (as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017), an appropriate assessment will be required. In such cases, planning permission will be refused unless it has been ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site.



Settlement Limit		Floodplain	
Residential Allocation		Local Register of Historic Parks and Gardens	
Commercial Allocation		Priority Habitats	
Conservation Area			

Mid Devon Local Plan Review 2013 - 2033
Adopted Policies Map
Willand

Scale
1:10000

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 Note: The Ordnance Survey will not have updated the base to show recent changes.
 Consequently, not all development may be shown.

July
2020

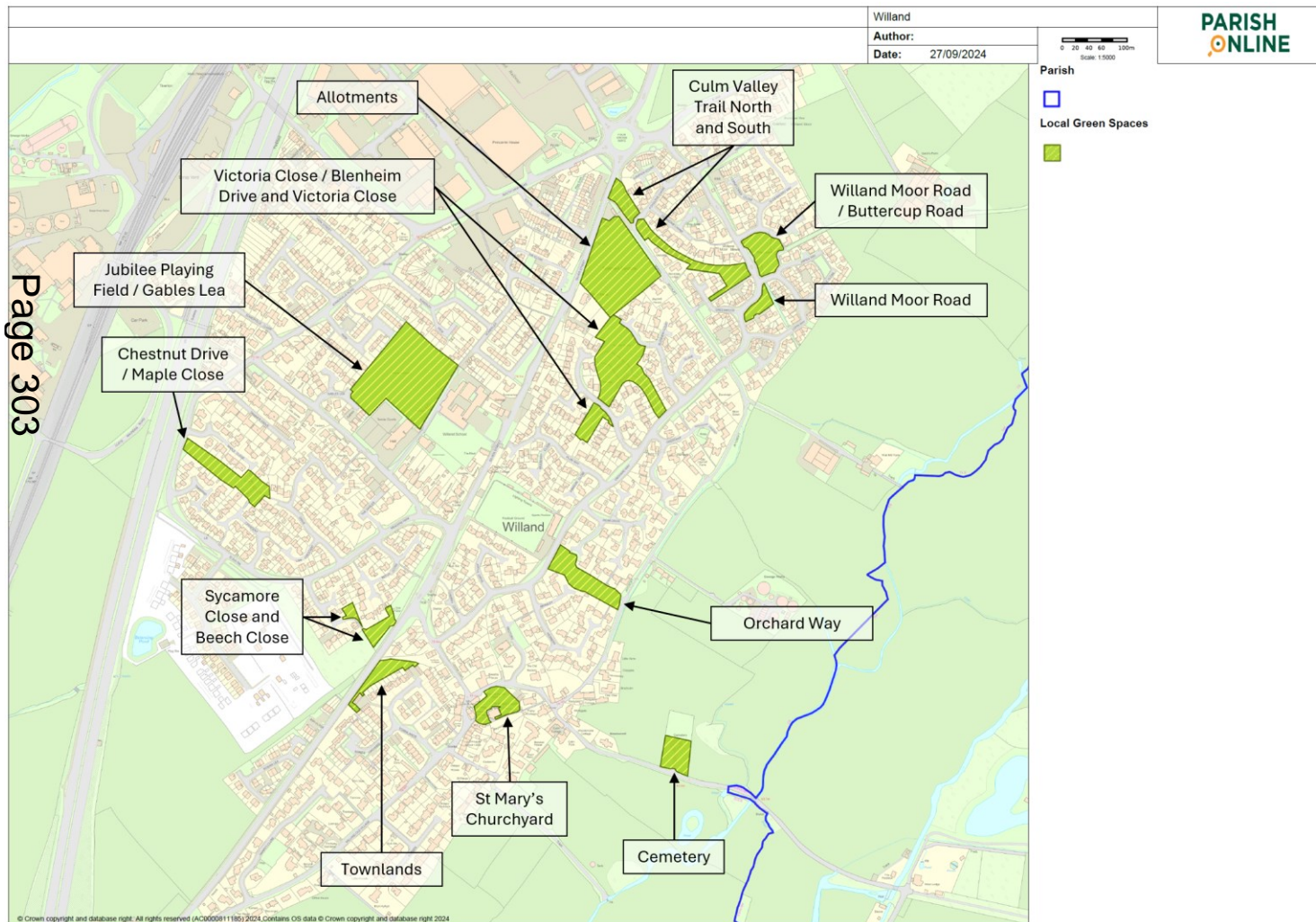
Preface, to note

This appendix presents the original Local Green Spaces assessment submitted for the Regulation 16 consultation and Examination stage, for the record.

However, it should be noted that the Examiner's recommendations introduced changes to the number and presentation of the LGS proposed in that version of the Plan.

The amendments made to the proposed LGS as a result of the Examiner's recommendations are set out below (reproduced from Map 5 in the Referendum version of the Plan) for ease of reference.

Map 5: Local Green Spaces (Referendum version of the Neighbourhood Plan)



Willand Local Green Spaces Assessment (as submitted with the Regulation 16 version of the Plan for Examination)

Neighbourhood Plans can identify areas for protection as “Local Green Space” (LGS). Paragraphs 101 - 102 of the National Planning Policy Framework (July, 2021) state that:

101 - *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*

102 - *“The Local Green Space designation should only be used where the green space is:*

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,

c) local in character and is not an extensive tract of land.”

Further guidance on the designation is set out in the National Planning Practice Guidance here - <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation> . This includes the need to contact land-owners at an early stage to notify them of the intention to designate their land as LGS. The Steering Group has done what it can to identify land-owners and contact them where potential sites which are to be suggested in the Neighbourhood Plan as LGS are not in public or community ownership.

This appendix sets out the Steering Group’s assessment of potential spaces which could qualify for LGS status. The tests set out in paragraph 102 of the NPPF have been applied.

Extant planning permissions have been assessed using Mid-Devon District Council’s planning histories / status records via their website at <https://www.middevon.gov.uk/residents/planning/search-and-comment-on-planning-applications/> on 7th November 2022. We have made best efforts to understand if extant permissions have been implemented or not from Mid-Devon District Council online records and our own local knowledge. Planning applications referenced are those still yet to be determined on 7th November 2022.

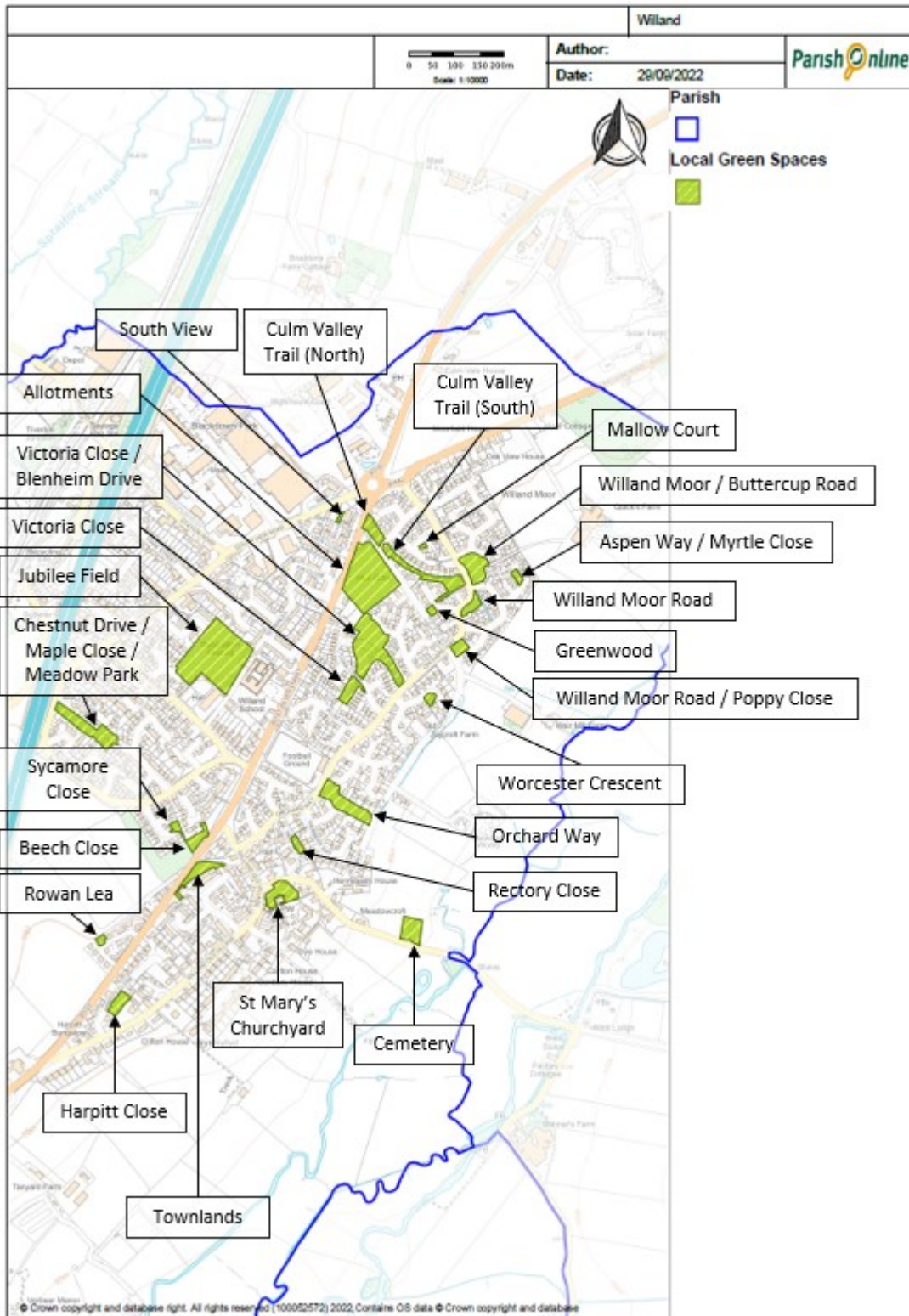
Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Aspen Way / Myrtle Close	0.1 ha	Yes	Small gated green area providing an amenity for residents and a break between the two lines of housing	None.		Yes
Beech Close	0.2 ha	Yes	This borders the wooded area and provides a green space for residents to enjoy. There is a shortage of green space area in Willand and all areas should be retained to enhance the village and provide recreational spaces for residents	None.		Yes
Chestnut Drive / Maple Close	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit it is adjacent to the wooded area and is an important peaceful area for local people.	None.		Yes
Culm Valley Trail (North)	0.1 ha	Yes	A well-used green corridor safe pedestrian and cycle way through the estate.	None.		Yes
Culm Valley Trail (South)	0.3 ha	Yes	A well-used green corridor safe pedestrian and cycle way through the estate.	None.		Yes
Greenwood	0.1 ha	Yes	Small gated green area providing an amenity for residents	None.		Yes
Harpitt Close	0.1 ha	Yes	This is a small area that includes a fenced play area. It is the only area in this part of the Old Village easily accessible without crossing the main road		22/01835/TPO Application to fell 1 Chestnut tree protected by Tree Preservation Order 94/00009/TPO Land at NGR 303328 110201 Harpitt Close Willand Devon	Yes
Jubilee Playing Field / Gables Lea	1.4 ha	Yes	This is the largest open space in Willand that provides a variety of play opportunities and is used extensively by families to enjoy outdoor activities. Dogs are allowed on leads and it is popular with dog walkers too.	None.		Yes

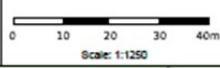
Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Mallow Court	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit	None.		Yes
Orchard Way	0.3 ha	Yes	This area contains some play equipment and is a good area for children from this side of the village to access without having to cross the main road. It provides a walking link from Jaycroft to Orchard Way.	None.		Yes
Rectory Close	0.1ha	Yes	This is a green space which enhances the Close and provides a good space opposite the Church Hall for outdoor activities for example for the Brownies.	None.		Yes
Page 306 Rowan Lea	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a place for people to appreciate the views over the remaining fields.	None.	22/00917/DPO Application under The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to seek to modify the terms of a section 106 agreement pursuant to planning permission 17/01179/MFUL 1-23 (inc.) & 25-33 (odds) Rowan Lea Willand Cullompton Devon EX15 2FL	Yes
St Mary's Churchyard	0.2 ha	Yes	This area is a closed Churchyard adjacent to the Church and should be retained as such	None.		Yes
South View	0.1 ha	Yes	A small play area with equipment for children and an area of green it forms a break between the two rows of houses at the side of South View Close which are pedestrian access only at the front	None.		Yes

Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Sycamore Close	0.1 ha	Yes	A small area of green open space retained within the Close, containing 2 mature oaks which enhance the area.	None.		Yes
Townlands	0.2 ha	Yes	A small area, part of the Townlands Estate that provides a barrier with the main road that divides the village and should remain as such. A space for residents with small gardens to sit and relax.	None.		Yes
Victoria Close / Blenheim Drive	0.8 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children, a larger area for older children and an area of green for ball games and a place for people to meet and walk dogs	None.		Yes
Victoria Close	0.1 ha	Yes	Provides a green space with mature trees	None.		Yes
Willand Allotments	1.1 ha	Yes	These are well established allotments that provide people with small gardens space to grow vegetables, fruit, and flowers. The allotments are a vital part of the community and should be retained. A section is used by the Brownies for some activities.	None.		Yes
Willand Moor Road / Buttercup Road	0.3 ha	Yes	The housing developments have provided small gardens and this area provides a small play area for young children and a larger green area which is suitable for ball games. It is the largest area in the Willand Moor development and provides a safe accessible space for residents of the area.	None.		Yes
Willand Moor Road	0.1 ha	Yes	This is an enclosed green space which enables people to exercise their dogs in a safe environment and allows young children to run around in a safe space. For those with very small gardens this area provides space for residents to sit and relax and it has been suggested a bench may be provided	None.		Yes
Willand Moor Road / Poppy Close	0.1 ha	Yes	This is an enclosed green space which enables people to exercise their dogs in a safe environment and allows young children to run around in a safe space. For those with very small gardens this area provides	None.		Yes

Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
			space for residents to sit and relax and it has been suggested a bench may be provided.			
Willand Parish Cemetery	0.2 ha	Yes	This provides a peaceful area on the edge of the village for people to sit and reflect. It is an important area for those who have buried their relatives and those who wish to have it as their final resting place.	None.		Yes
Worcester Crescent	0.1 ha	Yes	The housing developments have provided small gardens and this area of green space provides a small play area for young children and a place for people to meet and sit.	None.		Yes

Notes: * rounded to nearest tenth of a hectare. The area figures are provided to give an indication only as to whether the areas are an “extensive tract of land” or not, which is one of the criteria applied to proposed Local Green Spaces. LGS must not be an extensive tract of land to qualify for designation. No areas identified in Willand fall into this category and therefore pass the test. Many of the areas noted as 0.1 ha are rounded up from a figure of only several hundred square metres.



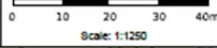


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Date: 27/07/2022







Author:

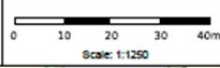
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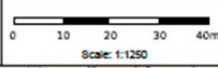


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Date: 27/07/2022



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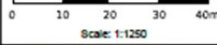


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Date: 27/07/2022



Parish



Local Green Spaces



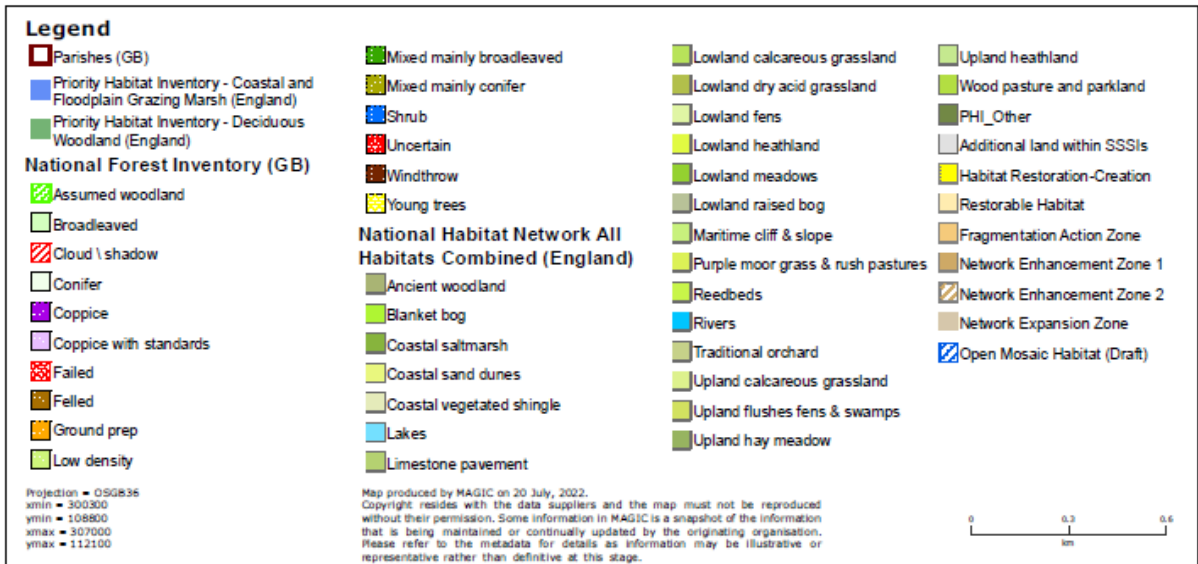
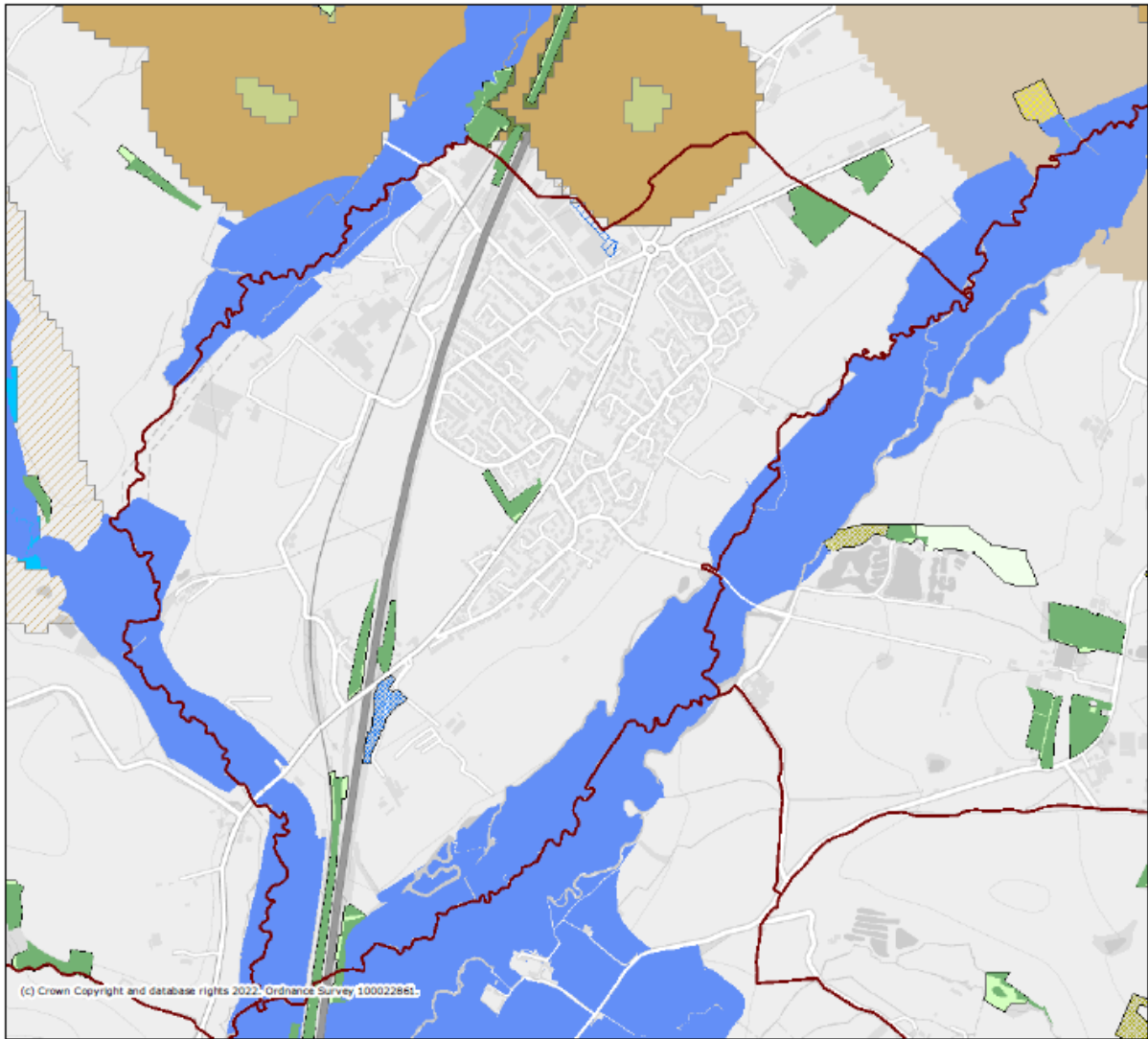
St Mary's Churchyard

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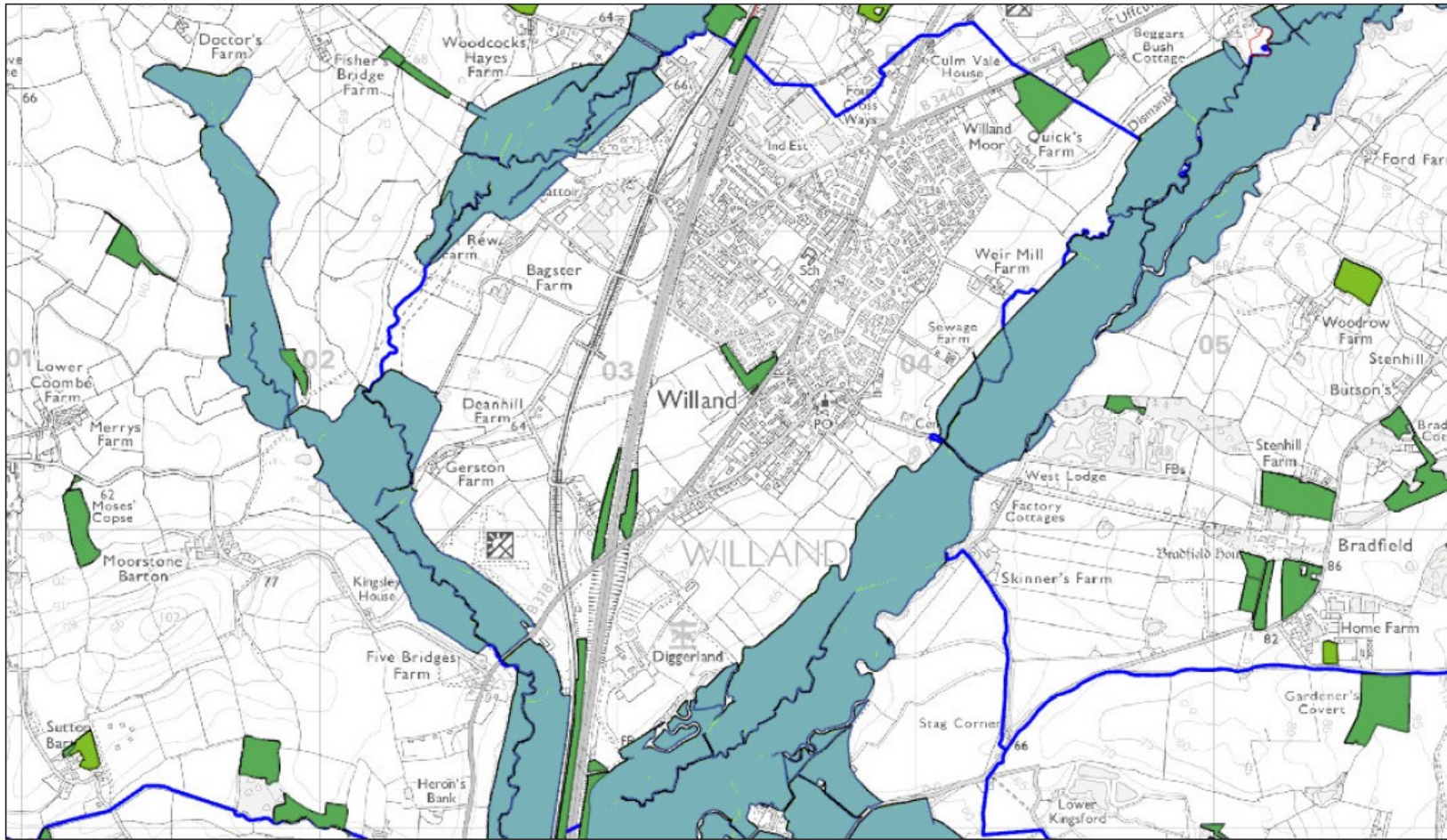
Appendix 3 – Green Infrastructure Evidence Base Maps



Source: Natural England MAGiC Online Mapping

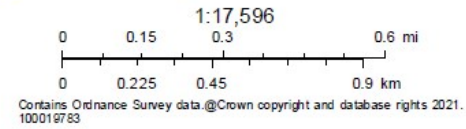
Devon County Council - Environment Data

Page 322

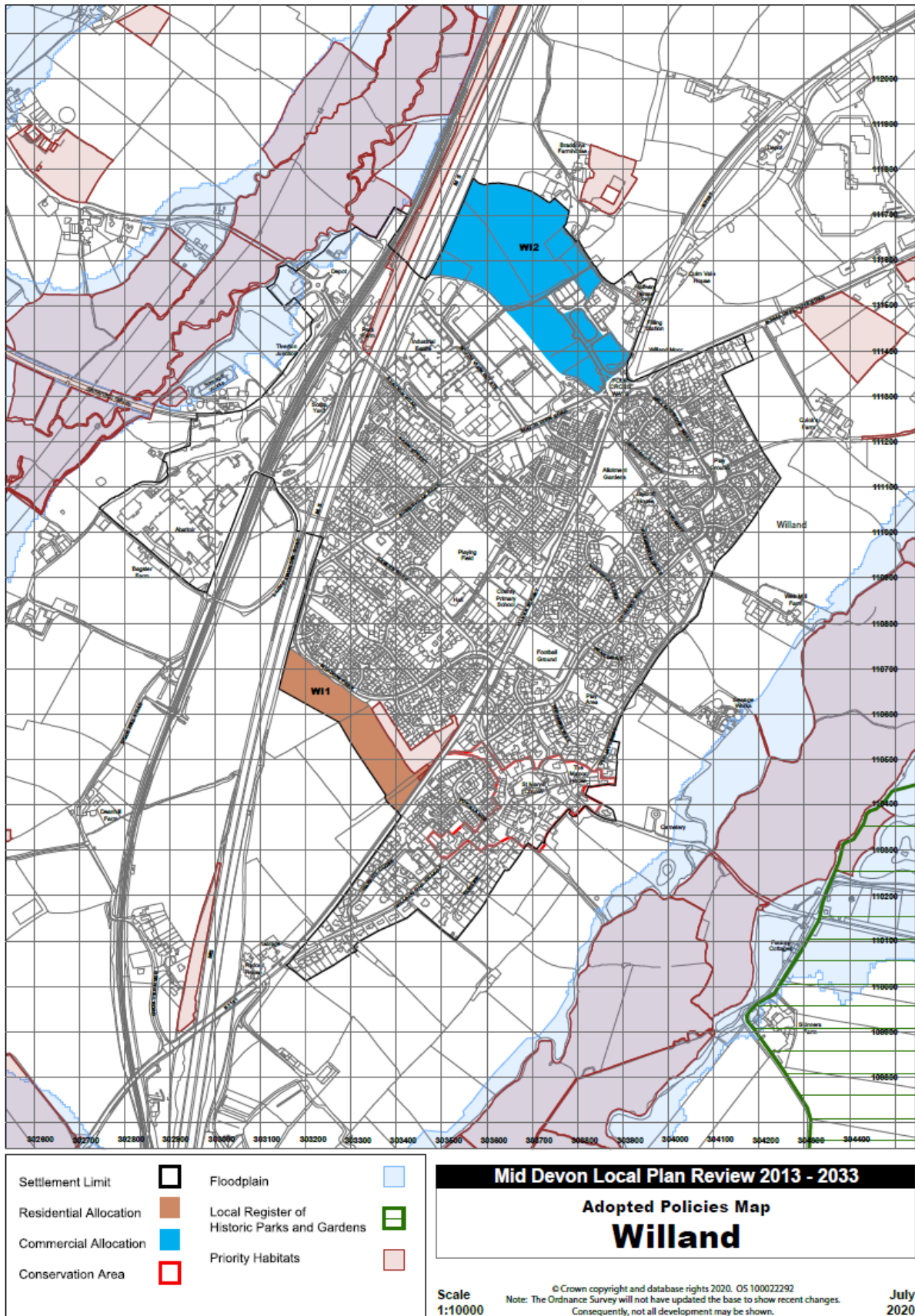


19/07/2022, 14:44:02

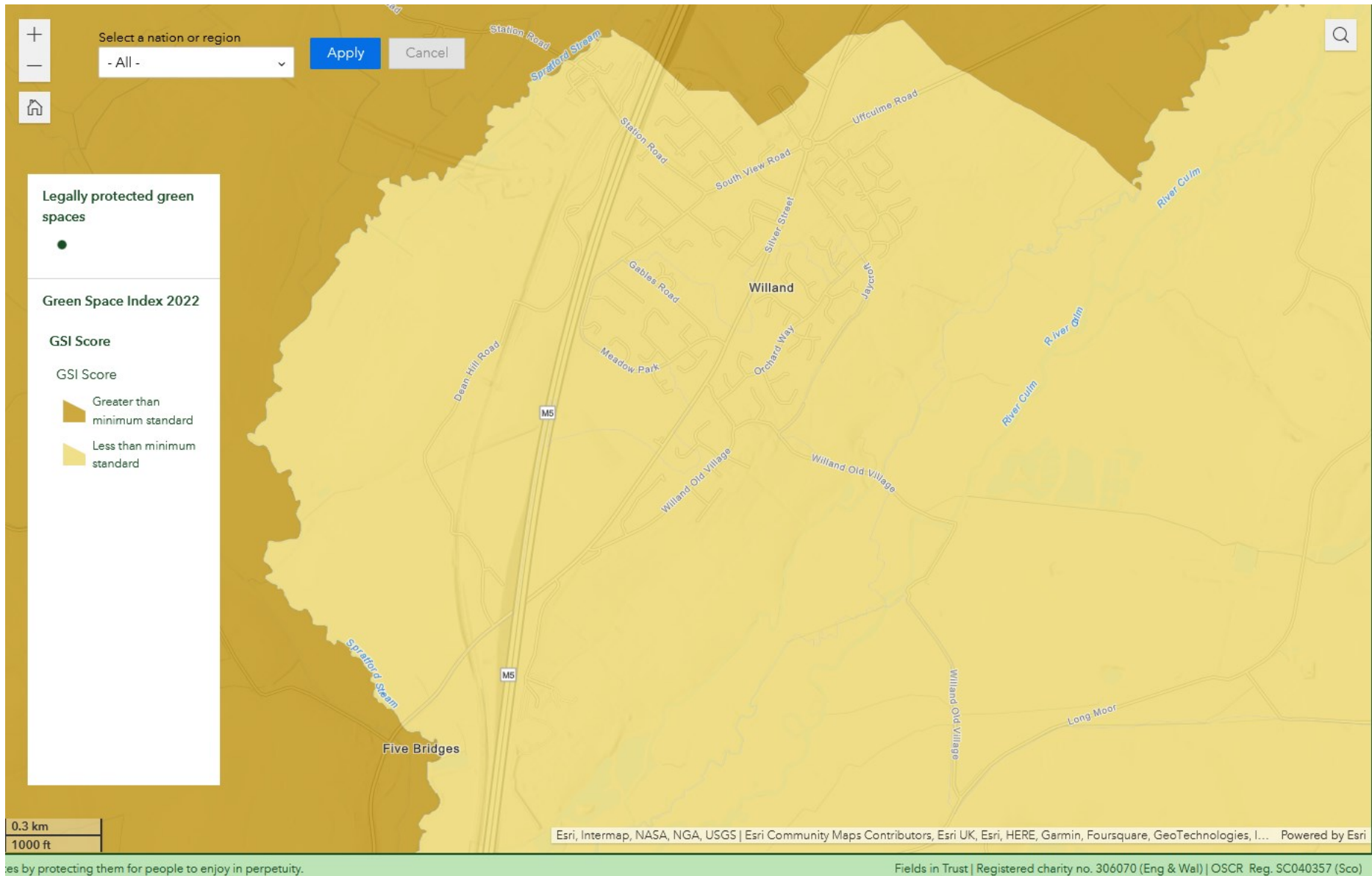
- Priority Habitat Inventory - Priority Habitats Inventory (South) (England) © Natural England
- Coastal and floodplain grazing marsh
 - Deciduous woodland
 - No main habitat but additional habitats present
 - Traditional orchard
 - Cropland
 - Grassland



Devon county Council
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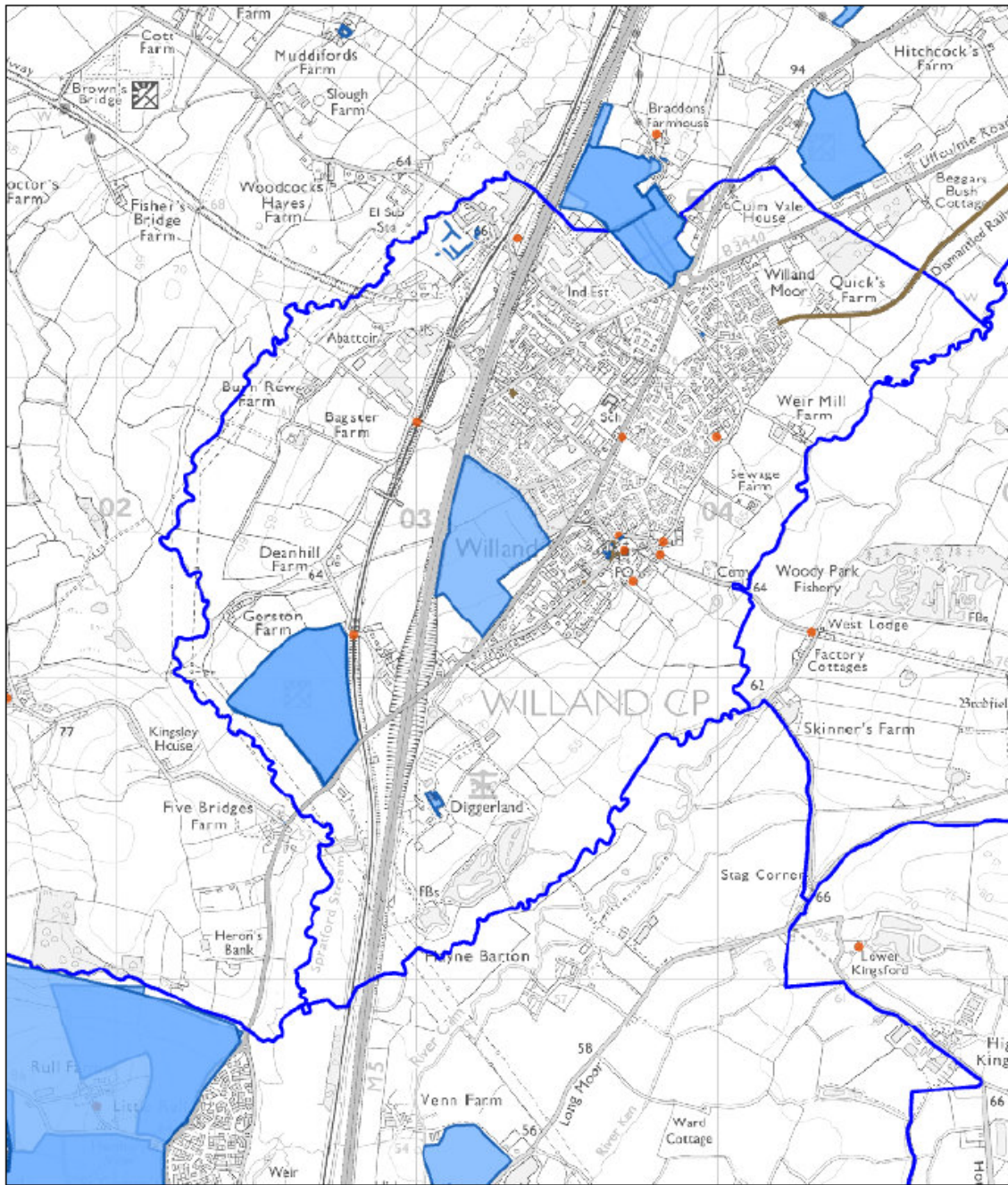
Source: Mid-Devon Adopted Local Plan



Source: Fields in Trust Green Space Index

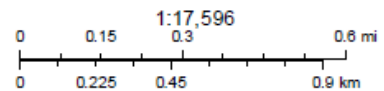
Appendix 4 – Heritage Evidence Base Maps and Other Assets Lists

Devon County Council - Environment Data



19/07/2022, 14:34:02

- Historic Environment Record Events (point)
- Historic Environment Record Events (poly)
- Scheduled Monuments
- Listed Buildings
- Local List (Register of Heritage Assets)
- Parish



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Source: Devon Environment Viewer

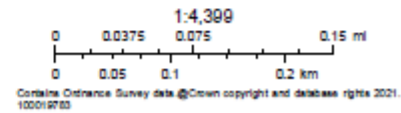
Notes: the blue events points and polygons represent archaeological works that have been undertaken in the parish to date.

Devon County Council - Environment Data



19/07/2022, 14:37:24

- ◆ Historic Environment Record Events (point)
- Historic Environment Record Events (poly)
- Scheduled Monuments
- Listed Buildings
- Local List (Register of Heritage Assets)
- Parish



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Devon county Council

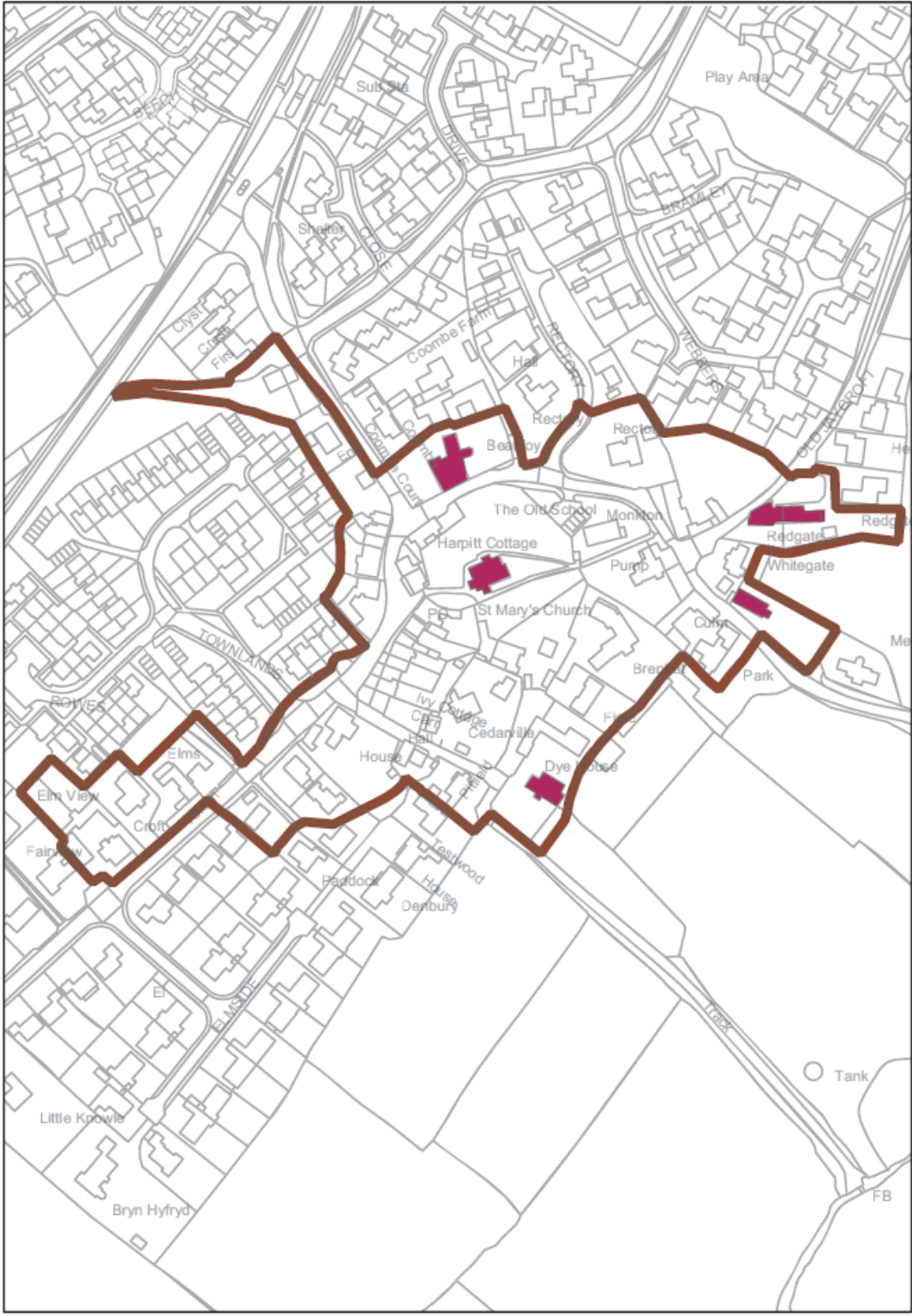
Source: Devon Environment Viewer

Notes: the blue events points and polygons represent archaeological works that have been undertaken in the parish to date.

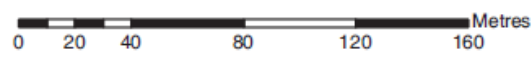
N



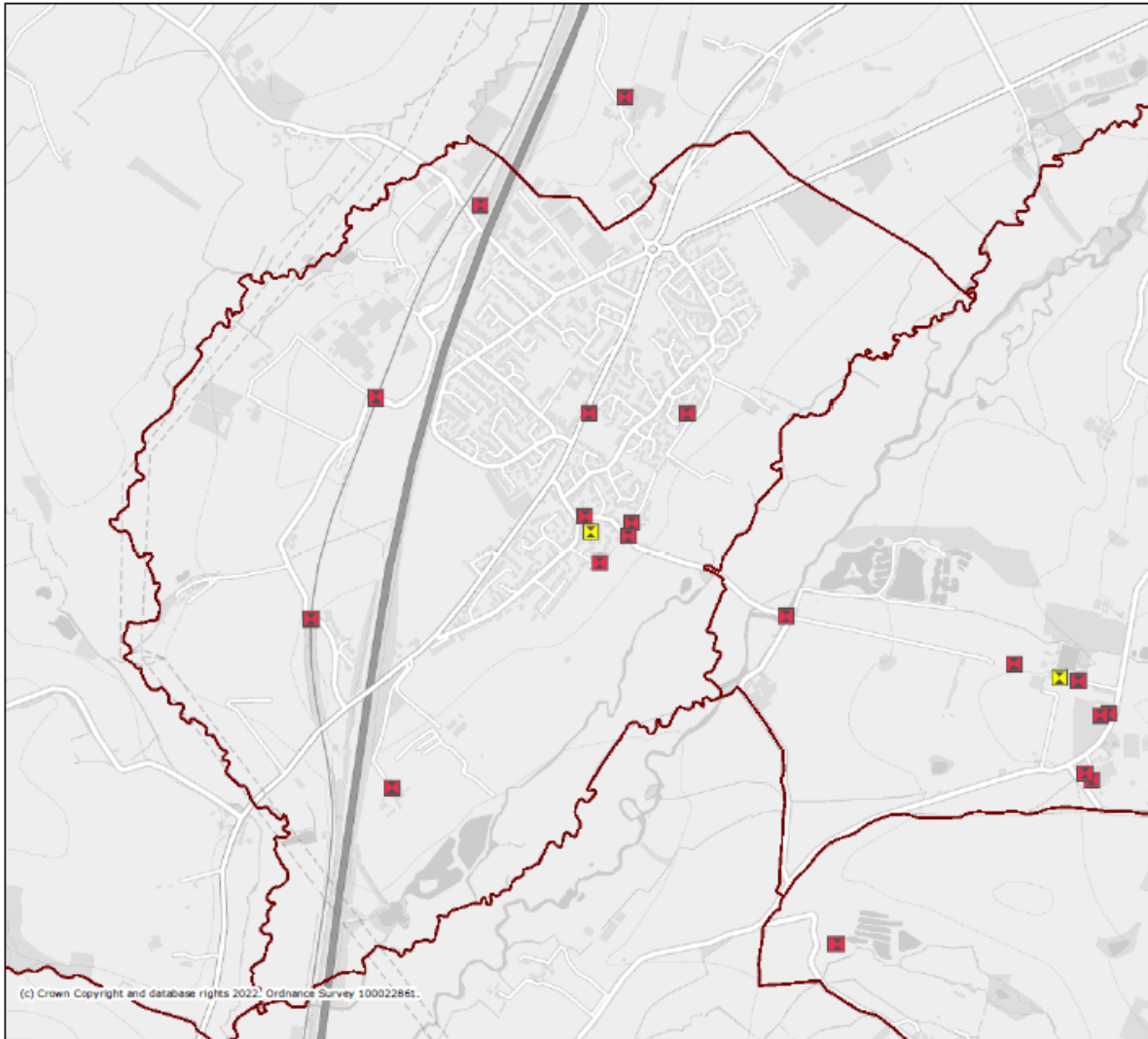
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WILLAND



Source: Mid-Devon District Council, Conservation Area Appraisal



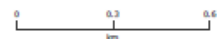
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Legend

- Parishes (GB)
- Listed Buildings (England)**
- I
- II
- II*

Projection = OSGB36
 xmin = 300300
 ymin = 108800
 xmax = 307000
 ymax = 112100


Map produced by MAGiC on 20 July, 2022.
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Source: Natural England, MAGiC Online Mapping

Heritage Gateway Results for Willand Parish

Your search returned 127 results from 5 of the 12 resources available on the Heritage Gateway.



Results from 4 of the 5 resources are visible on the map. These are indicated by the  icon in the results list.

- Where = County (Devon) District/Borough/Unitary Authority (Mid Devon) Parish (Willand) Within 2km of selected location (ST035105)



[\[Refine your search \]](#)



Summary Results **View Results on a Map**



Statutory Data

[The National Heritage List for England](#) 11 results   



National Designation Decisions

[Designation Decision Records \(Expired Certificate of Immunity from Listing entries\)](#) No records matched your search  



[Designation Decision Records \(De-listed entries\)](#) No records matched your search  




[Designation Decision Records \(Non-designated entries\)](#) No records matched your search  

Non-Statutory National Data




[Historic Milestone Society Database](#) 2 results   

[Historic England research records](#) 4 results 

[National Trust HBSMR](#) No records matched your search  

[Parks and Gardens UK](#) No records matched your search   



[NMR Excavation Index](#) 18 results   

[Church Heritage Record](#) No records matched your search   

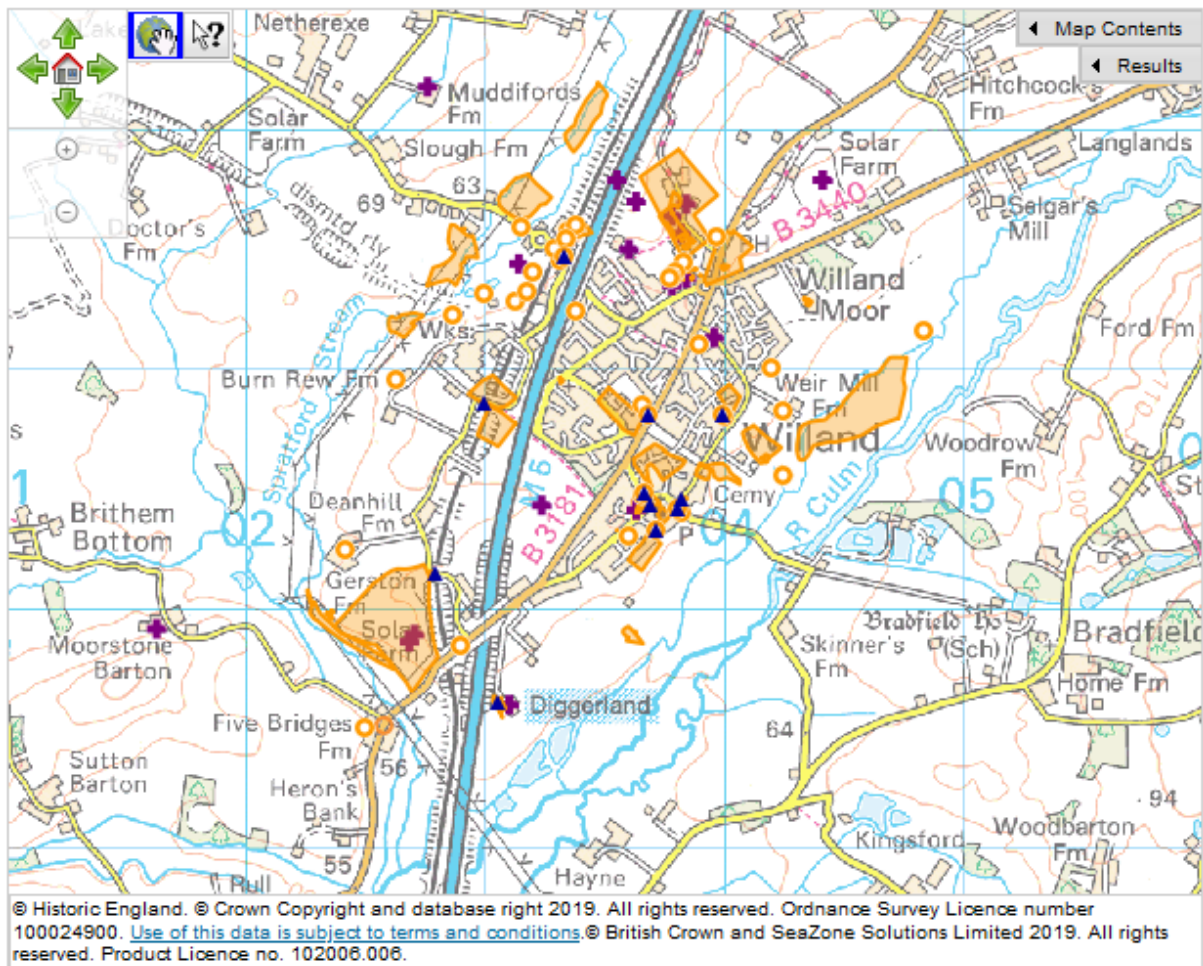
Local Records

[Devon & Dartmoor HER](#) 92 results   

National Image Collections

[ViewFinder](#) No records matched your search  





Legend

- | | |
|---|---|
| ▲ Listed Building (NHLE) | ■ Scheduled Monument (centre point) |
| ■ EH PastScape | ■ Registered Park/Garden (centre point) |
| ○ Local HER record points | ■ Registered Battlefield (centre point) |
| ▲ Local HER record polygons | ■ Protected Wreck Site (centre point) |
| ○ National Trust HBSMR | ■ World Heritage Site |
| ■ Building Preservation Notice | ■ Certificate of Immunity |
| ◆ Designation Decision Records De-listed | ✱ Designation Decision Records Non-designated |
| ● Parks and Gardens (Non Statutory Data) | ■ Expired Certificate Of Immunity |
| ✚ Church Heritage Record (Non Statutory Data) | ✚ NMR Excavation Index |

The National Heritage List for England



The National Heritage List for England is the official and up-to-date database for all nationally designated assets, including Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields and Protected Wreck Sites.

Viewing results 1 to 11 of 11

<< Previous

Results Page: **1**

Next >>

Title	Type	Location	Grade
BRIDGE AT 030108	Listing	BRIDGE AT 030108, Willand, Mid Devon, Devon	II
THATCH COTTAGE AND LITTLE CROFT	Listing	THATCH COTTAGE AND LITTLE CROFT, SILVER STREET, Willand, Mid Devon, Devon	II
BEAUFOY HOUSE	Listing	BEAUFOY HOUSE, WILLAND, Willand, Mid Devon, Devon	II
VERBEER MANOR HOUSE	Listing	VERBEER MANOR HOUSE, Willand, Mid Devon, Devon	II
Redgate	Listing	Redgate, Willand, Willand, Mid Devon, Devon	II
JAYCROFT	Listing	JAYCROFT, Willand, Mid Devon, Devon	II
PARISH CHURCH OF ST MARY THE VIRGIN	Listing	PARISH CHURCH OF ST MARY THE VIRGIN, WILLAND, Willand, Mid Devon, Devon	I
DYE HOUSE	Listing	DYE HOUSE, WILLAND, Willand, Mid Devon, Devon	II
BRIDGE AT ST027101	Listing	BRIDGE AT ST027101, Willand, Mid Devon, Devon	II
PARK FARMHOUSE	Listing	PARK FARMHOUSE, Willand, Mid Devon, Devon	II
WOODSMOKE COTTAGE	Listing	WOODSMOKE COTTAGE, WILLAND, Willand, Mid Devon, Devon	II

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Historic Milestone Society Database



The Milestone society was established in May 2001, we aim to "identify, record, research, conserve and interpret for public benefit the milestones and other waymarkers of the British Isles". Our members' interests also include tollhouses, turnpike history and canal milestones. Please browse <http://www.milestonesociety.co.uk/> to learn more about the history of milestones and about restoration techniques, about our activities and our publications.

Viewing results 1 to 2 of 2

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[Fingerpost at Five Bridges](#)

Fingerpost at Five Bridges, B3181, Fingerpost (iron/wood), Devon simple design, erected by the County Council, 20th century. Inscription reads: // B30381; WILLAND {missing in 2017} //B30381; CULLOMPTON //{missing} // Milestone Society National ...

Devon, Mid Devon, Cullompton

[Fingerpost at Willand Old Village](#)

Fingerpost at Willand Old Village, unclassified road, Fingerpost (iron/wood), Devon simple design, erected by the County Council, 20th century. Inscription reads: // CEMETERY / BRADFIELD / KENTISBEARE / HONITON //CULLOMPTON / EXETER //HALBERTON / ...

Devon, Mid Devon, Willand

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This includes records about archaeological sites, historic buildings, historic aircraft crash sites and marine heritage recorded by Historic England. Records appear here until they are transferred to the relevant local authority Historic Environment Record (HER), after which they will be retrieved as part of the HER's search results.

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Results Page: **1**

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Title	Location	Description
Tiverton Junction Station	Devon	Originally known as Tiverton Road Station. Railway station on the Bristol and Exeter main line, open...
Monument Number 1046039	Devon	Three or more possible small curvilinear enclosures, of uncertain date, seen as cropmarks.
Church Of St Mary The Virgin	Devon	Parish Church. 15th century, with 16th century north aisle and some window tracery renewed in the 19...
Jays Croft	Devon	Post medieval house.

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The Excavation Index (EI) is a guide to the archaeological excavations and interventions carried out in England since the earliest days of scientific archaeology, and an index to the location of the excavation archives and finds. It is part of the National Monuments Record, England's heritage archive.

Viewing results 1 to 15 of 18

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Results Page: [1](#) [2](#)

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[LAND AT MUXBEARE BARN](#)

Site code: OA1515. An archaeological watching brief was undertaken by Oakford Archaeology in August 2018 during building work at Muxbeare Barn, Willand, Devon. The site is located within the historic core of the hamlet of Muxbeare, a settlement of ...

DEVON, MID DEVON, HALBERTON

[LAND AT VERBEER MANOR, WILLAND](#)

Assessment carried out in advance of proposed development at the site.

DEVON, MID DEVON, WILLAND

[LAND SOUTH OF GARSTON FARM](#)

Assessment and walkover survey carried out for a proposed solar array. Information from OASIS Online Form.

DEVON, MID DEVON, WILLAND

[LAND AT WILLAND](#)

Assessment carried out in advance of a proposed housing estate development. Information from OASIS Online Form.

DEVON, MID DEVON, WILLAND

[LAND AT WILLAND](#)

A detailed gradiometry survey was conducted over approximately 5 hectares of grassland. No features of probable archaeology have been identified, despite the high potential for archaeological remains. Three possible former pits have been identified ...

DEVON, MID DEVON, HALBERTON

[HOWDEN LODGE, WILLAND OLD VILLAGE](#)

Archaeological monitoring and recording was carried out by AC archaeology during groundworks associated with the conversion to living accommodation of outbuildings, car port and construction of new vehicular access at Howden Lodge, Willand Old ...

DEVON, MID DEVON, WILLAND

[LAND AT WILLAND, CULLOMPTON](#)

Survey in advance of proposed development identified possible kiln-type anomalies.

DEVON, MID DEVON, CULLOMPTON

[LAND AT WILLAND](#)

Assessment in advance of proposed development identified a number of archaeological earthworks.

DEVON, MID DEVON, WILLAND

[STONESHILL SOLAR FARM, FIVE BRIDGES](#)

Site code: SSFB16. In January-March 2017, Cotswold Archaeology carried out an archaeological evaluation and an archaeological watching brief at Stoneshill Farm, Five Bridges, Cullompton, Devon. The archaeological works recorded five undated ditches. ...

DEVON, MID DEVON, WILLAND

[LAND AT FOUR WAYS CROSS](#)

Twenty eight evaluation trenches were excavated in advance of proposed works. Early Bronze Age, Iron Age, medieval and post-medieval activity was recorded.

DEVON, MID DEVON, WILLAND

[LANGLANDS SOLAR FARM](#)

Site code: LLF13. Monitoring of groundworks for the scheme recorded no archaeological activity although prehistoric lithics were recovered from the topsoil. Accession no: RAMM:2013.9. Information from OASIS Online Form.

DEVON, MID DEVON, HALBERTON

[LANGLANDS SOLAR FARM](#)

Survey carried out over 5ha for the proposed solar array. See Event 1583187 for subsequent watching brief. Information from OASIS Online Form.

DEVON, MID DEVON, HALBERTON

[LAND OFF MUXBEARE LANE](#)

The evaluation revealed a probable medieval or post-medieval field boundary, and a length of metalled holloway that produced a relatively large amount of medieval pottery. Information from OASIS Online Form.

DEVON, MID DEVON, HALBERTON

[LAND AT MUXBEARE ORCHARD](#)

Site code: OA1091. Monitoring of groundworks for a wildlife pond recorded no archaeological activity. Information from OASIS Online Form.

DEVON, MID DEVON, HALBERTON

['OAKDALE', NORTH JAYCROFT](#)

Site code: ACD201. Monitoring of development groundworks recorded modern deposits only. Accession no: 162.2010. Information from OASIS Online Form.

DEVON, MID DEVON, WILLAND

[TIVERTON JUNCTION, WILLAND ROAD](#)

Evaluation in advance of proposed roadworks recorded no significant archaeological activity. Information from OASIS Online Form.

DEVON, MID DEVON, WILLAND

[MUDDIFORDS COURT FARM](#)

Historic building appraisal of farm buildings prior to their proposed conversion. Accession no: 169.2010. Information from OASIS Online Form.

DEVON, MID DEVON, HALBERTON

[MOORSTONE BARTON, HALBERTON](#)

The assessment of a series of buildings and subsequent analysis of 20 phases of construction, for which dating evidence was produced for 14, has highlighted the widespread use of very young trees across the county but has also demonstrated that the ...

DEVON, MID DEVON, HALBERTON

The Devon & Dartmoor HER is a record of the known archaeology and historic environment for the county of Devon, including Dartmoor National Park. It includes records of archaeological sites, historic buildings, historic landscapes and related information.

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Name	Location
Willand War Memorial	Willand
St. Mary's Churchyard, Willand	Willand
Summers' Mill Farm	Willand
Possible Water Meadow Gutters or Drains to the south of Gerston Farm	Willand
Archaeological Features, Land at Stoneshill Farm, Cullompton	Willand
Stone Walls and Railings along Willand Old Village	Willand
Traditional Directional Sign in Village Centre, Willand	Willand
Cobbles fronting Verbeer Cottages, Willand	Willand
Methodist Chapel, Gables Road, Willand	Willand
Mounting Block Steps attached to The Elms, Willand Old Village	Willand
Orchard Banks to the southeast of Bagster Farm	Willand
Orchard Banks at Willand	Willand
Orchard Banks off Old Jaycroft Road, Willand	Willand
Orchard Banks at Willand	Willand
Orchard Banks at Willand	Willand

Name	Location
Orchard Banks at Willand	Willand
Water Meadow off Old Jaycroft Road	Willand
Orchard Banks to the southwest of Weir Mill Farm	Willand
Orchard Banks to the west of Weir Mill Farm	Willand
Possible Water Meadow to the east of Weir Mill Farm	Uffculme; Willand
Improvement Ridge and Furrow to the northwest of Bagster Farm	Willand
Possible Water Meadow to the southeast of Woodcoxhayes Farm	Halberton
Orchard Banks at Tiverton Junction	Halberton; Willand
Orchard Banks to the north of Four Cross Ways	Halberton
Possible Water Meadow to the north of Spratford Bridge	Halberton
Possible Water Meadow System to the southeast of Yeo Farm	Halberton
Deserted Settlement, Land off Muxbeare Lane, Willand	Halberton; Willand
Quicks Farm, Willand	Willand
Blacklands field name, Willand	Willand
Verbeer Manor Inn	Willand

Name	Location
St Mary's, Willand	Willand
Rood Screen, St Mary's Church	Willand
Enclosure to the south of Willand	Willand
Ford over Spratford Stream near Willand	Halberton; Willand
Weir Mill Farm, Willand	Willand
FARMSTEAD in the Parish of Willand	Willand
FARMHOUSE in the Parish of Willand	Willand
FARMSTEAD in the Parish of Willand	Willand
SETTLEMENT in the Parish of Willand	Willand
FARMHOUSE in the Parish of Willand	Willand
Dye House, Willand	Willand
Signal Post, Tiverton Branch Railway	Willand
Signal Post, Tiverton Junction	Willand
SIGNAL POST in the Parish of Willand	Willand
SIGNAL POST in the Parish of Willand	Willand
Name	Location
SIGNAL POST in the Parish of Willand	Willand
MILEPOST in the Parish of Willand	Willand
CLAY PIT in the Parish of Willand	Willand
GRAVEL PIT in the Parish of Willand	Willand
Bridge over Railway on Dean Hill Road	Willand
Bridge over the railway at Willand	Willand
COTTAGE NON SPECIFIC in the Parish of Willand	Willand
Redgate, Willand	Willand
HOUSE in the Parish of Willand	Willand
COTTAGE NON SPECIFIC in the Parish of Willand	Willand
FORD in the Parish of Willand	Willand
ROAD in the Parish of Willand	Willand
Linhay, Halberton, Willand	Halberton; Willand
TREE in the Parish of Uffculme, Willand	Uffculme; Willand
TREE in the Parish of Uffculme, Willand	Uffculme; Willand
Name	Location
Tiverton Junction Station	Willand
Circular Soilmarks at Gerston Farm, Willand	Willand
LODGE in the Parish of Willand	Willand
ROAD in the Parish of Willand	Willand
Earthwork Platform to the north of Four Cross Ways	Halberton
BLACKSMITHS WORKSHOP in the Parish of Willand	Willand
Archery Ground Southeast of Halfway House	Willand
Halberton/Willand Parish Boundary	Halberton; Willand
CROPMARK in the Parish of Halberton, Willand	Halberton; Willand
Possible Burial Pit, Four Ways Cross, Willand	Willand
Iron Age Ditch, Four Ways Cross, Willand	Willand
Pond, Four Ways Cross, Willand	Halberton
Pond Southeast of the Halfway House	Willand
Milepost on the Culm Valley Railway	Willand
Sluice East of Quick's Farm	Willand

Name	Location
Pump at Weir Mill Farm	Willand
Possible Bronze Age Enclosure Ditch at Four Cross Ways	Willand
Possible Romano-British Pit North-West of Four Cross Ways	Willand
Possible Boundary Ditch to North-West of Four Cross Ways	Halberton; Willand
Narrow Gully North-West of Four Cross Ways	Willand
Pit to North-West of Four Cross Ways	Willand
D-Shaped Enclosure North of Four Cross Ways	Willand
Posthole Alignment North-West of Four Cross Ways	Willand
Pit Alignment North-West of Four Cross Ways	Willand
Possible Boundary Ditch North-West of Four Cross Ways	Willand
WOODSMOKE COTTAGE	Willand
THATCH COTTAGE AND LITTLE CROFT	Willand
BEAUFOY HOUSE	Willand
JAYCROFT	Willand
Willand War Memorial Plaque, St Mary's Church	Willand
Name	Location
DYE HOUSE	Willand
PARK FARMHOUSE	Willand

Mid-Devon “Local List” of Assets in Willand

Town/Village	Title/Address	Importance
Willand	War Memorial within the churchyard	Granite obelisk to honour those who have died in recent wars
Willand	Stone walls and railings along Willand Old Village	High quality and aesthetically pleasing walls and railings
Willand	Route and remains of former Culm Valley Railway	Remains of the route the railway followed
Willand	Traditional directional sign in village centre	Iconic feature of the streetscape
Willand	Cobbles fronting Verbeer Cottages	Cobbled area
Willand	Methodist Chapel, Gables Road	Important building in Willand
Willand	Mounting block steps attached to The Elms, Willand Old Village	Important heritage feature in the streetscape

Source: Mid-Devon Local List

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Equality Impact Assessment

Purpose of the Equality Impact Assessment process:

The Equality Act (2010) introduced the [Public Sector Equality Duty](#) (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act (2010). Assessments should consider relevant evidence relating to persons with protected characteristics in relation to assessments of potential impact.

The purpose of an Equality Impact Assessment (EIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy/ decision') do not create unnecessary barriers for people protected under the Act. Where negative impacts are identified these should be eliminated or minimised, and opportunities for positive impact should be maximised. An EIA is not required for a decision in relation to an individual.

Screening is a short exercise to determine whether a policy/ decision is relevant to equalities, and if so, whether a full EIA should be conducted.

Section 1: Equality Impact Assessment Screening

Basic Details	
Title and description of the policy/ decision:	Willand Neighbourhood Plan
Job title of the person(s) undertaking the assessment:	Forward Planning Team Leader
Council service:	Planning
Date of assessment:	08.08.2024

What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?
The Willand Neighbourhood Plan has recently been subject to its independent examination. The Examiner's report has concluded that subject to modifications be required to some policies the plan can progress to a local referendum.

Further Details	
Who may be affected by the policy/ decision?	Lower Culm Ward and Halberton Ward (not the part of this ward is within Willand Parish)
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	All statutory consultees have been consulted at the formal Regulation 16 submission draft stage in the preparation of the Neighbourhood Plan.
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	Yes

To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:	Yes	No	Details
1. Eliminate unlawful discrimination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Advance equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Foster good relations between different groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Which of the protected characteristics is the policy/ decision relevant to?
 Tick and briefly describe any likely equalities impact (positive, negative, or neutral)

Characteristic	Positive	Negative	Neutral	Comments
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Policy TAC1 states development proposals should, where relevant, improve accessibility for all

Characteristic	Positive	Negative	Neutral	Comments
				through consideration of disability access.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy/ maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil partnership*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*Applies only to Employment and the duty to give regard to the elimination of discrimination.

Decision by Corporate Manager to recommend this policy/ decision for an Equality Impact Assessment?

Yes/ No

If the answer is “Yes”, please continue to the Section 2 and complete the Equality Impact Assessment. If the answer is “No”, please give a brief reason here.

The policies of the Willand Neighbourhood Plan are in general conformity with the strategic policies of the adopted Mid Devon Local Plan. The adopted Mid Devon Local Plan has been subject to a full Equalities Impact Assessment in 2017 and an Addendum in 2019 which was necessary following the Council’s proposed Main Modifications to the local plan. The Inspector has considered the Equalities Impact Assessment as part of the examination process for the local plan and has had regard to the Equality Act 2010.

EIA Screening Complete

Section 2: Equality Impact Assessment

Evidence and Consultation

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy/ decision? E.g. consultations, national or local data and/or research, complaints or customer feedback. Please identify any gaps in the available information that might make it difficult to form an opinion about the effect of the policy on different groups.

Please complete this table for all the Protected Characteristics. If you have identified any negative impacts you will need to consider how these can be justified or where possible mitigated either to reduce or remove them. (Please add rows where needed)

Protected Characteristic	Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Sex				
Age				
Disability				
Religion or Belief				
Race				
Sexual Orientation				
Gender Reassignment				

Protected Characteristic	Potential Impacts/ Issues Identified/ Opportunities identified	Mitigation required (action) or Justification	Lead Officer and target completion date	What is the expected outcome from the action?
Pregnancy/ maternity				
Marriage and civil partnership*				

*(Applies only to Employment and the duty to give regard to the elimination of discrimination)

Please provide details of arrangements to monitor and review the policy/ decision and any mitigating actions or actions to promote equality:

Please state where the EIA will be published (e.g. on the Mid Devon District Council website):

=====

Equality Impact Assessment Sign off

For completion by Corporate Manager

Are you prepared to agree and sign off the EIA?

Yes **No**

If "No", provide details of why and next steps:

Name: Richard Marsh

Job Title: Director of Place and Economy

Date: 11th November 2024

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Report for: Cabinet

Date of Meeting:	7 January 2024
Subject:	Green Enterprise Grants
Cabinet Member:	Cllr Natasha Bradshaw - Cabinet Member for Environment and Climate Change.
Responsible Officer(s):	Jason Ball - Climate and Sustainability Specialist. Linda Perry - Economic Development Officer. Paul Deal - Head of Finance, Property and Climate Resilience.
Exempt:	None.
Wards Affected:	All
Enclosures:	None.

Section 1 – Summary and Recommendation(s)

This proposal builds on the success of a pilot scheme. The purpose of the Green Enterprise Grant is to help Mid Devon businesses to invest in making their operations more sustainable through energy and resource efficiency.

Recommendation(s):

- 1. That Cabinet instruct the Economic Development team and the Climate and Sustainability Specialist to develop the next phase of the Green Enterprise Grant Scheme, in consultation with the Head of Service for Finance, Property and Climate Resilience as recommended by the Planning, Environment and Sustainability Policy Development Group.**

Section 2 – Report

- 1.0 Background
- 1.1 The Council's Economy Team has piloted a scheme of Green Enterprise Grants to help Small and Medium Sized Enterprises (SMEs) in Mid Devon.

- 1.1.1 The Grants encouraged business investment to reduce environmental impact - particularly greenhouse emissions. Resource and energy efficiency can achieve considerable cost savings too, which lends financial resilience at a time of price volatility.
- 1.1.2 Grants of £24,245 capital funding have been awarded to energy saving and solar projects by Mid Devon businesses. When complete, these are set to save circa 13 tonnes CO2 equivalent (tCO₂e) annually and achieve over £50k match-funding value.
- 1.2 The scheme was funded from a successful bid to the [Heart of the South West](#) Local Enterprise Partnership (Local Growth Fund).
- 1.3 This complemented the [Prosper business support programme](#) that provides SMEs with advice and support to identify and reduce their carbon footprint.
- 1.4 Given the short timescale, a small funding pot and unknown demand, this was run as a pilot scheme to learn from the process and the responses.
- 1.5 This proposal emerges at a point of demonstrable success for a model the Council can take forward. Learning from the pilot, the team has reflected on the administrative needs and how to address the typical barriers and issues encountered.
- 2.0 Proposal
- 2.1 To develop the next phase of Green Enterprise Grants for Mid Devon SMEs.
- 2.2 Delivery. Key details:
 - Grants budget up to £30k. (Grant award values from £500 to £5k.)
 - Timeline: January 2025, prepare for launch using existing funds (also seek external additional funding); February 2025, pre-launch engagement to raise expressions of interest; March 2025, bid support workshop; April 2025 launch. Likely completion target: 31 March 2026.
- 2.3 Administration. Key details:
 - The decision panel awarding grants will comprise 3 Elected Members.
 - The administrative team will evaluate bids using a standardised process with a scoring protocol and assessment framework.
 - The administrative team will make recommendations to the decision panel and provide support to enable decisions, including research and specialist advice where required.
 - Decisions on grant awards will be considered on a monthly cycle, responding to completed evaluations for eligible applications.
 - Evaluation will consider quality of evidence (e.g. carbon footprints) around the forecast impact and match funding value of each project.
 - Due diligence checks will be carried out.
- 2.4 Scope and eligibility. Key details:

- SMEs based in Mid Devon only.
- Eligible SME types will include Community Interest Companies (CIC).
- The scheme will be fairly administered to all eligible enterprises. However, bids will not be accepted from certain business categories for specific reasons. For the avoidance of bias and any risk of overlap with the Council's climate action investments, business tenants based at Council assets will not be eligible to apply.

2.5 Planning and other consents.

- The application criteria will make it clear that all necessary consents must be obtained prior to submitting an application.

2.6 Mandatory quality standards

- Recognised standards will be essential for certain projects e.g. MCS - certified installers. ([Microgeneration Certification Scheme](#))

2.7 Details of grant scheme outcomes and successful bids would be published. Quarterly performance reports would be provided to the decision panel and an interim review report can be produced after 6 months.

Financial Implications

The grants would be funded by existing approved budgets. External funding will also be sought, in order to support or extend the grant scheme.

Legal Implications

Any grant scheme would be subject to the current law around operational requirements and standards in public service. There are no legal implications associated with this proposal.

Risk Assessment

The main risks to the project (mitigating actions in brackets) are: lack of uptake by enterprises (promotion will build on a well-established relationship with the local business community); non-delivery of approved projects (guidance, agreements and deadlines will help to manage timely delivery); applicants lack sufficient project management time or investment capital to achieve their projects (the small grant scale is suited to small, manageable projects).

Impact on Climate Change

Based on the demonstrable ability for this form of grant scheme to create or accelerate action to reduce greenhouse gas emissions, this proposal should contribute positively towards reducing climate impact. The funding could achieve a range of impact avoidance / savings annually between circa 1 and 10 tCO₂e.

Equalities Impact Assessment

There are no equality impacts associated with this project proposal; the scheme would serve a target segment of enterprises and a specific geographical location but would be open to all eligible. Projects and policies are subject to the Public Sector Equality Duty. (Assessing the equality impacts of proposed changes to policies, procedures and practices is not only a legal requirement, but also a positive opportunity for authorities to make better decisions based on robust evidence.)

Relationship to Corporate Plan

[Corporate Plan 2024-2028](#), priority 1.2: Support the district's response to the climate emergency.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 18 December 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 18 December 2024

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 18 December 2024

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 08 November 2024

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Linda Perry. Email: LPerry@middevon.gov.uk Tel: 01884 255255. Jason Ball. Email: JBall@MidDevon.gov.uk Tel: 01884 255255.

Background papers: Previous report to Economy PDG.



Report for: Cabinet

Date of Meeting:	7 January 2025
Subject:	Waste and Recycling Options
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Darren Beer, Operations Manager – Street Scene and Open Spaces Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All – District Wide
Enclosures:	None

Section 1 – Summary and Recommendation(s)

This report considers the following:

- It builds upon the previous report presented in June 2024 where members were presented various options to consider regarding extra service provision.
- It sets out future options regarding the provision of the Waste and Recycling service to the residents of the District together with proposed pilots of new services.
- It provides an update on the recommendations from the Service Delivery and Continuous Improvement PDG in December 2024.

Recommendation(s):

1. **To review the contents of this report.**
2. **Make recommendations regarding trialling and introducing the following practices in the District:**
 - a. **Begin a nappy waste collection trial with 150-200 properties in April 2025 for three months**

- b. **Begin a trial to collect unusable metal pots and pans from an area in the District for a period of three months**
- c. **A further review to charge new house builders/owners for new bins and containers to each property**

Section 2 – Report

1.0 Introduction

- 1.1 A review of the current waste and recycling scheme was presented to the Environment PDG in August 2023, followed by a further update in November 2023 on the performance of Bin-It 123. A report was presented earlier this year with recommendations to both the SD&CI PDG and Cabinet on the feasibility of various potential initiatives.
- 1.2 This report outlines the possibilities for the service to further reduce residual waste along with an increase in the recyclate collected from waste in order to meet our net zero aspirations. It outlines future proposals and pathways to raise further awareness of good recycling practice in line with the waste hierarchy to reduce, reuse and then recycle.

The Waste Hierarchy diagrams



- 1.3 The Government released its intentions with regards the Collection and Packaging Reforms (CPR), around Simpler Recycling. These reforms also include Extended Producer Responsibility (EPR) and the Deposit Return Scheme (DRS). Defra also confirmed their intentions when the new government took office and we are currently awaiting further clarification, which is expected later this month (November 2024). This payment is expected to cover the total cost of collecting all packaged recycling both in the residual and recycled waste streams.
- 1.4 There is now a need to further review recycling and refuse collections in order to meet our Devon target of a 60% recycling rate by 2025 and the

National target of 65% by 2035 but available budgets will need to be considered when thinking through future proposals and how they are delivered.

2.0 Trials and introductions of new schemes

2.1 Recycling and collection of nappies

- 2.1.1 Priority with regards to nappies in the Waste Hierarchy is given first to reuse then recycling and finally disposal. Therefore, reusable nappies should be promoted as the first avenue for parents when thinking about the environment. There are schemes and advice available including Recycle Devon, which explores the use of real nappies over disposable nappies and signposts residents to the different types, how to wash them and also a free trial.
- 2.1.2 After reuse, the next priority is recycle and NappiCycle have pioneered a process allowing them to recover the material from used nappies. It uses friction washing to break down used nappies and absorbent hygiene products (AHPs) into clean reusable products. In Wales, the recycled nappies are then being used in asphalt for road surfacing, composite deck boards, and other secondary products.
- 2.1.3 This service can currently be provided to all Welsh Local Authorities but none at present in England. Bristol Waste began a twelve month trial in July 2024 and East Devon District Council have just begun a limited three month trial of two hundred eligible properties in September 2024.
- 2.1.4 Mid Devon are in discussions with NappiCycle to pilot a trial beginning in April 2025 similar to that undertaken by East Devon District Council, running for a three month period. Meetings are currently taking place to consider the proposals put forward by NappiCycle. This would include a limited trial of collecting nappies and AHPs from around 200 eligible properties by our own team. They will then be collected from the depot by a contractor from NappiCycle and taken to the Welsh plant for recycling. The cost of the trial will be approximately £4.5K, which includes gate fees, transport to Wales, vehicles, staffing, fuel and materials.
- 2.1.5 Once complete, a full analysis will be presented to Members for discussion, which will include a cost and benefits exercise. Initial information suggests it will cost around £280k per annum to roll this scheme out fully into the District (should it be so desired following the pilot). This would offset approximately 1000 tonnes of nappies and AHPs from the residual waste stream from around 3500 properties. This equates to around 4 million nappies collected per year. The service is unsure of the short/medium term performance benefits but may reduce the potential costs (the tax for the carbon emitted) to the authority for sending waste to energy from waste facilities to be incinerated under the proposed expansion of the UK Emissions Trading Scheme in 2028.

2.2 Recycling and collection of metal pots and pans

- 2.2.1 Currently pots and pans are not collected by Mid Devon's waste and recycling service. If pots and pans are in good condition then residents are encouraged to donate them to charity to be reused, which follows Waste Hierarchy good practice. Alternatively, they can be taken to the nearest Recycling Centre either at Punchbowl (Crediton) or Ashley (Tiverton) where they can be placed in the metal labelled skip to be recycled. Currently there are no Local Authorities that collect pots and pans kerbside.
- 2.2.2 In order for the Council to collect the recyclable pots and pans, they would need to be placed in one of the existing stillage's of the recycling vehicles. This would need to utilise the same stillage as textiles, batteries and small WEEE. The service proposes to facilitate a trial in a rural and urban area of the District beginning in February for three months. Information will be collected on the weights/volumes, impact on rounds and an analysis will take place including a customer survey before the results are presented back to Members for further consideration.
- 2.2.3 There would be no extra cost in collecting pots and pans. Skip providers would provide and collect the skip free of charge. There will be a small cost in administering the trial for letters and postage.
- 2.2.4 The material tonnages may be included in the recycling statistics for Mid Devon, although they are included in the Devon wide statistics when taken to the HWRCs.
- 2.2.5 Work has been undertaken with a National collector of reusable materials with a view of utilising them for kerbside collections of reusable pots and pans, where residents are unable to take these to a charity shop themselves. The details can be posted on the MDDC website for residents to request this service free of charge.

2.3 Charging new builds the cost of containers for waste and recycling

- 2.3.1 Local Authorities are able to charge for the cost of receptacles to protect their services. One such Local Authority (Teignbridge District Council) charges a one off fee for a full set of containers to be delivered to newly built properties, which have not previously been occupied, at a current cost of £96.00. The charge can be levied on the owner of the property.
- 2.3.2 These charges offset the cost of the service. The bin charging policies have been introduced to encourage residents to take responsibility for the bins provided and to reduce demand for replacement bins. The charges cover the actual cost of the bins and delivery.
- 2.3.3 The project continues to progress with further research and legal advice required on how the scheme would be utilised and applied by MDDC. Once obtained this will inform the level of extra income that could be gained.

3.0 Update on other options

3.1 Recycling and collection of flexible plastics

- 3.1.1 Government have mandated collections of soft plastics from March 2027. There is no current detail on how this is going to be achieved and whether new burdens will pay for this. This will be followed with a review and presented when further detail is available
- 3.1.2 Currently soft plastics can be taken to supermarkets in the District, which is supported by the FlexCollect scheme.
- 3.1.3 Points for future consideration would include how the product will be collected along with the potential volume of the material. The configuration of the current fleet of recycling vehicles would only allow it to be collected in one of the existing stillage's, such as the ones used for paper or it would need to be collected with plastic and cans, then manually separated by additional staff at the depot.

3.2 Recycling and collection of coffee pods

- 3.2.1 As was written in the report presented to Members of this PDG in June, focus for the Podback scheme is via posted returns of coffee pods, supermarkets and high street coffee shops (pick up and drop off) and the use of Household Waste Recycling Centres as disposal points, which is currently being supported by Podback. One supermarket chain has begun rolling the scheme out across all its 350 stores beginning in July this year and a different supermarket chain is also trialling out the scheme across some stores that have an in house coffee shop. Another high street coffee shop chain is offering customers to pick up the free drop off recycling bags, which can be taken to around 6500 drop off points in the UK. The service will continue to monitor and provide feedback.

3.3 Collecting extra chargeable waste

- 3.3.1 This was not seen by Members as a priority at this time. It will therefore be put on hold and revisited in the future.

3.4 Composting groups in Mid Devon

- 3.4.1 The report in June highlighted the significant work community composting groups are doing along with the importance of residents to compost at home where possible.

3.5 Recycling blister packs

- 3.5.1 Following some background work completed by one of the Members the Street Scene service will update the MDDC website to include details where

residents can take their used medicinal blister packs to be recycled, both empty and with tablets.

4.0 Conclusion

- 4.1 The report contains findings from analysis within the service and that on a local and national level. It provides ideas sanctioned by Members that the service will now trial or introduce, which will increase recycling and reuse, as well as supporting the budget to minimise costs to the taxpayer. Ultimately, as an authority Mid Devon looks to promote the Waste Hierarchy and strongly encourage residents to review what they then do themselves with regards to waste at home around reduce and then reuse before recycling.
- 4.2 Reports will be submitted with a full analysis following any trials detailed above.

Financial Implications

It should be noted that an increase in recycling tonnages for each material will increase our recycling credits for that material. This increase also has an effect on the income received from each product at this current time. At present this is difficult to determine due to the constant variations in market values. Shared savings through the DCC Shared Savings Scheme would potentially increase as we decrease waste and increase recycling.

Legal Implications

Under Section 46 of the Environmental Protection Act Waste Collection Authorities may by means of notice specify how householders present their waste for collection. There will legal requirements to adhere to legislation around Simpler Recycling once it has been clarified by Government.

Risk Assessment

In the event that any future changes are trialled (or mandated by government) a register of risks would need to be compiled in advance of those proposed service changes. There are potential risks, including impacts on; carbon emissions, the carbon footprint, operational costs and other resources required (from containers to personnel).

Impact on Climate Change

An increase in recycling would further enable the Council to reduce its carbon footprint and hit its carbon net zero commitment. Recycling is one of the most 'mainstream' concepts of addressing overarching sustainability goals, therefore it is vital to make sure that the council is maximising the effectiveness of both its scheme design, but also its operational implementation.

Equalities Impact Assessment

The service will continue to provide assisted collections according to the current policy; considerations for residents residing in HMOs, flats and properties with no outside

space will be included in any proposed project plan. The service would review the lessons learnt and best practice from recent changes along with a review of other councils who have successfully implemented strategic changes to their waste collections operations. Consideration will need to be sought regarding a potential bin levy and the impact for those in receipt of Council Tax Reductions

Relationship to Corporate Plan

This report identifies with the Service Delivery and Continuous Improvement section of the Corporate Plan for 2024-2028, and in particular 5.2 – *We will increase our recycling services, enabling our communities to achieve even higher levels of recycling.* Supporting and enabling customers to recycle and reduce residual waste contributes to Mid Devon District Councils' commitment to the Devon Climate Emergency.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 17 December 2024

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 17 December 2024

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 17 December 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 20 November 2024

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Darren Beer, Operations Manager – Street Scene and Open Spaces

Email: dbeer@middevon.gov.uk

Telephone: 01884 255255

Background papers:

- 2.1 [Nappies - Recycle Devon](#)
- 2.1 [NappiCycle – Nappy Recycling & Sustainability Solutions](#)
- 2.1 [7 March 2024 - New kerbside nappy and hygiene product recycling scheme being investigated for East Devon - East Devon](#)
- 3.1 [Household collections — Flexible Plastic Fund](#)

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

January 2025



The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
January 2025					
Award Contract for CHP Plant/ Battery Storage at Exe Valley	Cabinet	7 Jan 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Environment and Climate Change, Cabinet Member for finance, Governance and Risk and Cabinet Member for Housing, Assets and Property.	Open
Investment in Community Land Trust projects using Devolution funding	Cabinet	7 Jan 2025	Arron Beecham, Principal Housing Enabling & Forward Planning Officer	Cabinet Member for Planning and Economic Regeneration	Open

Agenda Item 13.

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Information Security Policy	Cabinet	7 Jan 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open
Information Security Incident Management Policies	Cabinet	7 Jan 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open
CCTV Policy To receive the updated CCTV Policy	Community, People & Equalities Policy Development Group Cabinet	3 Dec 2024 7 Jan 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Willand Neighbourhood Plan Page 363	Planning, Environment & Sustainability Policy Development Group	26 Nov 2024	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open
	Cabinet	7 Jan 2025			
	Planning, Environment & Sustainability Policy Development Group	11 Mar 2025			
	Cabinet	1 Apr 2025			
Green Enterprise Grants	Cabinet	7 Jan 2025	Jason Ball, Climate and Sustainability Specialist	Cabinet Member for Environment and Climate Change	Part exempt
2025/2026 Draft Budget Report	Cabinet	7 Jan 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Future Waste & Recycling Options To receive a report regarding fully investigated future Waste & Recycling Options as identified at the previous PDG meeting.	Service Delivery & Continuous Improvement Policy Development Group Cabinet	2 Dec 2024 7 Jan 2025	Matthew Page, Head of People, Performance & Waste	Cabinet Member for Service Delivery and Continuous Improvement	Open
February 2025					
Halberton- Car Parking spaces revision to off street parking order	Cabinet	4 Feb 2025	Luke Howard, Environment and Enforcement Manager	Cabinet Member for Governance, Finance and Risk	
Works Agreement for the Measured Term, Internal Painting Contract 2025-2029	Cabinet	4 Feb 2025	Stephen Bennett, Building Surveyor	Cabinet Member for Housing, Assets and Property and Deputy Leader	Part exempt
Update on future EPR (Extended Producer Responsibility for Packaging)	Cabinet	4 Feb 2025	Darren Beer, Operations Manager for Street Scene	Cabinet Member for Service Delivery and Continuous Improvement	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Devon Housing Commission Report To receive the Devon Housing Commission Report.	Homes Policy Development Group Cabinet	19 Nov 2024 10 Feb 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
2025/2026 Draft Budget Report	Cabinet Council	4 Feb 2025 19 Feb 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Business Rates Tax Base	Cabinet	4 Feb 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Team Devon Joint Committee	Cabinet Council	4 Feb 2025 19 Feb 2025		Leader of the Council	Open
Unpaid Carers access to Leisure	Cabinet	4 Feb 2025	Andy Mackie, Leisure Services Manager	Cabinet Member for Service Delivery and Continuous Improvement	Open
Domestic Drainage Works Contract 2025-2029	Cabinet	4 Feb 2025	Mike Lowman, Building Services Operations Manager	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Regulation of Investigatory Powers	Community, People & Equalities Policy Development Group Scrutiny Committee Cabinet	3 Dec 2024 13 Jan 2025 4 Feb 2025	Maria De Leiburne, Director of Legal, People & Governance (Monitoring Officer)	Cabinet Member for People, Development and Deputy Leader	Open
March 2025					
Corporate Anti Social Behaviour Policy	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025		Cabinet Member for Quality of Living, Equalities and Public Health	Open
2024/2025 Quarter 3 Budget Monitoring Report	Cabinet	4 Mar 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Local Development Scheme	Cabinet	4 Mar 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Tenancy Options Waste Services– Carlu Close To consider the future of the tenancy at Carlu Close	Cabinet	28 Mar 2025	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change	Cabinet Member for Environment and Climate Change	Open
Right to Buy Policy (NEW) To receive the new Right to Buy Policy.	Homes Policy Development Group Cabinet Council	28 Jan 2025 4 Mar 2025 23 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
MDH Safeguarding Adults at Risk, Children and Young People Policy (NEW) To receive the new Safeguarding Policy for Mid Devon Housing	Homes Policy Development Group Cabinet Council	28 Jan 2025 4 Mar 2025 23 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
April 2025					
Downsizing Work Group report To receive a report from the Downsizing Working Group who were tasked by the Homes PDG to look at the options in this area.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025			Open
Tenant Involvement Strategy To receive the revised Tenant Involvement Strategy.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Housing Strategy To receive the revised Housing Strategy.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Economic Strategy 2024 - 2029	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Destination Management Plan for Mid Devon	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery	Cabinet Member for Planning and Economic Regeneration	Open
Tenancy Management Policy To receive the revised Tenancy Management Policy.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Variation to Standard Tenancy Agreement That the Homes PDG recommends to Cabinet that the procedure for the variation of tenancy conditions in line with the Housing Act 1985 (sections 102 & 103) commence.	Homes Policy Development Group Cabinet	18 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
Asset Management Plan To receive the revised Asset Management Plan.	Economy & Assets Policy Development Group Cabinet	6 Mar 2025 1 Apr 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Corporate Recovery Policy To receive the updated Corporate Recovery Policy.	Audit Committee Cabinet	25 Mar 2025 1 Apr 2025	Paul Deal, Head of Finance, Property & Climate Resilience	Cabinet Member for Governance, Finance and Risk	Open
Community Safety Partnership Policy To consider the report	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for Parish and Community Engagement	Open
Single Equalities Policy and Equality Objective	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Matthew Page, Head of People, Performance & Waste	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for People, Development and Deputy Leader	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Safeguarding Children & Adults at Risk Policy	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 1 Apr 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Quality of Living, Equalities and Public Health Cabinet Member for People, Development and Deputy Leader	Open
May 2025					
Air Quality Action Plan to consider the report	Community, People & Equalities Policy Development Group Cabinet	25 Mar 2025 Not before 20th May 2025	Simon Newcombe, Head of Housing & Health Jason Ball, Climate and Sustainability Specialist	Cabinet Member for Planning and Economic Regeneration Cabinet Member for People, Development and Deputy Leader	Open
Blackdown Hills National Landscape Management Plan	Cabinet	Not before 20th May 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open
Housing Delivery Test Action Plan	Cabinet	Not before 20th May 2025	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
June 2025					
Tenancy Strategy To receive the revised Tenancy Strategy	Homes Policy Development Group Cabinet	Not before 2nd Jun 2025 Not before 9th Jun 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open
August 2024					
Plan Mid Devon- Draft Policies and Site Options	Cabinet	Not before 31st Aug 2025	Tristan Peat, Forward Planning Team Leader		Open
October 2025					
Data Policy (new) for MDH To receive the new Data Policy for Mid Devon Housing	Homes Policy Development Group Cabinet Council	Not before 9th Sep 2025 Not before 7th Oct 2025 Not before 29th Oct 2025	Simon Newcombe, Head of Housing & Health	Cabinet Member for Housing, Assets and Property and Deputy Leader	Open