

## **Planning, Environment & Sustainability Policy Development Group**

**Tuesday, 26 November 2024 at 5.30 pm  
Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting  
Tuesday, 11 March 2025 at 5.30 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: 370 527 858 704

Passcode: kSdtmP

### **Membership**

Cllr B Fish  
Cllr G Cochran  
Cllr C Adcock  
Cllr C Connor  
Cllr G Czapiewski  
Cllr A Glover  
Cllr C Harrower  
Cllr L Knight  
Cllr G Westcott

## AGENDA

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

- 1      **Apologies and substitute Members**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2      **Declarations of Interest under the Code of Conduct**  
To record any interests on agenda matters.
- 3      **Public Question Time**  
To receive any questions from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 4      **Minutes of the Previous Meeting** *(Pages 7 - 12)*  
To consider whether to approve the minutes as a correct record of the meeting held on 3 September 2024.
- 5      **Chair's Announcements**  
To receive any announcements that the Chair may wish to make.
- 6      **Serious about a Sustainability Society and Led by Youth (SASSY) - Presentation**  
To receive a presentation from SASSY with an opportunity for Members to ask questions.
- 7      **Performance Dashboard Q2 2024/25** *(Pages 13 - 14)*  
To receive a report from the Corporate Performance and Improvement Manager on the Performance Dashboard for Quarter 2 2024/2025.
- 8      **Medium Term Financial Plan (MTPF) 2025/2026** *(Pages 15 - 38)*  
To receive a report from the Deputy Chief Executive (S151) presenting to Members the updated Medium Term Financial Plan (MTFP) which covers the period 2025/26 to 2028/29 for the General Fund.
- 9      **Infrastructure Funding Statement; The Infrastructure List** *(Pages 39 - 54)*  
To consider the Infrastructure Funding Statement; The Infrastructure List.
- 10     **The Willand Neighbourhood Plan** *(Pages 55 - 228)*  
The Willand Neighbourhood Plan has been examined by an independent Examiner and Mid Devon District Council received the final Examiner's report on 6<sup>th</sup> 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

- 11 **Report on Motion 605** *(Pages 229 - 232)*  
To consider and review a report regarding Motion 605 for recommendation to full Council.
- 12 **Section 106 Governance Framework** *(Pages 233 - 250)*
- 13 **Cabinet Member for Environment and Climate Change Update** *(Pages 251 - 258)*  
To receive an update from the Cabinet Member for Environment and Climate Change and the Climate Sustainability Specialist.
- 14 **Climate Strategy and Action Plan** *(Pages 259 - 292)*  
To consider the draft report for recommendation to Cabinet.
- 15 **Planning Summary Report** *(Pages 293 - 298)*  
To receive a planning summary report from the Director of Place and Economy.
- 16 **Identification of Items for the Next Meeting**  
Members are asked to note that the following items are already identified in the Work Programme for the next meeting:
  - Performance Dashboard for Quarter 3
  - Local Development Scheme
  - Willand Neighbourhood Plan
  - Climate and Sustainability Update
  - Planning Summary Report
  - Chair's Annual Report for 2024/2025.

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

## **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](mailto: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](mailto: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 PLANNING, ENVIRONMENT & SUSTAINABILITY POLICY DEVELOPMENT GROUP held on 3 September 2024 at 5.30 pm**

**Present  
Councillors**

B Fish (Vice-Chair), G Cochran, C Adcock,  
C Connor, G Czapiewski, A Glover,  
C Harrower and L Knight

**Also Present  
Councillor(s)**

S Keable, N Bradshaw, J Buczkowski and J Wright

**Also Present  
Officer(s):**

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Jason Ball (Climate and Sustainability Specialist) and Angie Howell (Democratic Services Officer)

**Councillors  
Online**

E Buczkowski, J Lock, S Robinson and D Wulff

**Officers Online**

Dr Stephen Carr, Corporate Performance and Improvement Manager

**14 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:47)**

There were no apologies for absence.

Cllr G Westcott attended on line however she apologised as she would need to leave the meeting early.

**15 PUBLIC QUESTION TIME (00:03:53)**

Cllr Barry Warren, Chair of Willand Parish Council asked the following question:

I wish to speak please in relation to item 9 on your agenda with particular reference to Paragraph 2.3.2 on page 83 of your bundle.

The preparation of the Willand Neighbourhood Plan has not been a straightforward journey as the consultation process was rather hampered by Covid restrictions. Although Officers in the Forward Planning Department have been helpful there have been well documented delays in getting responses from them at times.

The report was prepared by a group consisting of Parish Councillors and residents and the services of an experienced Consultant was commissioned. This has used up all our grant and some monies have had to be taken from reserves to cater for some unexpected work and the delays.

The Parish Council are concerned that officers are now trying to 'rush' the Parish Council into agreeing to the suggested modifications. Some are straightforward and acceptable, others are causing concern with some individuals. It is the Parish Neighbourhood Plan and some of the 'modifications' need to be considered and debated before a decision can be made.

The Parish Clerk, on behalf of Council has resisted the time scale set by officers, with reasons. Of concern is the apparent non compliance by officers with the advice and guidance which has been given to us. This has been shared and discussed with officers but your brief does not reflect this.

There is a concern that the matter is going to go before Planning Policy Advisory Group, which is not open to the public or Parish Councillors. We have waited all this time, a lot of work and thought has gone into the plan and we would not like to be put in a position of withdrawing the plan. The guidance on discussion with the Parish has not been meaningfully carried out. This information has been conveyed to officers but no proper discussions have been held as advised. The Head of Forward Planning rang the Clerk and after discussion agreed to review certain points and come back to her. To date she has heard no more.

We have waited a long time to get to this position so why are we now being 'rushed'?

The Chair advised that a written reply would be sent within 10 working days.

## **16 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:07:09)**

No interests were declared under this item.

## **17 MINUTES OF THE PREVIOUS MEETING (00:07:34)**

The minutes of the last meeting held on 18<sup>th</sup> June 2024 were approved as a correct record of the meeting and **SIGNED** by the Chair.

## **18 CHAIR'S ANNOUNCEMENTS (00:07:57)**

The Chair made the following announcements:-

As Chair of NZAG he wished to update Members with the following:-

- That the Group were trying to ensure that we understood and took forward its responsibilities to deliver net zero.

- A wide range of challenges had been discussed and the Group were now trying to focus on a dashboard of action to be taken to bring about change in a sensible manner without extreme costs.
- The Group have had input into the National Planning Policy Framework by consulting with the Policy Planning Advisory Group with a view to driving forwards the highest standards and meeting the highest environmental standards in energy output in new buildings.
- The Group were keen to build as many houses as possible and to ensure that they met the highest standards of carbon performance to safeguard the quality and design for local residents for decades to come.
- The Group were working on promoting a greener policy and were focussed on how energy could be saved and were looking at potential areas of building rapport with the local community and supporting local landlords.

## 19 MDDC DRAFT BUDGET FOR 2025/26 FIRST REVIEW (00:12:51)

The Group had before it, and **NOTED**, a report \* from the Deputy Chief Executive (S151) presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2025/26 to 2028/29 for the General Fund (GF) and considered initial savings options.

The Head of Finance, Property and Climate Resilience presented the report and the following was highlighted:

- The MTFP covered a period from 2025/26 to 2028/29. Normally this would be a 5 year plan but were currently awaiting greater clarification from the new Government and the Chancellor's budget announcement on 30<sup>th</sup> October 2024. The 5<sup>th</sup> year will be added following this.
- The MTFP focussed on a framework of principles those being:
  - (i) General Fund Reserves
  - (ii) Optimise Income Generation
  - (iii) Allocation of Revenue Resources
  - (iv) Allocation of Capital Resources
- The MTFP built on a number of assumptions around inflation which were shown in Appendix 1.
- Overall the result of pressures on the budget left a £1.2m gap rising to 4m by year 4 if the Council took no action.
- Over the summer officers had looked at options which had been RAG rated as red, amber, green in terms of risk and deliverability.
- If the green and amber savings were accepted this would reduce the £1.2m gap down to £400,000
- All Policy Development Groups would be asked to look at possible savings which would then be presented to Cabinet.

Discussion took place regarding:-

- Apprenticeship Schemes and how they would help to build resilience in the Council despite the initial costs.
- Where the remaining £400,000 savings could be made. It was explained that this was the first draft of the budget which may alter after the Chancellors statement. The budget would also be presented to other Policy Development Groups to help identify savings in order that officers could help to set a balanced budget.
- Whether Town and Parish Councils could take on more assets or non-statutory services from the Council. It was explained that despite dialogue with the 3 main towns in Mid Devon there was limited response in terms of them making further contributions or taking on assets. This was work in progress although there was nothing to report at this stage.
- Budget pressures on the Climate Action Plan to show a commitment to allocating resources.

The Group considered and **RECOMMENDED** to Cabinet the Round 1 Budget Proposals as set out in Appendix 4a.

(Proposed by the Chair)

#### Reason for the decision

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

Note: \* Report previously circulated.

## 20 **PERFORMANCE DASHBOARD Q1 (00:33:45)**

The Group were presented with the Performance Dashboard for Quarter 1 2024/25. The following was highlighted within the report:-

- The Quarter 1 Dashboard had been reviewed and aligned to the new PDG structure and the Corporate Plan.
- The overall performance was presented in the pie chart.
- Finance measures relating to capital projects were showing under performance. This related to delays in scoping 3 capital projects.
- Building control was below budget due to the depressed housing market.

The PDG **NOTED** the report.

Note: \* Performance Dashboard previously circulated.

## 21 CLIMATE AND SUSTAINABILITY PROGRAMME UPDATE (00:35:45)

The Group had before it, and **NOTED** a report\* from the Cabinet Member for Environment and Climate Change. The following was highlighted within the report:-

- Carbon Footprint - positive news, with a smaller footprint than last year, as the Council began to see the effects of switching to green electricity and the leisure centre decarbonisation projects. The results raised the question - what would the Council do about those emissions - and how would it prioritise investments to save energy and carbon.
- As a Council, it was important that teams were focussed on what the Council directly controlled (i.e. Operational Carbon Footprint). However, we also had a vital role in the ways we influence others. The Council's Climate Strategy will be a springboard to more / better engagement with communities across Mid Devon, as we seek to support them to set ambitions and lead change across the district.
- The Council was looking to increase its capacity to more actively engage with community leaders and scale-up its collective ability to reduce carbon footprint across Mid Devon.
- Examples included biodiversity enhancement on Mid Devon District Council (MDDC) owned land, community energy schemes and the establishment of a Climate Forum.
- Cabinet had recently looked at the Council's new contract for the fleet of cars to reduce the carbon footprint for the Council's vehicles.
- The Cabinet Member was keen for this Policy Development Group to input to the Climate Strategy and Action Plan where all views were welcome here and/or through NZAG.
- NZAG had talked about possible ways to engage communities on climate matters.

The Climate and Sustainability Specialist also highlighted the following:-

- Carbon footprint figures were split into key components which included buildings, transport and operational practices.
- Key actions were being gathered by working with teams responsible for those areas and for service leads to look at ideas and how the Council would work with communities to make changes.
- Currently focussing on how the Council could make the biggest differences more quickly.

Discussion took place with regard to:-

- The effect that Covid had on carbon footprint figures and whether reduction figures were due to Covid or through improvements.
- The figures from the past and the aims for the future – was there a way of indicating whether the Council were on track. Also discussed the option of an external consultant to review the Council's action plan.
- How the Council were engaging with communities to help them too. The PDG were informed that the Council were working with the wider community and hoping to work in partnership with others that could help the Council as well.

- The Council's housing stock and whether there was a programme for improving energy efficiency in existing and future homes. It was explained that there was a programme in place but there was room for improvement. The Housing Team were doing "brilliant work" on the new net zero builds.

Note: \* Report previously circulated.

## 22 **PLANNING SUMMARY REPORT (00:59:30)**

The Group had before it, and **NOTED** a report\* from the Director of Place and Economy summarising activity undertaken in relation to planning matters. The following was highlighted within the report:-

- This was a new report which sought to provide Members with updates across matters relating to Planning and Building Control. The following issues were included within the report:-
  - a) New National Planning Policy Framework (NPPF)
  - b) Update on the Local Plan
  - c) Development Management Policies
  - d) Development Management
  - e) Conservation
  - f) Building Control
  - g) Planning Enforcement and
  - h) Urban and Rural Regeneration

In answer to the public question the Director of Place and Economy briefly explained that in terms of supporting the Parish Council in taking the Willand Neighbourhood Plan forward there was no intention on behalf of Mid Devon District Council to rush the process and all were keen to do what was right for the Parish Council. Officers were mindful to find a timetable to support the adoption of the Neighbourhood Plan as soon as possible and to move forward in a timely and positive manner without delay.

Note: \* Report previously circulated.

Notes:-

Cllr A Glover declared in interest with regard to the Willand Neighbourhood Plan.

## 23 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:04:23)**

The Committee had before it, and **NOTED**, the items identified in the work programme for the next meeting.

(The meeting ended at 18:37)

**CHAIR**

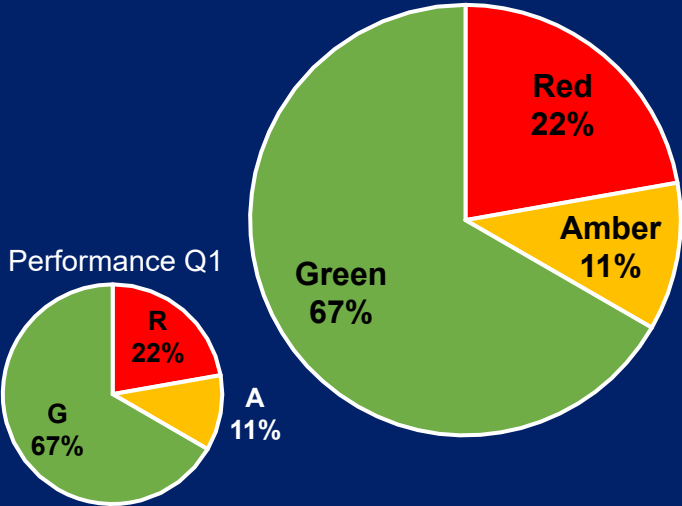


Performance Measures	Performance	Annual Target	RAG
Own fleet CO2e avoided (YTD)	8.8 t CO <sub>2</sub> e	10 t CO <sub>2</sub> e	G
Solar panel performance – corporate estate (YTD)	259 t CO <sub>2</sub> e	50 t CO <sub>2</sub> e	G
Electric car charger points installed across MDDC sites (YTD)	2	4	G
Householder planning applications determined within 8 weeks (YTD)	99 %	70%	G
Minor applications overturned at appeal (YTD)	0.4 %	10%	G

Finance Measures	Performance	Annual Target	RAG
PE&S PDG – Projected Outturn	£893k	£1,067k	G
PE&S PDG – Projected Capital Outturn	£80k	£1,132k	R
PE&S PDG – Capital Slippage % of projects (Current)	83%	0%	R
Building Control Income (YTD)	(£106k)	(£221k)	A

Corporate Risk	Risk Rating (Trajectory)
Failure to meet Climate Change Commitments by 2030	15 (No change)

Overall Performance Q2



In Focus

EV charging point: A new charging point has been installed at William Street car park in Tiverton. The Council now hosts 18 public charge points.

National Planning Policy Framework: A report was produced for Scrutiny committee (25 November 2024) on the impact of the Government’s proposed changes to national planning policy on the Council’s priorities and preparation of a new Local Plan.

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**Report for: Planning, Environment and Sustainability Policy Development Group (PDG)**

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Date of Meeting:	26 November 2024
Subject:	Medium Term Financial Plan – General Fund (GF)
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 – MTFP Position per PDG Appendix 2 – Capital Programme (GF)

## **Section 1 – Summary and Recommendation(s)**

To present to Member's options to update the 2025/26 Budget for consideration / approval.

### **Recommendation(s):**

**That Members of the Policy Development Group consider the contents of this report and make any proposals it feels appropriate to Cabinet for approval.**

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 The main purpose of the MTFP is to show how the Council will strategically manage its finances in order to support the delivery of the priorities detailed in the Corporate Plan 2024 – 2028 and future years beyond that plan.

- 1.2 The first element of this meeting will cover a refresh of the service areas relevant to each PDG updating members of the movements during the process to date in setting the 2025/26 Budget (**see Appendix 1**). This can include a brief Q&A session to ensure members are clear of their responsibilities and potential additional budget options. This report considers the development of budget options, proposes further options to continue towards balancing the 2025/26 Budget.
- 1.3 This report also introduces an indicative Capital Programme for the General Fund for consideration (**see Appendix 2**). The indicative HRA development programme is still being evaluated and will be brought to the December Cabinet for consideration.
- 1.4 Finally, this report provides an update on the 2024 Autumn Budget including potential implications for MDDC. Note, these will only be fully known once greater information is received from Government, some of which is expected within November through the Local Government Finance Policy Statement and the full Financial Settlement closer to Christmas.
- 1.5 The Council has a legal requirement to set a balance budget and needs to ensure its overall costs are affordable i.e. they can be funded through income and planned short-term use of reserves. Members therefore need to take the necessary decisions and actions to manage net spending within affordable limits.

## 2.0 Background

- 2.1 On 17 September, the first draft MTFP covering the period 2025/26 to 2028/29 for the General Fund was presented to Cabinet. This estimated a funding shortfall of £1.2m in 2025/26 rising to £4.0m by 2028/29. This number is derived without any remedial action and is a cumulative figure – i.e. if the £1.2m is found to balance the 2025/26 position, the overall budget gap will reduce to £2.8m. Initial options were included for consideration that could reduce that £1.2m shortfall in 2025/26 to £390k.
- 2.2 Following consideration by the various PDG's during the September round of meetings, Cabinet agreed the majority of those options on 15 October, potentially reducing the shortfall down to £431k subject to further development of some options.

<b>Original forecast Shortfall</b>	<b>£1,196k</b>
Plus: Appendix 1 – proposed Green and Ambers Less: Appendix 2 – proposed Green and Ambers	+ £725k (£1,531k)
<b>Revised recommended forecast Shortfall</b>	<b>£390k</b>

<b>Proposals made at the meeting:</b>	
Plus:	
Appendix 1 row 7 Proposed increase to Climate Change Budget	£100k
Appendix 1 row 11 Proposed increase to Planning Enforcement Budget	£100k
Appendix 2 row 8 Let's Talk MidDevon Saving – rejected	£11k
Less:	
Appendix 2 row 23 Lease more space commercially within Phoenix House	(£50k)
Appendix 2 row 24 Property capturing benefits from CRM system	(£30k)
Appendix 2 row 26 Refresh out of date leases	(£10k)
Appendix 2 row 35 Additional Pre-App Planning Income	(£40k)
Appendix 2 row 37 Additional income generated from Planning Engagement in EUE proposals.	(£10k)
Appendix 2 row 44 Recover Waste set up costs from new housing developments	(£20k)
Appendix 2 row 54 Leisure Potential income from advertising on Apps	(£10k)
<b>Revised forecast Shortfall</b>	<b>£431k</b>

- 2.3 During the October Cabinet, the above budget options outside of the proposed Green and Amber options were recommended to be developed. The following is an update on these options:

#### Pressures – Appendix 1 (October Cabinet)

Both of the investments into Climate Change and Planning Enforcement are welcomed.

#### Savings – Appendix 2 (October Cabinet)

- **Row 8 “Let’s Talk MidDevon” – (£11k);**

*This platform is being successfully used by Mid Devon Housing in particular who are increasing visits to the hub where it is an important part of its wider tenant engagement strategy.*

*The annual residents’ survey is currently live, with a requirement for those responding on line to sign up to the community engagement hub.*

*This saving option was rejected by Cabinet on 15 October 2024.*

- **Row 23 Lease more space commercially within Phoenix House – (£50k);**

*This proposal is currently on hold whilst Phoenix House is revamped and the identified space is occupied. It is recommended to defer consideration of this until 2026/27.*

- **Row 24 Property capturing benefits from CRM system – (£30k);**

*Work has not yet begun to integrate the new CRM system within this service, as the benefits are currently greater for other service areas. It is recommended to defer consideration of this until 2026/27.*

- **Row 26 Refresh out of date leases – (£10k);**

*Work is ongoing to ensure leases are kept up to date and particularly rent charges reflect the latest valuations. Recommended inclusion in the 2025/26 budget.*

- **Row 35 Additional Pre-App Planning Income – (£40k);**  
*Demand for this service continues to grow. Recommended inclusion in the 2025/26 budget.*
- **Row 37 Additional income generated from Planning Engagement in EUE proposals – (£10k);**  
*The project continues to progress. Recommended inclusion in the 2025/26 budget.*
- **Row 44 Waste Recover set up costs from new housing developments – (£20k);**  
*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. At time of writing, this is not being considered for inclusion in the 2025/26 Budget but will be discussed further at the next Service Delivery and Continuous Improvement PDG in December.*
- **Row 54 Leisure Potential income from advertising on Apps – (£10k).**  
*The use of Apps continues to grow within the service. Recommended inclusion in the 2025/26 budget.*

2.4 Following further review, the above recommendations have the following impact on the 2025/26 budget shortfall.

<b>Proposed forecast Shortfall</b>	<b>£431k</b>
Plus:	
Appendix 2 (October Cabinet) – remove the following options	
Row 23 Lease more space commercially within Phoenix House	£50k
Row 34 Property capturing benefits from CRM system	£30k
Row 44 Recover Waste set up costs from new housing developments	£20k
<b>Revised forecast Shortfall</b>	<b>£531k</b>

### 3.0 Ideas that need more consideration to identify possible financial benefit

3.1 In addition, the section of Appendix 2 titled “Ideas that need more consideration to identify possible financial benefit” were requested to be developed further and feedback to Cabinet.

#### Savings – Appendix 2

- **Row 55 Review planned maintenance spend**  
*The maintenance requirement for 2025/26 is currently being assessed with external assessors used to inform the maintenance programme. The*

*financial implication of this will be considered later in the budget setting process.*

- **Row 56 Reduce Contact Centre hours to match opening hours**  
*A reduction in contact centre hours could be considered which could potentially save up to £50k. This would act as a lever for those who can transact with us digitally moving to that mechanism. Savings would not be achievable until 2026/27 due to the lead-in time and off-setting costs for realigning resources.*

- **Row 57 Invest in GovTech / CRM to migrate from NEC portal for self-serve solution.**

*Revenues & Benefits already offers a customer portal in which they can 'self-serve'. Technically has moved on as such further investment in more automated processes is required to allow customers to 'self-serve', with potentially up to 80% of transactions to be automated. Changes such as these also help support Mid Devon's digital ambitions.*

*The cost of the change will be supported by 'EMR' and not replacing staff, changes in the ways customers communicate with use via phones and email will also help with channel shift.*

*Customers who cannot self-serve will be assisted as they are already.*

*This option will take time to implement and therefore the financial implications are not being considered for the 2025/26 Budget.*

- **Row 58 Inclusion of new Extended Produce Responsibility grant payment**

*The government confirmed that this is expected to be implemented in 2025/26. As yet, there is no indication of associated funding or service expectations. The government announcement suggested that EPR will be treated as 'new money' for 2025-26 but it may be netted off in the finance settlement in future years. Therefore, it is currently envisaged that this additional funding will not form part of the 2025/26 Budget but will replace the Shared Saving Agreement with DCC due to end in 2026/27. The financial implication of this will be considered later in the budget setting process.*

- **Row 59 Maximise the use of S106 funding**

*Mid Devon Housing now have new legal flexibilities to use affordable housing monies alongside other funding. As result it will be modelling the use of this funding within its updated MTFP to support its pipeline of development schemes. This may offset a limited amount of other borrowing within the Housing Revenue Account. The benefits to the General Fund are also being considered. The financial implications of this will be considered later in the budget setting process.*

- **Row 60 Potentially sell services, or provide training to other organisations**

*This is a longer term option that cannot be implemented in time for the 2025/26 budget. Members to consider which service areas they feel are most suitable for this proposal for potential inclusion in future year's budgets.*

- **Row 61 Cease Printing committee papers and fully utilise ModGov.**  
*The Council uses ModGov to facilitate public meetings, however it also offers a printed set of papers. If the printed ceased, the saving would be c£4k. Currently this is not seen as a viable proposition.*
- **Row 62 Improve procurement to potentially achieve savings**  
*With the introduction of the new (delayed) procurement regulations, and a more proactive approach to procurement could potentially achieve lower cost increases, or even deliver savings on goods and services. This is a longer term option that cannot be implemented in time for the 2025/26 budget, but will be considered in future year's budgets.*
- **Row 63 Possible reduction in Pension Contributions from 2026/27.**  
*The change in Pension Contributions are updated every three years following an actuary's valuation of the fund. There is little/no influence the council can have on the contribution rate. However, since the last valuation, the fund has increased which potentially could lead to frozen or reduce contributions from 2026/27. This will be considered in future year's budgets.*
- **Row 64 Reduce general printing**  
*Work is ongoing to ensure general printing is minimised and any saving is negligible, but will be considered in future year's budgets.*

3.2 In summary, the above options are being considered / developed, but are not expected to have a significant impact on the 2025/26 Budget, although some could lead to savings in future years.

#### **4.0 2025/26 Budget Options – Further Development**

4.1 The remainder of the savings approved on 15 October have also been further reviewed and the following are recommended to be adjusted, or removed:

##### Pressures – Appendix 1 (October Cabinet)

- **Row 7 Proposed Reduction in Planning Income – £150k**  
*Based on the latest Quarter 2 forecast, planning income may not fall as much as originally projected. However, the announcements included within the Autumn Budget may impact the housing market, so an adjustment to this reduction of £50k is proposed.*

##### Savings – Appendix 2

- **Row 14 Possible adjustment to estimated Fuel saving – (£50k)**

*Based on the latest Quarter 2 forecast, and the latest announcement in the Autumn Budget to continue to freeze fuel duty, it is forecast that fuel savings could increase by £50k.*

- **Row 15 Possible adjustment to estimated Utilities saving – (£150k)**  
*The latest prices from October 2024 have recently been received from Laser. The financial implications are currently being forecast and will be brought forward once complete.*
- **Row 20 Possible adjustment to estimated Council Tax income (£50k)**  
*Based on the proposed Council Tax Taxbase to be approved at Cabinet on 12 November, and a potential referendum limit of 3% as has been the case for the previous 3 years, the forecast income will be £77k lower than previously forecast. This is due to previous over optimistic assumptions.*

*It should be noted that 2025/26 will include the additional income generated from the increased premiums on 2<sup>nd</sup> homes approved during the last budget. However, it was also proposed that these additional sums, of circa £50k, are earmarked to support additional housing projects.*

- **Row 21 Possible adjustment to estimated Business Rates income – (£50k)**  
*Based on the latest Quarter 2 forecast and announcements included within the Autumn Budget, it is expected that income from Business Rates will vary from the original forecast. This will be considered later in the budget setting process.*
- **Row 25 Possible adjustment to Financial Contribution or Transfer of Assets to Town / Parish Councils – (£60k)**  
*Although discussions continue, we are yet to reach a position of agreement on increased contributions or asset transfer, therefore this £60k savings is at risk of not being achieved.*
- **Row 38 Forward Planning Review service costs/delivery – (£29k)**  
*Following further review this has been identified as a duplicate saving, and therefore needs to be removed.*
- **Row 43 Possible adjustment to Recycling Income – (£100k)**  
*Based on the latest Quarter 2 forecast, it is projected that income from recycling could be further increased by £100k. Note this is a very volatile income stream, but current projections indicate this is achievable.*

**Row 52 Possible adjustment to Leisure Income – (£34k)**

*Based on the latest Quarter 2 forecast, it is projected that income from Leisure could be further increased by £100k.*

- 4.2 Based upon the above explanations, the following adjustments to the remaining budget shortfall are recommended:

<b>Revised recommended forecast Shortfall (para 2.4 above)</b>	<b>£531k</b>
Less:	
<u>Appendix 1 (October Cabinet)</u> Possible Adjustment to Row 10 Reduction in Planning Income	(£50k)
<u>Appendix 2 (October Cabinet)</u> Possible Adjustment to Row 14 Estimated Fuel saving	(£50k)
Possible Adjustment to Row 43 Recycling Income	(£100k)
Possible Adjustment to Row 52 Leisure Income	(£100k)
Plus:	
<u>Appendix 2 (October Cabinet)</u> Adjustment to Row 20 Council Tax income	£77k
Possible Adjustment to Row 25 – Contribution from Town Councils	£60k
Remove Row 38 Forward Planning Review service costs/delivery	£29k
<b>Revised forecast Shortfall</b>	<b>£397k</b>

## 5.0 New / Further Options being considered

- 5.1 Further work is still ongoing with officers to bring forward additional savings to move this forward towards a balanced budgetary position. Key areas of focus are:

- Revisiting income assumptions / demand
- Business Rates and Council Tax
- Conclusion of discussions with Town Councils
- Staff vacancy target
- Detailed follow up of announcements made in the Autumn Budget
- Government Funding Settlement (Mid-December)
- Finalisation of the Capital Programme and the financing implications

## 6.0 Capital Programme – General Fund

- 6.1 The Overall Capital Programme will include new bids for capital funding to support new programmes as well as ‘rolling’ approvals from current and prior year’s Capital Programmes.
- 6.2 The draft Capital Programme will be reviewed/challenged by the Capital Strategy Asset Group (CSAG) prior to the proposed final programme being brought forward for approval in February.
- 6.3 Generally, the bids are restricted to replacement equipment, largely based upon health and safety requirements in the leisure centres, new ICT kit, income generation schemes, economic regeneration schemes or invest to save bids.

- 6.4 At this time, only the General Fund Capital Programme is available. The HRA Capital Programme is being considered and will be brought forward to the December Cabinet.
- 6.5 **Appendix 2** provides a revised spend profile for the current approvals based on Quarter 2 forecasts. It also provides a summary of the new bids received from services areas for the new 2025/26 – 2029/30 Capital Programme. In February, Member's will be asked to approve the Year 1 programme and note the indicative future years
- 6.6 The table below, shows the forecast capital expenditure position during the life of the MTFP. This is based upon limited information on the sources of potential funding, particularly in late years. Therefore at this time, the overarching assumption is any unfunded element of the programme is covered through external borrowing. This will be refined and updated as we move through the MTFP timeframe.

	2025/26 £k	2026/27 £k	2027/28 £k	2028/29 £k	2029/30 £k	Total £k
Existing Programme	10,968	15,373	14,452	1,834	1,382	44,009
New Bids	926	1,249	868	1,043	708	4,744
<b>Overall Capital Requirement</b>	<b>11,894</b>	<b>16,622</b>	<b>15,320</b>	<b>2,877</b>	<b>2,090</b>	<b>48,803</b>

- 6.7 In terms of associated funding, the availability of capital receipts are based on a prudent basis, with no major asset sales factored into the model. Similarly, prudent assumptions are included for the availability of Capital Grant to help mitigate some of the proposed costs. If additional receipts are generated, or grant received, the capital prioritisation list could be revisited to bring forward new schemes into the programme or decrease any borrowing requirement.
- 6.8 Currently any revenue contribution to the Capital Programme is limited to funding held within Earmarked Reserves (i.e. Sinking Funds). No additional use of the New Homes Bonus grant is planned to fund elements of the Capital Programme. Ultimately, any outstanding funding requirement after utilising revenue contributions, reserves and any external funding sources will need to be funded through Prudential Borrowing.
- 6.9 The Council currently operates a policy of “internal borrowing” whereby it utilises its cash balances rather than undertaking new loans. It is recommended that the Council continues to maximise its use of internal borrowing rather than seeking to fund projects through new external borrowing whilst cash balances remain above £10m. However, given the scale of the proposed Capital Programme, internal borrowing will not be sufficient to fund all bids. Therefore, the Council will need to carefully consider how best to fund the capital funding

requirements.

## **7.0 Autumn Budget Announcements and their potential impact**

7.1 On the 30 October 2024, the first ever female Chancellor of the Exchequer gave her first Autumn Budget statement. As trailed, it was a significant budget with many proposals included that ultimately are forecast to raise taxation by £40bn.

7.2 There were some significant announcements for local government and district councils. The main headlines were:

- Departmental revenue budgets will increase by 1.5% in real terms across the spending review period. However, there are also 2% departmental productivity, efficiency and savings targets included for next year.

- 3.2% real-terms increase in Core Spending Power (CSP) for the whole sector in 2025-26. This will include £1.3bn additional grant funding, of which at least £600m will be directed to social care.

*We have currently modelled a 2% increase in the grants included within the Core Spending Power. Note the CSP includes a notional increase in Council and Business Rates, which could well more than offset the remaining 1.2% uplift to match the above inflation 3.2% sector increase. It is understood that this funding will be allocated through a new approach, therefore, we cannot currently assess whether there is any benefit in this announcement.*

- The Budget was silent on Council Tax referendum limits but the sector continues to lobby hard for the referendum principles to stay at 2.99% for Districts.

*The implications of this are set out above.*

- £233m new funding for homelessness prevention. This will be in addition to the £1.3bn grant funding.

*The headline announcement is welcomed, however greater detail is required to understand if this will be added to existing grants, or will be allocated through a bidding process, or whether this funding might be one-off or come with additional requirements. It is hoped that this clarity is announced within the Local Government Finance Settlement. This could be beneficial for the 2025/26 budget. There is still a clear need for a longer-term plan to tackle the root causes of homelessness, especially by increasing the supply of genuinely affordable housing.*

- £1bn to extend the Household Support Fund and Discretionary Housing Payments into 2025-26.

*Again, this headline announcement is welcomed and will be of benefit to residents of the district.*

- £1.1bn new funding through implementation of the Extended Producer Responsibility scheme for recycling.  
*The headline announcement is welcomed, however greater detail is required to understand how this funding will be allocated and whether this funding might come with additional requirements. It is expected that this clarity will be provided within November.*

7.3 In addition, there were other announcements which will also benefit local government, including:

- There were positive measures to support councils with affordable housing:
  - £500m increase to the Affordable Homes Programme in 2025-26.  
*This could be beneficial for the HRA development programme that has previously benefitted from this funding source. It is a bid based grant, so there is no guarantee that our bid(s) would be successful.*
  - Right-To-Buy: councils will be permanently allowed to retain 100% of receipts locally and discount levels will revert to pre-2012 levels from 21st November.  
*The maximum discount on RTB sales would reduce from £102,400 to £30,000 (applicable in South West region). This is good news for retaining stock, but means that RTB receipts income will also be reduced. We would like the Government to go further and expect it to announce further reform to Right-To-Buy in the coming months, including on eligibility criteria and better protection for newly built council homes.*
  - Five-year rent settlement for social housing landlords: rents will rise by Consumer Price Index +1% each year during the period. Following the consultation, it is possible this timeframe could be expanded to 10 years.  
*The certainty is welcomed.*
  - Preferential Public Works Loan Board borrowing rates for local authorities to build social housing will be extended to March 2026.  
*This could potentially be beneficial for the HRA development programme, although the rates will still be more expensive than borrowing internally, so a longer term view is being considered.*
- There were key announcements which will affect councils as employers:
  - Employer national insurance (NI) contributions will increase by 1.2% to 15% from April 2025. The threshold for paying this will decrease to £5k per year.

*For MDDC, the additional cost is modelled at c£400k (c£300k GF, c£100k HRA). However, an allowance has also been included within the Chancellor's estimates to protect the public sector from this additional cost. There are not yet any details available on how the government intends to do this, but it is therefore assumed that this will be cost neutral for the Council.*

- National Living Wage will increase by 6.7% to £12.21. Minimum wage for 18- to 20-year-olds will increase by 16% to £10 per hour. *Our lowest SCP has moved to just above NMW and our apprentices are paid above the government rate. However, this will have a knock-on impact on our grading structure to ensure the lowest grades "keep up" with these increases.*
- There were also other generic announcements:
  - Delivering hundreds of local energy schemes to help decarbonise the public estate through the Public Sector Decarbonisation Scheme, with over £1 billion of funding over three years. *Note the Council did not qualify for the latest PSDS scheme as we do not have buildings within older heating systems.*
  - Taking the first step towards a Warm Homes Plan, committing an initial £3.4 billion towards heat decarbonisation and household energy efficiency over the next three years. *Similarly, there is limited benefit from the most recent wave of social housing decarbonisation funding to our housing stock as the vast majority of our homes have an EPC rating of C or above, meaning we are on track to meet the 2030 requirement.*
  - UK Shared Prosperity Fund has been extended for 2025-26 at a reduced level of £900m, a 40% decrease on the current year. It is not yet clear whether this funding will continue to be allocated directly to district councils in two-tier areas. *We will need to assess any likely grant allocation and how to maximise the benefits from it.*
- Reforms to Business Rates continue to be considered.
  - The small business multiplier in England will be frozen for a fifth consecutive year at 49.9p, while the standard multiplier will be uprated by CPI in March 2025. There could be more, new, categories of multiplier in future years. *This continues to make a complex system even more complex. However, potentially it could yield additional income.*
  - A lower 40% relief for Retail, Hospitality and Leisure properties will be in place in 2025-26. Permanently lower multipliers will be

implemented for these properties from 2026/27.

*Although the relief is reduced and we will collect more tax directly from these companies, the offsetting compensation through S31 Grant will reduce. Therefore, this is not expected to impact our bottom-line.*

- Government is silent on a business rate reset, and when this would implemented.

*This was originally due in 2020 so is long overdue. However, the implication of a reset may not be advantageous.*

- A consultation has been launched on
  - Changes to the system to support investment, including assessing efficacy of Improvement Relief and the impact of loss of Small Business Rates Relief on expanding to a second property.
  - Adopting a 'General Anti-Avoidance Rule' for business rates in England and review recent measures to discourage avoidance.
  - Digitalising Business Rates changes will be implemented by place by March 2028.

- On wider funding reform:

- The Government signalled it will reform the local government funding system after 2025/26 and will carry out a broader redistribution of funding to better reflect local need (previously known as Fair Funding) through a multi-year settlement from 2026/27.

*The fair funding reforms were originally announced in 2016 and are long overdue. However, there is no clarity on what these reforms might be and their impact on MDDC. Whilst a multi-year settlement is welcomed as it provides a greater degree of certainty, the funding within them needs to be sufficient to enable good quality services to be delivered.*

- The Government has signalled its intention to embark on local government reorganisation to deliver "efficiency savings". It will set out more detail in the English Devolution White Paper, likely to be published in late 2024.

*We await the white paper to understand any implications.*

- 7.4 The Government is expected to publish a finance policy statement in mid/late November to set out the key decisions and principles for the provisional Local Government Finance Settlement. The provisional Local Government Finance

Settlement is still anticipated in mid-December. This will set out the detail of funding allocations for individual councils.

- 7.5 Overall, the funding package for local government is better than many expected and it contains some good news for district councils. However, it remains unclear how much of the new grant funding will come to district councils and whether the funding package will deliver a real-terms increase for districts.

## **8.0 Conclusion**

- 8.1 Although progress continues to be made to balance the 2025/26 Budget, there remains a reduced shortfall to be mitigated. Therefore, all possible options to increase income or reduce costs must be considered.
- 8.2 There remains a number of areas where greater clarity from Government, or indeed local circumstances, that will impact on the 2025/26. Many of which are now in corporate or non-service areas. Updates and any new budget options will be brought forward for consideration over the next few months in the run in to setting the 2025/26 budget in February 2025.
- 8.3 Members will appreciate that all budget options will require political support and therefore if some suggestions are deemed to be unacceptable then other savings will need to be proposed. Members should indicate where these alternatives should be sought.

## **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:** 8 November 2024

**Statutory Officer:** Maria De Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 8 November 2024

**Chief Officer:** Stephen Walford

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

**Date:** 8 November 2024

**Performance and risk:** Dr Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 8 November 2024

**Cabinet member notified:** Yes

## **Section 4 - Contact Details and Background Papers**

**Contact:** Andrew Jarrett – Deputy Chief Executive (S151)

Email: [ajarrett@middevon.gov.uk](mailto:ajarrett@middevon.gov.uk)

Telephone: 01884 234242

### **Background papers:**

- 2024/25 Budget
- 2024/25 Qtr. 2 Budget Monitor

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Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
	<b>Cabinet</b>						
SCM01	Leadership Team	590,066	499,915	-	1,089,981	499,915	84.7%
SCM02	Corporate Functions	75,920	10	-	75,930	10	0.0%
SCM03	Corporate Fees	257,940	20	77,000	334,960	77,020	29.9%
SCM06	Pension Backfunding	660,210	23,610	-	683,820	23,610	3.6%
SFP01	Accountancy Services	552,210	2,930	(20,000)	535,140	(17,070)	-3.1%
SFP02	Internal Audit	98,550	-	(15,000)	83,550	(15,000)	-15.2%
SFP03	Procurement	152,330	750	-	153,080	750	0.5%
SFP04	Purchase Ledger	59,665	180	-	59,845	180	0.3%
SFP05	Sales Ledger	59,010	10	-	59,020	10	0.0%
SHR01	Human Resources	533,660	12,350	(30,000)	516,010	(17,650)	-3.3%
SHR02	MDDC Staff Training	15,000	-	(5,000)	10,000	(5,000)	-33.3%
SHR03	Payroll	62,710	10	-	62,720	10	0.0%
SIT01	IT Gazetteer Management	89,270	240	-	89,510	240	0.3%
SIT03	IT Information Technology	1,175,880	(31,350)	198,000	1,342,530	166,650	14.2%
SLD01	Electoral Registration	200,450	970	(11,000)	190,420	(10,030)	-5.0%
SLD02	Democratic Rep And Management	562,475	11,110	-	573,585	11,110	2.0%
SLD04	Legal Services	333,434	500	-	333,934	500	0.1%
SRB01	Collection Of Council Tax	560,670	2,840	-	563,510	2,840	0.5%
SRB02	Collection Of Business Rates	(83,000)	1,750	-	(81,250)	1,750	2.1%
SRB06	Debt Recovery	114,750	20	-	114,770	20	0.0%
<b>TOTAL CABINET PDG</b>		<b>6,071,200</b>	<b>525,865</b>	<b>194,000</b>	<b>6,791,065</b>	<b>719,865</b>	<b>11.9%</b>
	<b>Community, People &amp; Equalities PDG</b>						
SCD01	Community Development	120,225	-	-	120,225	0	0.0%
SES01	Emergency Planning	52,010	-	-	52,010	0	0.0%
SES03	Community Safety - C.C.T.V.	42,730	-	-	42,730	0	0.0%
SES04	Public Health	3,750	-	-	3,750	0	0.0%
SES16	ES Staff Units/Recharges	728,280	380	-	728,660	380	0.1%
SES17	Community Safety	2,500	-	-	2,500	0	0.0%
SES18	Food Safety	(18,034)	-	-	(18,034)	0	0.0%
SES21	Licensing	48,760	1,430	-	50,190	1,430	2.9%
SES22	Pest Control	-	-	-	-	0	#DIV/0!
SES23	Pollution Reduction	1,350	-	-	1,350	0	0.0%
SPS07	Public Transport	(25,259)	-	-	(25,259)	0	0.0%
SRB03	Housing Benefit Admin & Fraud	217,030	3,250	-	220,280	3,250	1.5%
SRB04	Housing Benefit Subsidy	63,000	-	-	63,000	0	0.0%
<b>TOTAL COMMUNITY, PEOPLE &amp; EQUALITIES PDG</b>		<b>1,236,342</b>	<b>5,060</b>	<b>0</b>	<b>1,241,402</b>	<b>5,060</b>	<b>0.4%</b>

Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
	<b>Economy &amp; Assets PDG</b>						
SCD02	Economic Development	70,413	5,100	-	75,513	5,100	7.2%
SCP01	Parking Services	(732,427)	17,940	(57,000)	(771,487)	(39,060)	-5.3%
SPS01	Asset Management	539,720	840	-	540,560	840	0.2%
SPS05	Administration Buildings	313,830	31,610	(75,630)	269,810	(44,020)	-14.0%
SPS06	MDDC Depots	511,478	13,140	49,440	574,058	62,580	12.2%
SPS09	Property Services Staff Unit	832,500	590	(30,000)	803,090	(29,410)	-3.5%
SPS11	Public Conveniences	19,920	1,670	(6,000)	15,590	(4,330)	-21.7%
SPS12	GF Properties Shops/Flats	(303,620)	3,510	(10,000)	(310,110)	(6,490)	-2.1%
SPR06	Economic Development	379,030	120	(62,000)	317,150	(61,880)	-16.3%
<b>TOTAL ECONOMY &amp; ASSETS PDG</b>		<b>1,630,844</b>	<b>74,520</b>	<b>(191,190)</b>	<b>1,514,174</b>	<b>(116,670)</b>	<b>-7.2%</b>
	<b>Planning, Environment &amp; Sustainability PDG</b>						
SPR01	Building Regulations	(6,120)	(5,240)	-	(11,360)	(5,240)	85.6%
SPR02	Enforcement	105,611	20	100,000	205,631	100,020	94.7%
SPR03	Development Control	283,130	1,250	90,000	374,380	91,250	32.2%
SPR04	Local Land Charges	(38,880)	90	-	(38,790)	90	0.2%
SPR09	Forward Planning	300,670	130	(29,000)	271,800	(28,870)	-9.6%
SPR11	Regional Planning	180,000	(27,000)	-	153,000	(27,000)	-15.0%
SPS03	Flood Defence And Land Drain	26,032	-	-	26,032	0	0.0%
SPS04	Street Naming & Numbering	6,970	-	-	6,970	0	0.0%
SPS13	Climate Change	170,620	20	100,000	270,640	100,020	58.6%
<b>TOTAL PLANNING, ENVIRONMENT &amp; SUSTAINABILITY PDG</b>		<b>1,028,033</b>	<b>(30,730)</b>	<b>261,000</b>	<b>987,663</b>	<b>(40,370)</b>	<b>-3.9%</b>
	<b>Service Delivery &amp; Continuous Improvement PDG</b>						
SCS20	Customer Services Admin	20,700	-	-	20,700	0	0.0%
SCS22	Customer First	794,420	840	-	795,260	840	0.1%
SES02	Cemeteries	(126,548)	890	-	(125,658)	890	0.7%
SES05	Open Spaces	260,331	1,000	(60,000)	201,331	(59,000)	-22.7%
SES24	Environmental Enforcement	149,739	180	-	149,919	180	0.1%
SGM01	Grounds Maintenance	564,189	2,350	(7,500)	559,039	(5,150)	-0.9%
SRS01	Recreation And Sport	983,303	45,100	(271,810)	756,593	(226,710)	-23.1%
SWS01	Street Cleansing	576,632	2,370	-	579,002	2,370	0.4%
SWS02	Waste Collection	310,100	15,450	(148,000)	177,550	(132,550)	-42.7%
SWS03	Recycling	1,535,780	10,730	(247,500)	1,299,010	(236,770)	-15.4%
SWS04	Waste Management	378,010	580	-	378,590	580	0.2%
<b>TOTAL SERVICE IMPROVEMENT &amp; CONTINUOUS IMPROVEMENT PDG</b>		<b>5,446,656</b>	<b>79,490</b>	<b>(734,810)</b>	<b>4,791,336</b>	<b>(655,320)</b>	<b>-12.0%</b>
	<b>Homes PDG</b>						
SES15	Private Sector Housing Grants	9,225	40	-	9,265	40	-0.4%
SHG03	Homelessness Accommodation	392,535	8,320	(79,000)	321,855	(70,680)	-18.0%
<b>TOTAL HOMES PDG</b>		<b>401,760</b>	<b>8,360</b>	<b>(79,000)</b>	<b>331,120</b>	<b>(70,640)</b>	<b>-17.6%</b>
<b>Net Direct Services Costs</b>		<b>15,814,835</b>	<b>662,565</b>	<b>(550,000)</b>	<b>15,656,760</b>	<b>(158,075)</b>	<b>-1.0%</b>

Service Unit	Direct Costs Detail	2024/25 Annual Budget £	Net MTFP Adjustment £	Round 1 Net Pressures / (Savings) Identified £	Provisional 2025/26 Budget £	Increase / (Decrease) £	Increase / (Decrease) %
	Net Recharge to HRA	(1,957,080)	(58,340)	-	(2,015,420)	(58,340)	-3.0%
	Capital Financing	812,700	59,079	-	871,779	59,079	7.3%
	<b>Net Service Costs</b>	<b>14,670,455</b>	<b>663,304</b>	<b>(550,000)</b>	<b>14,783,759</b>	<b>113,304</b>	<b>0.8%</b>
SIE06	Interest Receivable	(1,058,774)	430,025	(100,000)	(728,749)	330,025	31.2%
SIE03	Interest Costs	351,510	-	-	351,510	0	0.0%
SIE24	Transfers To / (From) Earmarked Reserves	(840,619)	662,329	20,000	(158,290)	682,329	81.2%
	<b>Net Budget Requirement</b>	<b>13,122,572</b>	<b>1,755,658</b>	<b>(630,000)</b>	<b>14,248,230</b>	<b>1,125,658</b>	<b>8.6%</b>
SIE11	Business Rates	(4,421,735)	(188,400)	(50,000)	(4,660,135)	(238,400)	-5.4%
SIE08	Council Tax	(6,968,476)	(371,094)	(50,000)	(7,389,570)	(421,094)	-6.0%
SIE10	Un-Ringfenced Grant Funding	(1,732,361)	-	(35,000)	(1,767,361)	(35,000)	-2.0%
	<b>Total Funding</b>	<b>(13,122,572)</b>	<b>(559,494)</b>	<b>(135,000)</b>	<b>(13,817,066)</b>	<b>(694,494)</b>	<b>-5.3%</b>
	<b>Annual Shortfall</b>	<b>0</b>	<b>1,196,164</b>	<b>(765,000)</b>	<b>431,164</b>	<b>431,164</b>	

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Area	Sub Area	Project Title	Existing Budgeted Capital Programme 2024/25 - 2028/29	2024/25 Outturn Forecast as at Qtr 2	Forecast 2024/25 Slippage into future years	Adjustment to Previous Capital Programme	New Budget Required	REVISED Capital Programme 2025/26 - 2029/30	Spend Profile for Remaining Indicative Capital Programme						
										2025/26	2026/27	2027/28	2028/29	2029/30	Total
			£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	
General Fund															
Leisure	Lords Meadow Leisure Centre	Reception infrastructure	160	160	-			-	-	-	-	-	-	-	
Leisure	Culm Valley Sports Centre	CVSC - Remodelling of Ground Floor	204	-	-			204	30	174	-	-	-	204	
Leisure	Culm Valley Sports Centre	Leisure - Improved Disabled Toilet facilities - CPT	75	43	-	32		-	-	-	-	-	-	-	
Leisure	Exe Valley Leisure Centre	Leisure - Improved Disabled Toilet facilities - CPT	16	16	-			-	-	-	-	-	-	-	
Leisure	Leisure - Other	All leisure sites replacement management/site access system (Hardware Element)	200	200	-			-	-	-	-	-	-	-	
Other MDDC Buildings	Phoenix House	Building Mgmt System for Heating Control	103	60	43			43	43	-	-	-	-	43	
Other MDDC Buildings	MDDC Depots	Land acquisition for operational needs	2,000	-	-	2,000		-	-	-	-	-	-	-	
Other MDDC Buildings	MDDC Depots	Depot Design & Build - Waste & Recycling	3,750	250	-			3,500	3,500	-	-	-	-	3,500	
Other MDDC Buildings	MDDC Shops/Industrial Units	36 & 38 Fore Street including Flat above structure & cosmetic works	197	-	-	197		-	-	-	-	-	-	-	
HIF	HIF Schemes	CA719 Cullompton Town Centre Relief Road (HIF)	29,757	3,100	10,116		2,643	29,300	4,000	12,600	12,700	-	-	29,300	
Other	General Car Parks	West Exe South - Remodelling - additional parking spaces	90	-	-			90	90	-	-	-	-	90	
Other	Parks & Play Areas	Open Space Infrastructure (incl Play Areas)	35	-	-			35	35	-	-	-	-	35	
Other	ICT Projects	Server hardware/software Citrix Replacement	270	-	-	50		220	-	-	-	220	-	220	
Other	ICT Projects	VM/Storage Area Network	260	-	-	120		140	-	-	-	140	-	140	
Other	ICT Projects	Server farm expansion/upgrades	67	248	-	181		-	-	-	-	-	-	-	
Other	ICT Projects	UPS Replacements	85	-	-	55		30	-	-	30	-	-	30	
Other	Other Projects	Land drainage flood defence schemes - St Marys	50	-	-			50	50	-	-	-	-	50	
Other	Other Projects	Cemetery Lodge - Structural solution for damp	62	-	-	62		-	-	-	-	-	-	-	
Other	Other Projects	Land drainage flood defence schemes - Ashleigh Park Bampton	87	-	-			87	87	-	-	-	-	87	
Leisure	Exe Valley Leisure Centre	ATP replacement (50% share with DCC)	220	-	-			220	220	-	-	-	-	220	
Leisure	Exe Valley Leisure Centre	CHP -Replacement future energy saving project	180	350	-	170		-	-	-	-	-	-	-	
Leisure	Exe Valley Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	90	
Leisure	Exe Valley Leisure Centre	Learner pool floor replacement	100	-	-	100		-	-	-	-	-	-	-	
Leisure	Exe Valley Leisure Centre	Chemical/Salt Storage at back of building - Associated plant to go with this	60	45	-	15		-	-	-	-	-	-	-	
Leisure	Lords Meadow Leisure Centre	Wetside resin floor replacement	90	-	90			90	90	-	-	-	-	90	
Leisure	Lords Meadow Leisure Centre	Chemical/Salt Storage at back of building - Associated plant to go with this	60	41	-	19		-	-	-	-	-	-	-	
Leisure	Culm Valley Sports Centre	ATP replacement (50% share with DCC)	210	-	-			210	210	-	-	-	-	210	
Leisure	Culm Valley Sports Centre	Fitness Studio renewal of equipment	150	145	-	5		-	-	-	-	-	-	-	
Leisure	Culm Valley Sports Centre	Replacement skate park (poss relocation)	350	-	-			350	200	150	-	-	-	350	
Other MDDC Buildings	Other - Climate Change/Net Zero	All Fleet - Vehicle live monitoring for CO2 emissions	115	115	-			-	-	-	-	-	-	-	
Other MDDC Buildings	Other - Climate Change/Net Zero	MSCP -Solar carport and additional security	600	-	-			600	600	-	-	-	-	600	
Other MDDC Buildings	Other - Climate Change/Net Zero	Additional electric car charging points	80	80	-			-	-	-	-	-	-	-	
Other MDDC Buildings	Other - Climate Change/Net Zero	Market Walk - Solar Panels	200	-	-			200	200	-	-	-	-	200	
Other MDDC Buildings	Phoenix House	Cooling options Air Handling Unit	150	-	-			150	150	-	-	-	-	150	
Other MDDC Buildings	MDDC Depots	Diesel Tank	65	65	-			-	-	-	-	-	-	-	
Other	Other Projects	EUE Community Centre	-	-	-			-	-	-	-	-	-	-	
Other MDDC Buildings	MDDC Depots	Property Leasing - Carlu Close	1,330	1,330	-			-	-	-	-	-	-	-	
Other MDDC Buildings	Public Conveniences	Westex Rec Toilets - Replacement	160	-	-	160		-	-	-	-	-	-	-	
Private Sector Housing	Private Sector Housing	DFG and other private sector grants	3,000	871	-	321	550	3,000	600	600	600	600	600	3,000	
Other	General Car Parks	LED upgrade	65	-	-			65	65	-	-	-	-	65	
Other	General Car Parks	LED lighting replacement	20	-	-			20	20	-	-	-	-	20	
Other	General Car Parks	Becks Square resurfacing & lining	30	-	-			30	30	-	-	-	-	30	
Other	Parks & Play Areas	Widen Riverside Path	20	-	-			20	20	-	-	-	-	20	
Other	Parks & Play Areas	Fencing end of life	125	-	-			125	125	-	-	-	-	125	
Other	Parks & Play Areas	Rubber floor tile replacements	100	-	-			100	100	-	-	-	-	100	
Other	ICT Projects	Laptop/Desktop Refresh	500	80	-		200	620	100	140	120	120	140	620	
Other	Other Projects	Baler	500	500	-			-	-	-	-	-	-	-	
Other	Other Projects	PDA's for cabs - Recycling, Trade and Ground	150	150	-		60	60	60	-	-	-	-	60	
Other	Other Projects	Fire Safety Measures	200	200	-			-	-	-	-	-	-	-	
Other	Other Projects	Shared Prosperity Fund - Year 3	232	232	-			-	-	-	-	-	-	-	
Other	Other Projects	Rural England Prosperity Fund - Year 2	672	672	-			-	-	-	-	-	-	-	
Other	GF Vehicles	Vehicle leasing - Caretaking Services	30	29	-	1	33	33	33	-	-	-	-	33	
Other	GF Vehicles	Vehicle leasing - Street Cleansing	410	163	-		401	648	135	192	-	105	216	648	
Other	GF Vehicles	Vehicle leasing - Refuse	1,655	935	-		188	908	-	729	125	54	-	908	
Other	GF Vehicles	Vehicle leasing - Trade Waste	330	209	-		122	243	-	243	-	-	-	243	
Other	GF Vehicles	Vehicle leasing - Recycling	390	163	-		48	275	56	85	37	35	62	275	
Leisure	Leisure - Climate Change/Net Zero	EVLC - Building Fabric - Insulation improvements	260	-	-			260	-	260	-	-	-	260	
Other	Other Projects	Tiverton Market Paving - Permanent Solution	200	-	-			200	-	200	-	-	-	200	
Leisure	Lords Meadow Leisure Centre	ATP replacement (no dual use)	200	-	-			200	-	-	200	-	-	200	
Leisure	Leisure - Climate Change/Net Zero	LMLC -Building Fabric -Insulation improvements	200	-	-			200	-	-	200	-	-	200	
Leisure	Leisure - Climate Change/Net Zero	CVSC-Building Fabric -Insulation improvements	200	-	-			200	-	-	200	-	-	200	
Other MDDC Buildings	Other - Climate Change/Net Zero	MDDC commercial property building fabric improvements	240	-	-			240	-	-	240	-	-	240	
Leisure	Exe Valley Leisure Centre	Exe Valley Capital Works	200	-	-			200	-	-	-	100	100	200	
Leisure	Lords Meadow Leisure Centre	Lords Meadow Capital Works	200	-	-			200	-	-	-	100	100	200	
Leisure	Culm Valley Sports Centre	Culm Valley Capital Works	200	-	-			200	-	-	-	100	100	200	
Other	ICT Projects	Hybrid Screen replacements	70	-	-	70		-	-	-	-	-	-	-	
Other	ICT Projects	Audio/Video replacement for Phoenix House	140	10	-	10	30	170	-	-	-	170	-	170	
Other MDDC Buildings	Phoenix House	Etarmis - Security Swipe - (linked to security project)	40	11	29			29	29	-	-	-	-	29	
Other	Other Projects	Fire Dampeners - Corporate sites	37	37	-			-	-	-	-	-	-	-	
Private Sector Housing	Private Sector Housing	HMO Scheme 1	26	26	-			-	-	-	-	-	-	-	
Private Sector Housing	Private Sector Housing	HFU Scheme 3 - 15 Temple Crescent	14	41	-	27		-	-	-	-	-	-	-	

Area	Sub Area	Project Title	Existing Budgeted	2024/25 Outturn	Forecast 2024/25	Adjustment to	New Budget	REVISED Capital	Spend Profile for Remaining Indicative Capital Programme					
			Capital Programme	Forecast as at Qtr 2	Slippage into future	Previous Capital	Required	Programme 2025/26 -	2025/26	2026/27	2027/28	2028/29	2029/30	Total
			2024/25 - 2028/29		years	Programme		2029/30	£000's	£000's	£000's	£000's	£000's	£000's
			£000's	£000's	£000's	£000's	£000's	£000's						
Private Sector Housing	Private Sector Housing	HFU 4 Coldridge Rd	33	41	-	8		-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU 30 Temple Crescent	34	24	-	10		-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 9 Hammett Road	4	13	-	9		-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 68 Belmont Road	4	10	-	6		-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 67 Knightswood	9	57	-	48		-	-	-	-	-	-	-
Private Sector Housing	Private Sector Housing	HFU - 8 Hillcrest	3	16	-	13		-	-	-	-	-	-	-
Other	GF Vehicles	Vehicle leasing - Grounds Maintenance	100	-	-		54	154	-	-	-	90	64	154
General Fund Subtotals			52,522	10,738	10,368	- 2,103	4,329	44,009	10,968	15,373	14,452	1,834	1,382	44,009

Area	Sub Area	Project Title	Comments	Total Project Budget Approval						Spend Profile for NEW Indicative Capital Programme						
				2025/26	2026/27	2027/28	2028/29	2029/30	Total	2025/26	2026/27	2027/28	2028/29	2029/30	Beyond 2029/30	Total
				£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
General Fund Leisure	Exe Valley Leisure Centre	Soft Play at Exe Valley Leisure Centre	knock through of reception / offices and staff area to pen up the space and introduce 2/3 story soft play centre. Work to include relocation of staff room and office to existing office adjacent to studio. 'training room' relocated to rugby club hire arrangement across the road.	-	500	-	-	-	500	-	30	170	300	-	-	500
Leisure	Exe Valley Leisure Centre	Roofing Structure and mansafe	Replace Mansafe equipment on roof	50					50	50	-	-	-	-	-	50
Leisure	Exe Valley Leisure Centre	Tennis Court Resurfacing	Resurface existing tennis courts	20					20	20	-	-	-	-	-	20
Leisure	Exe Valley Leisure Centre	Replace Main Pool Filters	Replace main pool filters				100		100	-	-	-	100	-	-	100
Leisure	Lords Meadow Leisure Centre	Replace Main Pool Filters	Replace main pool filters				100		100	-	-	-	100	-	-	100
Leisure	Lords Meadow Leisure Centre	Extension to building on land of skate park at Lords Meadow	To utilise the land the skate park vacates to extend the footprint of Lords Meadow Leisure Centre and increase the gym size. With potential for a self access entry point and technology to accommodate.	600	-	-	-	-	600	30	470	100			-	600
Leisure	Leisure - Other	Pool Pods - Submersible platforms for disabled	LM and EV Pool pods - The Pool pod is a submersible platform lift which enables disabled people or people with restricted mobility to safely access public swimming pools in a dignified manner. Funding opportunities are sometimes available	70	-	-	-	-	70	70					-	70
Leisure	Exe Valley Leisure Centre	Fitness Studio renewal of equipment	Exe Valley Gym equipment replacement & Modernisation. Re-allocate some equipment to LMLC if extended	-	300	-	-	-	300		300	-	-	-	-	300
Leisure	Lords Meadow Leisure Centre	Fitness Studio renewal of equipment	Lords meadow gym equipment replacement, possibly reduced dependant upon reallocation of EV equipment	-	-	200	-	-	200		-	200	-	-	-	200
Leisure	Culm Valley Leisure Centre	Fitness Studio renewal of equipment	Lords meadow gym equipment replacement, possibly reduced dependant upon reallocation of EV equipment	-	-	-	200	-	200		-	-	200	-	-	200
Other MDDC Buildings	Phoenix House	Phoenix House - CCTV Replacement	End of Lifecycle / Chinese Tech.	65	-	-	-	-	65	65	-	-	-	-	-	65
Other MDDC Buildings	MDDC Depots	Baler conveyor replacement	Baler conveyor replacement	150	-	-	-	-	150	150	-	-	-	-	-	150
Other MDDC Buildings	MDDC Depots	Baler Floor (to be replaced every 5 yrs)	Baler Floor (to be replaced every 5 yrs)	-	-	-	-	30	30	-	-	-	-	30	-	30
Other	General Car Parks	Replace Car Park paying machines in the District	Car Park paying machines in the District	-	-	-	-	85	85	-	-	-	-	85	-	85
Other	Parks & Play Areas	Open Space Infrastructure (incl Play Areas)	To refurbish end of life play areas/ equipment to retain and enhance facility where appropriate - working with Town and Parish where possible to rationalise supply and promote disposal. Closures will reduce revenue costs and may realise capital receipt	100	100	100	-	-	300	100	100	100	-	-	-	300
Other	Parks & Play Areas	Upgrade Park Lighting	To replace/ enhance existing and provide new 'street' lighting in the Councils parks to reduce fear of crime of users and surveillance of and deter anti-social behaviour	100	-	-	-	-	100	100	-	-	-	-	-	100
Other	ICT Projects	Network Switch/ Firewall/ Wifi Refresh (ALL Sites)	Hardware Refresh	-	-	-	125	125	250	-	-	-	125	125	-	250
Other	ICT Projects	Server & Storage Hardware Refresh	Replacement For Servers and Storage Area Network in Phoenix house (Disk storage)	-	-	-	-	250	250	-	-	-	-	250	-	250
Private Sector Housing	Private Sector Housing	Capitalised staff resource to deliver Private Sector Housing Grants	Direct staff costs for the delivery of the programme	148	148	148	148	148	740	148	148	148	148	148	-	740
Private Sector Housing	Private Sector Housing	Survey costs to deliver the Private Sector Housing Grants	Cost per survey paid to MDH for specialist surveyor, include survey, plans and SOW	20	20	20	20	20	100	20	20	20	20	20	-	100
Other	Other Projects	Lendology Loans	To provide a wider range of loans than available at present. To include bringing empty homes back into use, replacement septic tanks, and energy efficiency works	100	-	100	-	100	300	50	50	50	50	50	50	300
Other MDDC Buildings	Public Conveniences	Newcombes Meadow Toilet Block	Redevelopment of toilet block	-	100	-	-	-	100	50	50	-	-	-	-	100
Other	Other Projects	Tiverton Public Realm Enhancement Project	Phase 1: Visitor Signage Phase 2: Tiverton Masterplan Enhancements	74	-	-	-	-	74	43	31	-	-	-	-	74
Other	Other Projects	Tiverton Pannier Market - new stalls and storage	Creation of new stalls and storage on east and west side pig-pens and improvement works	-	-	80	-	-	80	-	-	80	-	-	-	80
Other	Other Projects	Crediton Public Realm Enhancement	Phase 1: Waymarking: Pedestrian/Visitor Signage Phase 2: Public Realm Works	80	-	-	-	-	80	30	50	-	-	-	-	80
General Fund Subtotals				1,577	1,168	648	693	758	4,844	926	1,249	868	1,043	708	50	4,794

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<b>Report for:</b>	<b>Planning, Environment and Sustainability Policy Development Group (PDG)</b>
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Date of Meeting:	26 <sup>th</sup> November 2024
<b>Subject:</b>	<b>Annual Infrastructure Funding Statement; The Infrastructure List</b>
Cabinet Member:	Cllr Steven Keable, Cabinet Member for Planning & Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	There are no exemptions within the document(s)
Wards Affected:	District wide
Enclosures:	Mid Devon District Council Infrastructure List

## Section 1 – Summary and Recommendation(s)

The Council maintains an Infrastructure List for the purposes of identifying those items of infrastructure that it intends to fund, either wholly or partly, through development (developer contributions, also known as section 106 (S106) agreements). The list is informed through development plans, which could include neighbourhood plans, and prioritised in accordance with the importance of the infrastructure item in relation to the implementation of the Local Plan, together with requirement to spend existing developer contributions on the delivery of infrastructure within designated timescales. The Infrastructure List is reviewed and updated annually and Cabinet are requested to approve the updated Infrastructure List for publication on the Council's website as part of the statutory annual Infrastructure Funding Statement.

### Recommendation(s):

**That the PDG recommends to the Cabinet that:**

- 1. The list of infrastructure (Appendix 1; the Mid Devon Infrastructure List) that the Council intends to fund, either wholly or partly, by developer contributions is approved.**
- 2. The Infrastructure List is included within the annual Infrastructure Funding Statement (IFS) to be published on the Council's website by 31st December 2024.**

## Section 2 – Report

- 1.1 Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and planning obligations (commonly referred to as Section 106 or S106 obligations after Section 106 of the Town and Country Planning Act 1990). These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development. Developer contributions might also relate to highways works secured under Section 278 of the Highways Act.
- 1.2 Developer contributions are normally a key component of any authority's approach to developing and delivering an infrastructure strategy for their area. Effective infrastructure planning, prioritisation and governance of spend are critical to supporting the delivery of sustainable development and growth. Local authorities have a fundamental role in leading the coordination and delivery of infrastructure that will support their areas.
- 1.3 The Mid Devon Community Infrastructure Levy (CIL) draft charging schedule was withdrawn from its public examination in 2021 and as such Mid Devon is not a CIL charging authority.
- 1.4 Mid Devon currently secures funding for infrastructure and affordable housing through the use of Section 106 planning obligations and Section 278 highways agreements (via Devon County Council).
- 1.5 Identification of S106 requirements should be driven by the impact of specific development(s) and the need to deliver local plan policies. Requirements for developer contributions should be clearly identified in local plan documents, consulted on and tested for viability. The Mid Devon Infrastructure List is the document that identifies and prioritises those requirements.
- 1.6 Developer contributions need to deliver infrastructure or other mitigation measures that support development. There is a statutory responsibility to make sure this happens, and legal and reputational risk where it does not.
- 1.7 Most of the legal agreements containing planning obligations also place an obligation on the Local Authority to spend the money within a designated timescale (which varies from one agreement to another but is commonly ten years).
- 1.8 There needs to be clear and transparent processes that ensure timely and effective spend that comply with the legislation on the use of developer contributions. Failure to have clear processes that take you from strategy to allocation and spend on a project is, along with failure to identify priorities, a major cause of unspent developer contributions.
- 1.9 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 made it a requirement that contribution-receiving authorities must publish an Infrastructure Funding Statement (IFS) by the 31<sup>st</sup> December

annually. The objective of an IFS is to improve transparency of monitoring and reporting so that monies secured, received, allocated, spent and delivered can be followed through the system.

- 1.10 The information published in the IFS responds to questions that are frequently asked of authorities through Freedom of Information (FOI) requests and should be information that can be readily accessed. The annual IFS is published on the Council's website prior 31<sup>st</sup> December each year.
- 1.11 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (section 121A) set out the required components of the IFS, namely:
  - (a) 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");
  - (b) a report about CIL, in relation to the previous financial year ("CIL report");
  - (c) a report about planning obligations, in relation to the reported year ("section 106 report").
- 1.12 The Mid Devon Infrastructure List is intended to satisfy part (a) of the IFS. In line with the approach taken previously, although Mid Devon District Council is not a CIL charging authority it may, nevertheless, be considered both beneficial and transparent to continue to publish a list of the infrastructure to be funded wholly or partly by developer contributions over the forthcoming year.
- 1.13 On the basis that Mid Devon District Council is not a CIL charging authority there will be no CIL report published within the IFS.
- 1.14 The IFS will therefore comprise two component parts; the infrastructure list and the section 106 report.
- 1.15 The section 106 report is a series of absolute facts and figures which will be signed-off by Finance and Senior Management prior to publication. Members will be notified when the IFS (both component parts) are completed and published.
- 1.16 National Planning Policy Guidance also advises that the infrastructure funding statement should set out the future spending priorities on infrastructure and affordable housing. This will not dictate how funds must be spent but will set out the local authority's intentions.
- 1.17 The Mid Devon Infrastructure List is prioritised in accordance with the importance of the infrastructure item in relation to the implementation of the Local Plan, together with requirement to spend existing developer contributions on the delivery of infrastructure within designated timescales. For example; affordable housing delivery is essential to the delivery of the Local Plan, and also the Council holds sums of unallocated contributions which are required to be expedited for expenditure before they become at risk of being returned to the developer under the terms of the legal agreement. Therefore affordable housing is a high priority on the infrastructure list.

- 1.18 The Mid Devon Infrastructure List is a live document capable of being updated at any time. The version of the list proposed for publication is a snap shot in time and includes the best information that is available at the point of its approval and publication. It has been informed through work undertaken as part of the preparation of the Mid Devon Local Plan Review 2013 – 2033. The Infrastructure List can also be informed through infrastructure needs identified in other development plans in Mid Devon i.e. the Devon Minerals and Waste Plans, and Neighbourhood Plans where these have passed their referendum and form part of the statutory development plan for their local area. It can also be informed through infrastructure needs identified through the masterplanning of planned urban extensions and town centres.
- 1.19 Silverton Neighbourhood Plan was formally ‘made’ on 24 April 2024 following a successful referendum held on 29 February 2024 and now forms part of the statutory development plan for the Silverton area. The infrastructure priorities of the plan have been reviewed and noted. The Infrastructure List includes scope to consider infrastructure priorities identified in the neighbourhood plan.
- 1.20 The preparation of a new Local Plan for Mid Devon (‘Plan Mid Devon’) will provide an opportunity to review the infrastructure needed to support new development where this is planned across the district. This will be informed through technical work and engagement with transport, education and other infrastructure and service providers. Infrastructure needs will be looked at in terms of the requirements placed through individual development sites and also the cumulative impacts of development sites at town level and wider area, to enable a strategic approach to be taken to infrastructure planning and its phasing and funding.
- 1.21 The infrastructure list should feed back into reviews of Local Plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan.

**Financial Implications:** The Infrastructure List plays an important role in identifying when developer contributions can be used to assist in the delivery of infrastructure. It is an easily accessible document that sets out the Council's priorities for income from development and expenditure.

**Legal Implications:** There is 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 comprises "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)". In line with the approach taken previously, although Mid Devon District Council is not a CIL charging authority (instead having to publish an annual 'S106 report' as detailed in the Regulations), the Council may still consider it useful (as well as transparent) for it to publish a list of the infrastructure to be funded wholly or partly (albeit in its case by S106 contributions) over the forthcoming year or so.

**Risk Assessment:** Risk is multi-faceted, but publication of a clear IFS mitigates these by allowing transparency on the utilisation of S106 funds, allows monitoring of measures to be implemented to support planned development and also safeguards against the loss of S106 receipts through the passage of time.

**Impact on Climate Change:** The Infrastructure List includes provision for carbon offsetting and air quality improvements. The infrastructure list should feed back into reviews of local plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan. The Local Plan has been prepared within a legal framework and national planning policy that has at its heart the principle of sustainable development and policies to help address climate change through the development and use of land.

**Equalities Impact Assessment:** The Infrastructure List has been informed through the work undertaken for the preparation of the Mid Devon Local Plan Review 2013 - 2033 which has been screened through an Equalities Impact Assessment.

**Relationship to Corporate Plan:** The Infrastructure List includes infrastructure items relating to affordable housing, transport, education, libraries, waste, health, community facilities, emergency services, where these relate to built development and Local Plan objectives. Funding the delivery of these items can also help the Council achieve its priority themes of Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 November 2024

**Statutory Officer:** Maria de Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 12 November 2024

**Chief Officer:** Richard Marsh  
Agreed by or on behalf of the Director of Place and Economy  
**Date:** 11<sup>th</sup> November 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:** Richard Marsh, Director of Place and Economy  
Email: rmarsh@middevon.gov.uk

**Contact:** Elaine Barry, Planning and Obligations Monitoring Officer  
Email: S106@middevon.gov.uk

**Background papers:**

[Infrastructure Funding Statement 2022 23](#)

MID DEVON INFRASTRUCTURE LIST	
<b>PRIORITY #1: HIGH IMPORTANCE</b>	
<b>Accessibility</b>	District wide accessibility and mobility improvements
<b>Affordable Housing</b>	Affordable housing provision in the district of Mid Devon Provision of custom & self-build housing Provision of Gypsy & Traveller pitches
<b>Carbon Reduction</b>	Measures and infrastructure required to support a low carbon, energy efficient future
<b>Community facilities</b>	Provision of digital and smart infrastructure; including broadband and town centre electric points
<b>Ecology</b>	Measures required to provide a net gain in biodiversity
<b>Education</b>	New primary schools for Tiverton, Crediton and Cullompton Primary and Secondary School expansion Provision of a new special education need facility (to be located in Cullompton)
<b>Highways</b>	Capacity improvements at Junction 28 M5 to deliver a strategic highway improvement
<b>Sustainable Travel</b>	New and enhanced pedestrian and cycle facilities into and within major towns and settlements
<b>Transport &amp; Air Quality</b>	Cullompton Town Centre Relief Road Measures necessary to assist with the flow of traffic through the Western Gateway, St Lawrence Green and/or the High Street in Crediton
<b>Transport &amp; Highways</b>	Measures necessary to improve traffic calming Provision of a full grade separated junction on the A361 at Tiverton (east) Through route linking Willand Road to Tiverton Road and traffic management measures on Willand Road at North West Cullompton
<b>PRIORITY #2: IMPORTANT</b>	
<b>Community facilities</b>	Provision of community facilities including community centres, halls and hubs Provision of new sports pitches Provision of youth/teen facilities Public Open Space for leisure and recreation, including sports and play facilities
<b>Destination Management</b>	Improved coach parking facilities within Mid Devon
<b>Employment space</b>	Provision of Incubator hubs
<b>Flooding</b>	Flood risk mitigation measures
<b>Health facilities</b>	Provision of healthcare facilities, including GP surgeries
<b>Highways</b>	Improvements to J27 of the M5
<b>Miscellaneous</b>	Infrastructure necessary for the delivery of Masterplans and Neighbourhood Plans Resource funding to enable infrastructure delivery
<b>Public Realm</b>	Improvements to the public realm of the major town centres; includes new signage, seating and public art Redevelopment of Phoenix Lane, Market Walk and the Tiverton pannier market
<b>Sustainable Travel</b>	Towards the re-opening of Cullompton railway station
<b>Transport &amp; Air Quality</b>	Measures necessary to mitigate poor air quality in town centres
<b>Transport &amp; Highways</b>	Provision of a junction on Heathcoat Way and a safeguarded road route to serve as a future second road access for development at the Tiverton eastern urban extension
<b>PRIORITY #3: DESIRABLE</b>	
<b>Community facilities</b>	Enhancement to library facilities Provision of new sports and play facilities at the main leisure centres; including a swimming pool complex at Cullompton and new soft-play facilities (all sites)
<b>Destination Management</b>	Heritage, Culture and Arts trails Provision of a community theatre Provision of a visitor centre and enhanced facilities at Junction 27, M5 Provision of new rural trails; including the Boniface Trail (Crediton to Exeter) and a cycleway along the A396/Exe Valley
<b>Emergency services</b>	Provision of a new criminal justice centre and/or expansion of existing fire and rescue services
<b>Transport &amp; Air Quality</b>	Enhanced provision of community transport schemes Provision of public electric vehicle charging infrastructure
<b>Waste</b>	New recycling centre to serve Tiverton and Cullompton catchments
<b>Water</b>	Enhanced waste water treatment facilities

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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

Title and description of the policy/ decision:	Mid Devon Infrastructure List December 2024		
Job title of the person(s) undertaking the assessment:	Planning Obligations Monitoring Officer		
Council service:	Development Management		
Date of assessment:	2 <sup>nd</sup> October 2024		
What are the aims, purposes, objectives and proposed outcomes of the policy/ decision?			
To publish a list of Infrastructure which the Council intends may be funded (partly or wholly) by developer contributions			
Who may be affected by the policy/ decision?	All residents of Mid Devon		
How have stakeholders been involved in the development of the policy/ decision? E.g. a consultation exercise	The list is informed by the Mid Devon Local Plan 2013 – 2033 and other planning policy documents		
Will there be scope for prompt, independent reviews and appeals against decisions arising from the policy/ decision?	It is unlikely. The list is predominantly for information purposes though there is a statutory requirement to publish the list under The Community Infrastructure Levy Regulations 2010 (as amended)		
To which part(s) of the Public Sector Equality Duties is the policy/ decision relevant:			
	Yes	No	Details
1. Eliminate unlawful discrimination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Advance equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To provide infrastructure through development available which will be of benefit to all Mid Devon residents
3. Foster good relations between different groups	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Infrastructure to benefit a range of age groups
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Accessible facilities delivered where possible
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Characteristic	Positive	Negative	Neutral	Comments
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Provision of Gypsy and Traveller pitches
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 Council has a statutory duty to publish a list of infrastructure types it intends may be funded through development. Whether or not those items of Infrastructure on the list are delivered depend on a suite of other factors – the list itself is primarily for guidance and any funding received through development requires relevant development proposals to come forward and for any infrastructure that may be funded by such a development to be directly related to that development.

The Infrastructure List is primarily informed by the adopted Mid Devon Local Plan which has been subject to an 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
<p>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.</p>

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)

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?
<b>Sex</b>			
<b>Age</b>			
<b>Disability</b>			
<b>Religion or Belief</b>			
<b>Race</b>			
<b>Sexual Orientation</b>			
<b>Gender Reassignment</b>			

<b>Pregnancy/ maternity</b>			
<b>Marriage and Civil partnership</b> (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 Director of Place and Economy**

**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 Economy and Place**

**Date: 11<sup>th</sup> November 2024**

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## **Report for: Planning Environment and Sustainability PDG**

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Date of Meeting:	26 <sup>th</sup> November 2024
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:	<p>Appendix 1 – Willand Parish Neighbourhood Plan 2020 – 2033; A Report to Mid Devon District Council on the Examination of the Willand Parish Neighbourhood Plan</p> <p>Appendix 2 – Decision Statement</p> <p>Appendix 3 – Willand Neighbourhood Plan</p> <p>Appendix 4 – Equalities Impact Assessment screening</p>

### **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 6<sup>th</sup> 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):**

**The Planning Environment and Sustainability PDG recommends 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**

<b>Key stage</b>	<b>Action</b>	<b>Date</b>
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 <sup>st</sup> June 2023
2. Pre-Submission Consultation	Regulation 14 consultation (minimum 6 weeks) organised by Willand Parish Council.	9 <sup>th</sup> July 2023 – 20 <sup>th</sup> August 2023
3. Submission	Willand Parish Council submitted the Willand Neighbourhood Plan to Mid Devon District Council.	Plan submitted 13 <sup>th</sup> February 2024  Formal confirmation by MDDC 12 <sup>th</sup> March 2024
4. Publication	Regulation 16 consultation (minimum 6 weeks) organised by Mid Devon District Council.	12 <sup>th</sup> March 2024 – 24 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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 her 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 21<sup>st</sup> 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.<sup>1</sup>
- 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

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<sup>1</sup> 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**

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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.

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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.

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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>

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
Appendix 2 - Local Green Spaces	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.” Remove the embedded file “Play Areas 20150221 Willand Register (2).l”	Agreed. 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. 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.” Remove the embedded file “Play Areas 20150221 Willand Register (2).l”

- 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**

<b>Neighbourhood Plan Policy</b>	<b>Examiner’s recommended modifications shown in bold, as <del>strikethrough</del> 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>.</b>	<b>Recommended Council decision and reason</b>
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"> <li>1. Our main sport facilities and pitches are identified on Map 4 and are:             <ol style="list-style-type: none"> <li>i) Tennis Courts at Jubilee Field;</li> <li>ii) Digger (Fishing) Lakes;</li> <li>iii) the Willand Rovers Athletic Football Club ground.</li> </ol> </li> <li>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"> <li>i) redevelopment of the existing site includes an alternative type of community use, space or access;</li> <li>ii) alternative replacement provision <b><i>will normally be expected to be</i></b> made within the Plan area <b><i>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;</i></b></li> <li>iii) provision ensures community access through <b><i>an community use agreement, s106 agreement or other</i></b> enforceable legal agreement;</li> <li>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,</li> <li>v) proposals for replacement to mitigate loss <b><i>should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements</i></b> of Sport England and relevant sports governing bodies.</li> </ol> </li> <li>3. Where replacement cannot be achieved <b><i>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</i></b> to ensure that provision is enhanced at other existing facilities, amenities and assets, <b><i>where possible within the Parish of Willand.</i></b></li> </ol>	<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 <del>strikethrough</del> 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	<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 <b><i>in line with Policy COM3.</i></b> <del>within the Plan area.</del>	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 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 <b>7-5</b> (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><del>i) Aspen Close / Myrtle Close;</del></p> <p><del>ii) Beech Close;</del></p> <p>iii) Chestnut Drive / Maple Close;</p> <p>iv) <b><i>Culm Valley Trail (North);</i></b> <u>North and South</u></p> <p><del>v) Culm Valley Trail (South);</del></p> <p><del>vi) Greenwood;</del></p> <p><del>vii) Harpitt Close;</del></p> <p>viii) Jubilee Playing Field / Gables Lea;</p> <p><del>ix) Mallow Court;</del></p> <p>x) Orchard Way;</p> <p><del>xi) Rectory Close;</del></p> <p><del>xii) Rowan Lea;</del></p> <p>xiii) St Mary's Churchyard;</p> <p><del>xiv) South View Close;</del></p> <p>xv) Sycamore Close <b><i>and Beech Close;</i></b></p> <p>xvi) Townlands;</p> <p>xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u></p> <p><del>xviii) Victoria Close;</del></p> <p>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 <del>strikethrough</del> 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;  <del>xxii) Willand Moor Road / Poppy Close;</del>  xxiii) Willand Parish Cemetery;  <del>xxiv) Worcester Crescent.</del> ....</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 <del>strikethrough</del> 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"> <li>Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <b><i>the following are of particular significance: are:</i></b> <ol style="list-style-type: none"> <li>Culm River Corridor;</li> <li>Five Bridges / M5 Corridor;</li> <li>Meadow Park / Maple Close / Rowan Lea Woodland;</li> <li>Spratford Stream Corridor (North);</li> <li>Spratford Stream Corridor (South);</li> <li>Tiverton Junction Woodland Belts;</li> <li>Uffculme Road Woodland.</li> </ol> </li> <li><del>These</del> Areas <b><i>shown on Map 6</i></b> 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. <b><i>Significant harm will not be supported.</i></b> Green corridors linking these areas will also be protected.</li> <li>Proposals which result in the unavoidable significant harm to <del>these</del> areas <b><i>designated in clause 1 of this policy</i></b> (in whole or in part) will only be supported where <del>i) The proposal is specific to that use and role of the site; and, ii)</del> the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced <del>within the Parish</del> with net gains in biodiversity <b><i>to that feature.</i></b></li> <li><b><i>Where appropriate,</i></b> proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.</li> </ol>	<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 <del>strikethrough</del> 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	<u>Clause 1 of the Policy EE1 to be amended as follows:</u>  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 <del>within the settlement limit boundary</del> , subject to <del>other</del> policies in the development plan, <del>and</del> where they do not have an unacceptable adverse effect on the local amenity enjoyed by existing neighbouring uses and residents. ...	Agreed.  The modification is needed in order to achieve general conformity with Policy DM18 of the Local Plan and meet the Basic Conditions.

### **3.0 Next steps and referendum**

- 3.1 It is recommended the Planning Environment and Sustainability PDG notes the contents of this report and recommends to Cabinet that 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 are agreed 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**.
- 3.2 It is recommended the Planning Environment and Sustainability PDG also recommends to Cabinet that the Decision Statement (see **Appendix 2**) is agreed and that this is published as soon as possible and publicised in a manner to meet publicity requirements in the Regulations.
- 3.3 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 21<sup>st</sup> June 2023. The Neighbourhood Area covers the entirety of Willand Parish.
- 3.4 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.
- 3.5 Subject to the decision 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 27<sup>th</sup> 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.
- 3.6 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?”**

- 3.7 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 £5,000<sup>2</sup> 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 6<sup>th</sup> 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).

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<sup>2</sup> 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

**Date:** 12 November 2024

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 November 2024

**Chief Officer:** Richard Marsh

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

**Date:** 11<sup>th</sup> November 2024

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 29 October 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**

**Contact:**

Tristan Peat, Forward Planning Team Leader

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Telephone: 01884 234344

Mojca Sonjak, Forward Planning Assistant [msonjak@middevon.gov.uk](mailto: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 3<sup>rd</sup> February 2022 by MDDC. As minor changes to the parish boundary were subsequently made, a revised boundary was designated on the 21<sup>st</sup> 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 9<sup>th</sup> July to the 20<sup>th</sup> 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 12<sup>th</sup> March to the 24<sup>th</sup> 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) 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 6<sup>th</sup> 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](mailto: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 <del>striketrough</del> 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 <del>strikethrough</del> 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 COM3: Protecting Sports Facilities, Amenities and Assets	<p><u>Policy COM3 to be amended as follows:</u></p> <ol style="list-style-type: none"> <li>Our main sport facilities and pitches are identified on Map 4 and are: <ol style="list-style-type: none"> <li>Tennis Courts at Jubilee Field;</li> <li>Digger (Fishing) Lakes;</li> <li>the Willand Rovers Athletic Football Club ground.</li> </ol> </li> <li>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"> <li>redevelopment of the existing site includes an alternative type of community use, space or access;</li> <li>alternative replacement provision <b>will normally be expected to be</b> made within the Plan area <b>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</b> better quality and quantity than the facility and / or pitches being lost;</li> <li>provision ensures community access through <b>an community use agreement, s106 agreement or other</b> enforceable legal agreement;</li> <li>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,</li> <li>proposals for replacement to mitigate loss <b>should where possible comply with the guidance satisfactorily meet the most up-to-date policy requirements</b> of Sport England and relevant sports governing bodies.</li> </ol> </li> <li>Where replacement cannot be achieved <b>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</b> to ensure that provision is enhanced at other existing facilities, amenities and assets, <b>where possible within the Parish of Willand.</b></li> </ol>	<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 <del>strikethrough</del> 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 <b><i>in line with Policy COM3.</i></b> <del>within the Plan area.</del>	Agreed. The modification is needed in order to achieve general conformity with Policy DM24 of the Local Plan and meet the Basic Conditions.

Policy GI1: Local Green Space	<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 <b>7-5</b> (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><del>i) Aspen Close / Myrtle Close;</del></p> <p><del>ii) Beech Close;</del></p> <p>iii) Chestnut Drive / Maple Close;</p> <p>iv) <b>Culm Valley Trail (North);</b> <u>North and South</u></p> <p><del>v) Culm Valley Trail (South);</del></p> <p><del>vi) Greenwood;</del></p> <p><del>vii) Harpitt Close;</del></p> <p>viii) Jubilee Playing Field / Gables Lea;</p> <p><del>ix) Mallow Court;</del></p> <p>x) Orchard Way;</p> <p><del>xi) Rectory Close;</del></p> <p><del>xii) Rowan Lea;</del></p> <p>xiii) St Mary's Churchyard;</p> <p><del>xiv) South View Close;</del></p> <p>xv) Sycamore Close <b>and Beech Close;</b></p> <p>xvi) Townlands;</p> <p>xvii) Victoria Close / Blenheim Drive <u>and xviii) Victoria Close;</u></p> <p><del>xviii) Victoria Close;</del></p> <p>xix) Willand Allotments;</p> <p>xx) Willand Moor Road / Buttercup Road;</p> <p>xxi) Willand Moor Road;</p> <p><del>xxii) Willand Moor Road / Poppy Close;</del></p> <p>xxiii) Willand Parish Cemetery;</p> <p><del>xxiv) Worcester Crescent. ....</del></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 <del>strikethrough</del> 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"> <li>Our locally valued areas of biodiversity, geodiversity and habitat are identified on Map 6 and <b><i>the following are of particular significance:</i></b> <del>are:</del> <ol style="list-style-type: none"> <li>Culm River Corridor;</li> <li>Five Bridges / M5 Corridor;</li> <li>Meadow Park / Maple Close / Rowan Lea Woodland;</li> <li>Spratford Stream Corridor (North);</li> <li>Spratford Stream Corridor (South);</li> <li>Tiverton Junction Woodland Belts;</li> <li>Uffculme Road Woodland.</li> </ol> </li> <li><del>These</del> Areas <b><i>shown on Map 6</i></b> 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. <b><i>Significant harm will not be supported.</i></b> Green corridors linking these areas will also be protected.</li> <li>Proposals which result in the unavoidable significant harm to <del>these</del> areas <b><i>designated in clause 1 of this policy</i></b> (in whole or in part) will only be supported where <del>i) The proposal is specific to that use and role of the site; and, ii)</del> the area (quality, land area and habitat, biodiversity and geodiversity value) can be satisfactorily replaced <del>within the Parish</del> with net gains in biodiversity <b><i>to that feature.</i></b></li> <li><b><i>Where appropriate,</i></b> proposals on or affecting these sites should demonstrate how they have responded to the requirements of this policy through an ecological assessment.</li> </ol>	<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 <del>strikethrough</del> 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 <del>within the settlement limit boundary</del>, subject to <del>other</del> policies in the development plan, <b>and</b> 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
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>

<b>Regulation 16 examination draft Neighbourhood Plan – section / page / paragraph</b>	<b>Factual corrections proposed by Willand Parish Council (the Neighbourhood Plan group)</b>	<b>Recommendation and reason</b>
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

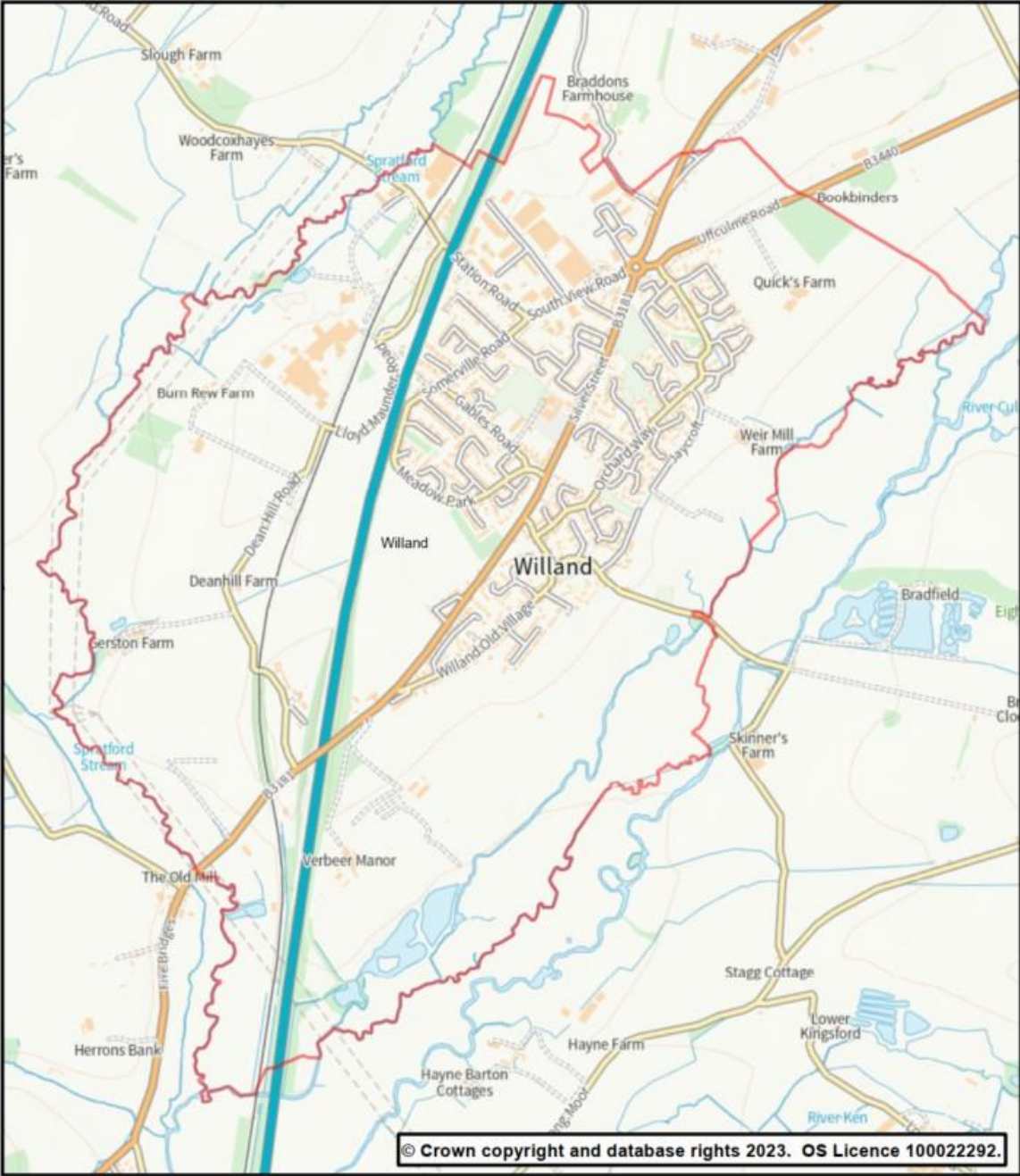


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Scale	1:15,000 @ A4	Date	04 May 2023
Drg. No.	New Willand Parish Boundary	Produced by	GMS

# **Willand Neighbourhood Plan**

## **2020-2033**

### **REFERENDUM VERSION**



September 2024

Website: [Neighbourhood Plan – Willand Parish Council \(willand-pc.org.uk\)](http://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](mailto:npg@willand-pc.org.uk)

#### **Dates of versions**

Working draft	July 2022
Community consultation draft	October 2022
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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"> <li>✓ Develop policies specific to our area, for example, design of new development.</li> <li>✓ Protect the facilities and areas of land that the community values most such as community buildings, playing fields, etc.</li> <li>✓ Help us to get additional funding into the area, for example, through identification of projects or having a plan adopted (“made”)</li> <li>✓ Protect areas of land for conservation, biodiversity and landscape value.</li> <li>✓ Influence the type, location and design of development.</li> <li>✓ Help to secure additional funding for infrastructure and other projects.</li> <li>✓ Propose regeneration projects, transport solutions and areas of land for the allocation of housing and / or employment sites if we wish to do so.</li> </ul>	<ul style="list-style-type: none"> <li>✗ Introduce policies which conflict with national or District Council “strategic” planning policies.</li> <li>✗ Force requirements on developers which make the delivery of development unviable.</li> <li>✗ Change regulations / legislation such as Building Regulations or Permitted Development Rights.</li> <li>✗ Simply repeat (duplicate) national or District Council planning policy.</li> <li>✗ Reduce the scale of new housing if proposed by the District Council.</li> <li>✗ Stop all development.</li> <li>✗ Deal with matters not dealt with through the planning system, for example: <ul style="list-style-type: none"> <li>• Change traffic speed limits</li> <li>• Increase broadband speeds</li> <li>• Enforce parking restrictions</li> </ul> </li> </ul>

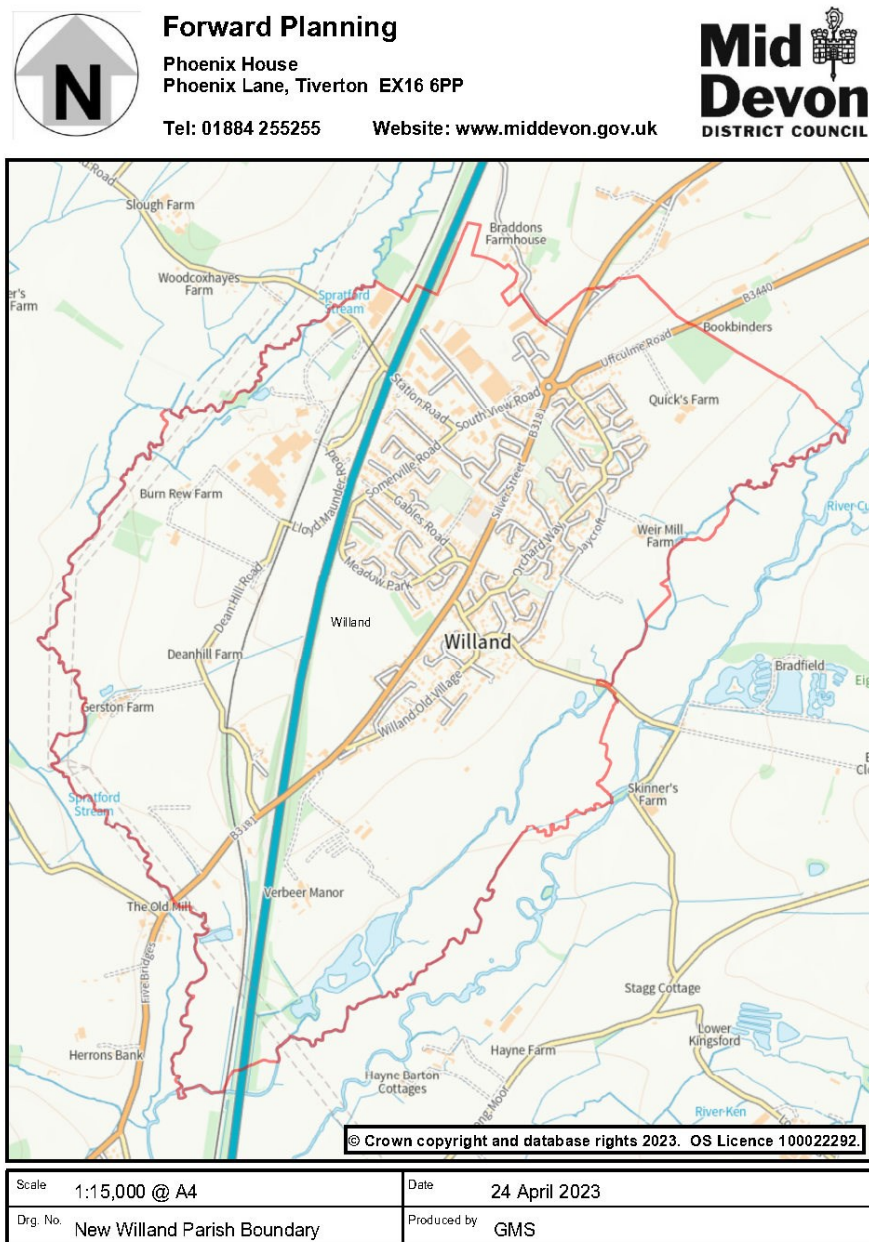
The Plan covers the period between 2020 and 2033 and is therefore ‘in sync’ with the development plan documents produced by the District Council as the local planning authority.

## 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 MDDC<sup>1</sup>. Map 1 shows the extent of revised and current Plan area.

*Map 1: Designated Neighbourhood Area*



<sup>1</sup> 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 people<sup>2</sup>. 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.

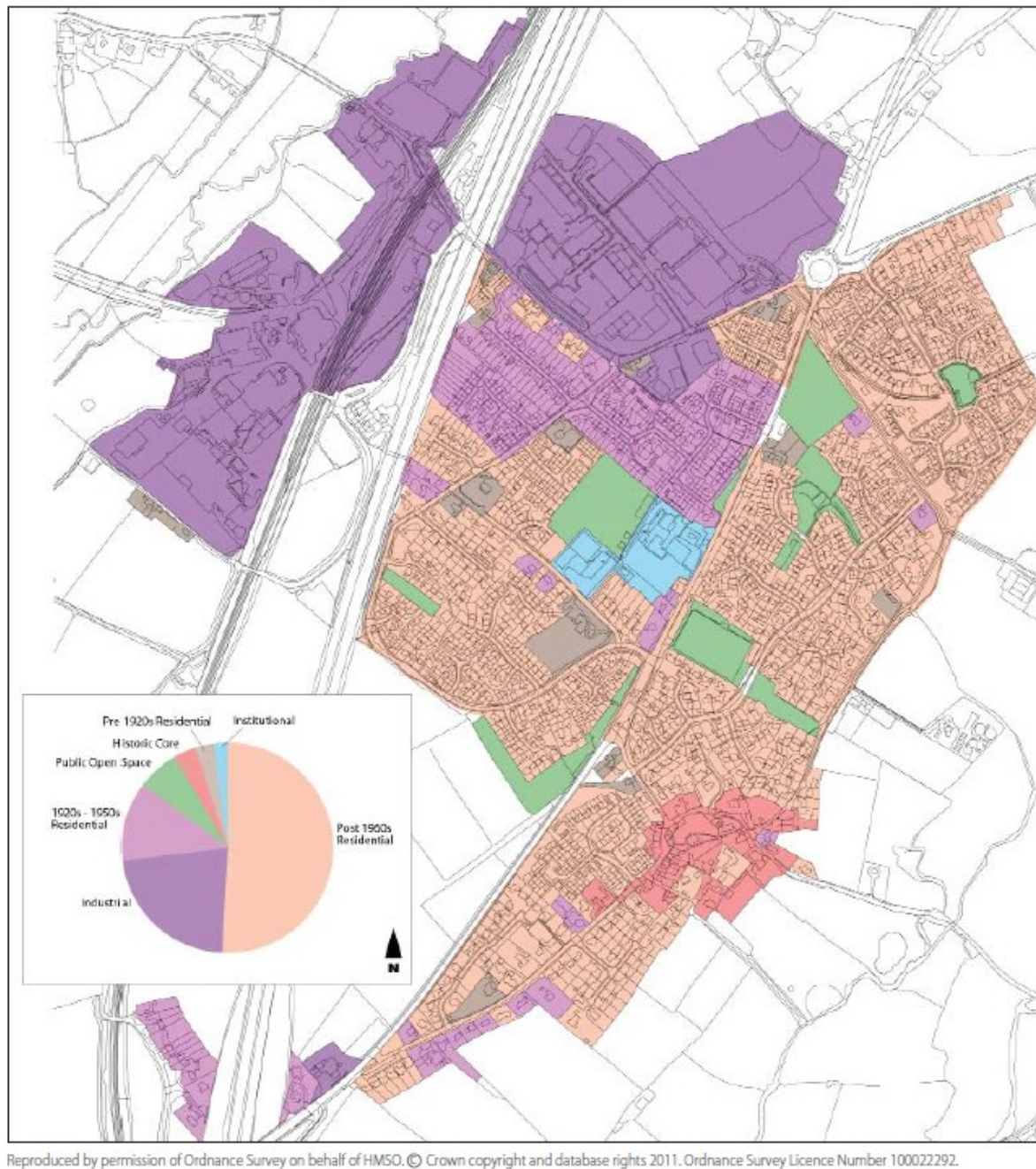
The village of Willand comprises a wide variety of built forms and characters, as the following map shows, taken from the Mid-Devon Settlement Character Assessment. While the assessment was produced in 2012, the village's character areas remain much the same.

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<sup>2</sup> 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



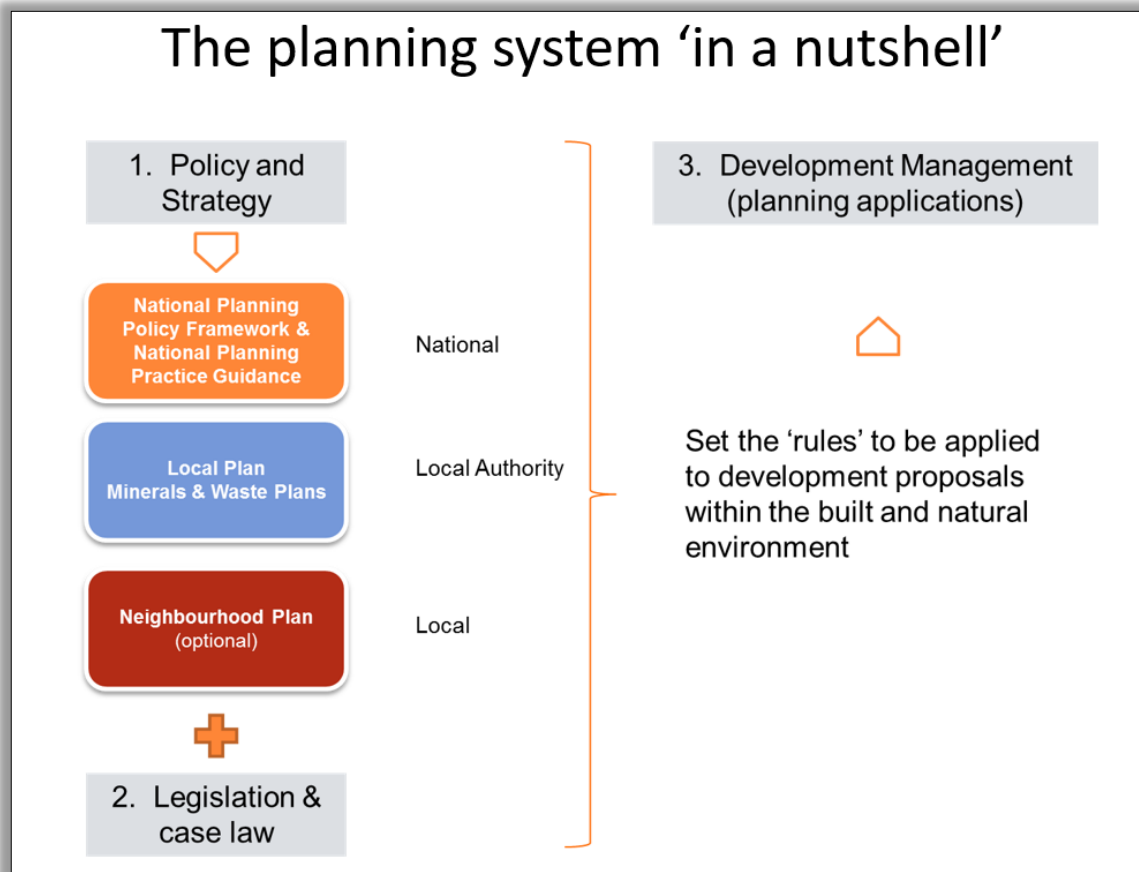
Source: Mid-Devon Settlement Character Assessment, Mid-Devon District Council, 2012

## 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 developed<sup>3</sup>;
- 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 reviewed<sup>4</sup> 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

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<sup>3</sup> With the other part having approval for reserved matters.

<sup>4</sup> 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.

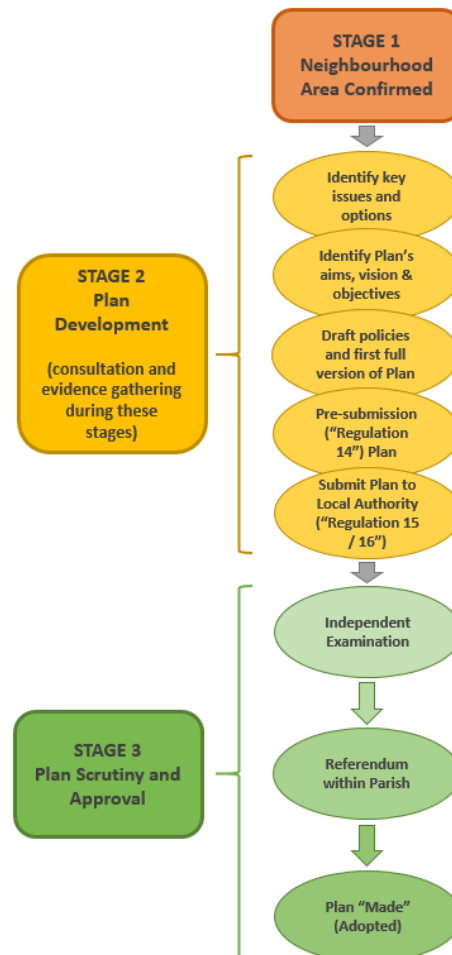
Where possible we have had a presence to discuss the Plan and key local issues at other events taking place such as the Queen's Jubilee celebrations in the village.

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"<sup>5</sup>. 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 policies"<sup>6</sup>. 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."<sup>7</sup>

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.

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<sup>5</sup> 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>6</sup> Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

<sup>7</sup> 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](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"> <li>Housing</li> <li>Economy and Employment</li> </ul>
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"> <li>Housing</li> </ul>
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"> <li>Economy and Employment</li> </ul>
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"> <li>Green Infrastructure</li> </ul>
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"> <li>Sustainable Development</li> </ul>
f)	Willand's identity is bound up with its network of accessible non-residential facilities.	<ul style="list-style-type: none"> <li>Community</li> <li>Travel, Access and Connectivity</li> </ul>
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.	
g)	All existing leisure and green areas and community facilities must be protected.	<ul style="list-style-type: none"> <li>Community</li> <li>Green Infrastructure</li> </ul>
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	

<b>2. Securing sustainability now and for the long-term future.</b>	
<b>Objective</b>	<b>Topic(s) in this Plan</b>
<b>2.1 Climate change</b>	
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"> <li>i. small starter units - office premises - light industrial units</li> <li>ii. home worker support facilities</li> <li>iii. greater choice of catering/refreshment outlets.</li> </ul>	<ul style="list-style-type: none"> <li>• Economy and Employment</li> </ul>
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"> <li>• Community</li> <li>• Green Infrastructure</li> </ul>
c) New development to result in a net increase in biodiversity.	<ul style="list-style-type: none"> <li>• Green Infrastructure</li> </ul>
d) All new houses and businesses should have private electric charging points.	<ul style="list-style-type: none"> <li>• Sustainable Development</li> </ul>
e) Solar panels and heat pumps should be integral to all new employment and residential properties.	<ul style="list-style-type: none"> <li>• Sustainable Development</li> </ul>
f) Commercial and community organisations should be encouraged to provide public electric charging points.	<ul style="list-style-type: none"> <li>• Sustainable Development</li> <li>• Community</li> </ul>
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"> <li>• Travel, Access and Connectivity</li> </ul>
h) Tree planting.	<ul style="list-style-type: none"> <li>• Green Infrastructure</li> </ul>
<b>2.2 Care of the natural environment</b>	
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"> <li>• Travel, Access and Connectivity</li> <li>• Community</li> </ul>
b) A planting strategy for more trees and other wildlife habitat on public and private land.	<ul style="list-style-type: none"> <li>• Green Infrastructure</li> </ul>

## 2. Securing sustainability now and for the long-term future.

Objective	Topic(s) in this Plan
<b>2.3 Opportunities for the future</b> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii) Transport must be secure for young people's and adults' access to out of village education, work and leisure opportunities</li> <li>iv) Continued local presence of Pharmacy and of GP facilities is important for all ages.</li> <li>v) The current strong community spirit requires constant support for community buildings, organisations and facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Community</li> <li>• Travel, Access and Connectivity</li> </ul>
<b>2.4 Key reminders of Willand's history</b> <ul style="list-style-type: none"> <li>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.</li> <li>b) Preservation and enhancement of the Old Village Conservation Area, Willand's listed buildings and other notable sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage</li> </ul>

## 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"> <li>• Travel, Access and Connectivity</li> </ul>
b) More public seating.	<ul style="list-style-type: none"> <li>• Community</li> </ul>
c) Jaycroft should be protected as a place to walk and cycle.	<ul style="list-style-type: none"> <li>• Travel, Access and Connectivity</li> </ul>
d) Pedestrian access across the road from the churchyard path to Jaycroft should be given protection.	<ul style="list-style-type: none"> <li>• Travel, Access and Connectivity</li> </ul>
e) Willand residents should have <ul style="list-style-type: none"> <li>i) Safe pedestrian/cycle access to the cemetery.</li> <li>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.</li> <li>iii) Pedestrian/cyclist access from Halfway House up to Waterloo Cross, connecting to existing paths for Bridwell and Muxbeare.</li> <li>iv) Safe cycle and pedestrian accesses to the Culm.</li> </ul>	<ul style="list-style-type: none"> <li>• Travel, Access and Connectivity</li> </ul>

### 3. Engaging with its rural context

Objective	Topic(s) in this Plan
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>vii) A cycle/pathway to Uffculme, possibly opening up old railway line to Hemyock (even where blocked).</li> <li>viii) Open viewing spaces and public access through towards the Culm Valley.</li> <li>ix) The solar farm field south of Dean Hill Road and alongside Five bridges should be promoted as a place to walk with dogs.</li> <li>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.</li> <li>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.</li> <li>xii) safer pedestrian crossing points and safer cycleways on or across roads, particularly Silver Street.</li> </ul>	

### 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 Code<sup>8</sup>, while the Levelling-up and Regeneration Bill<sup>9</sup> 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 types<sup>10</sup>.

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;

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<sup>8</sup> See <https://www.gov.uk/government/publications/national-design-guide>

<sup>9</sup> See <https://bills.parliament.uk/bills/3155>

<sup>10</sup> 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 Life<sup>11</sup> and guidance such as Active Design principles<sup>12</sup> to ensure that new development is sustainable and encourages healthy and active lifestyles, and BREEAM in relation to commercial development<sup>13</sup> 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.

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<sup>11</sup> See <https://www.designforhomes.org/project/building-for-life/>

<sup>12</sup> See <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

<sup>13</sup> See <https://www.breeam.com/>

Policy SD1 also signposts our desire to see proposals for major development<sup>14</sup> go through a design review process<sup>15</sup> 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” document<sup>16</sup>, 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.**

<sup>14</sup> 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 1,000m<sup>2</sup> 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>

<sup>15</sup> See <https://www.designreviewpanel.co.uk/> for further information.

<sup>16</sup> 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

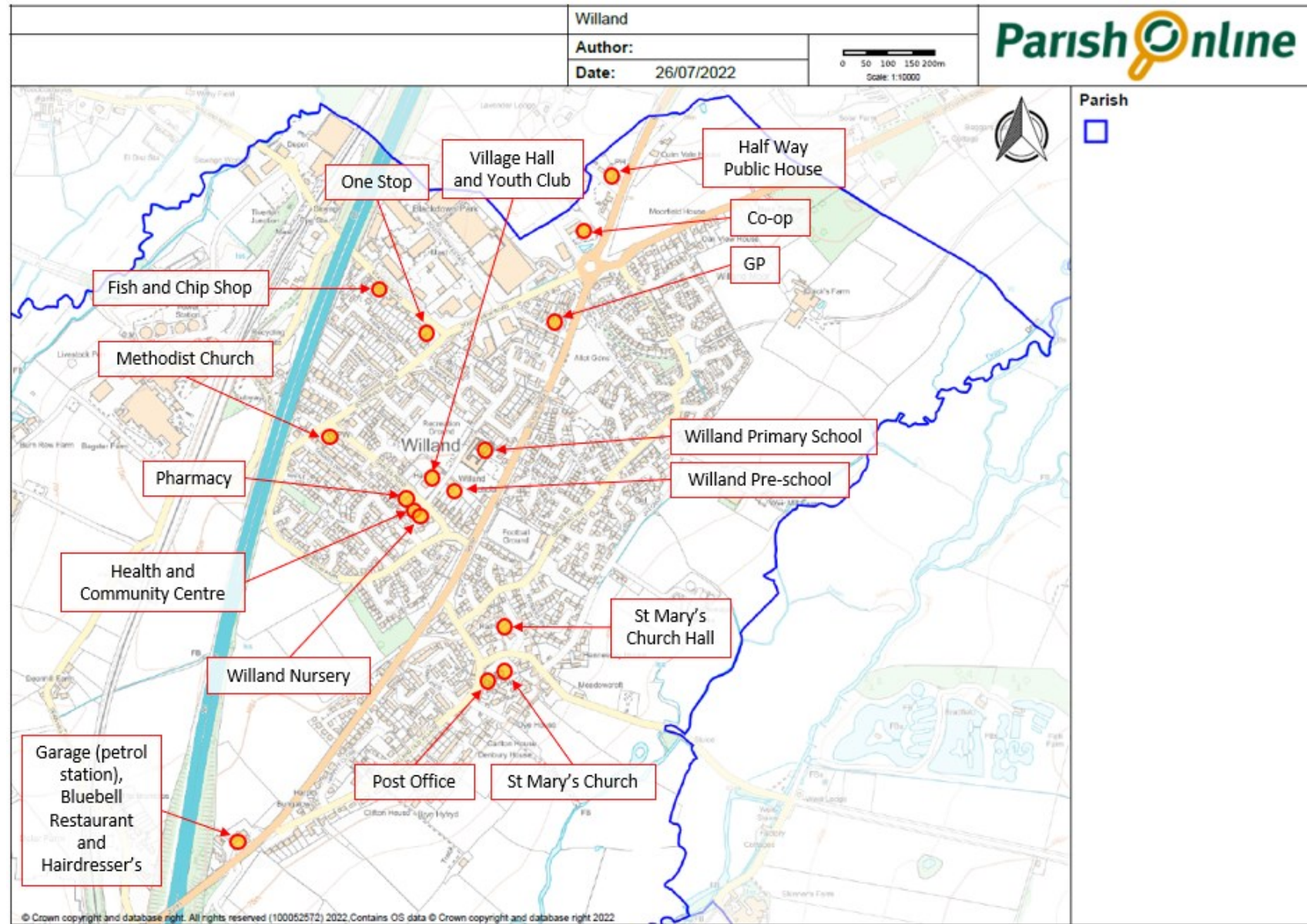
The “community feel” in Willand is central to what makes our Parish the place it is. The environmental, social and economic assets that the Parish benefits from all contribute to this and the apparent balance between living, playing, enjoying and working in the Parish. From this perspective this section 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”

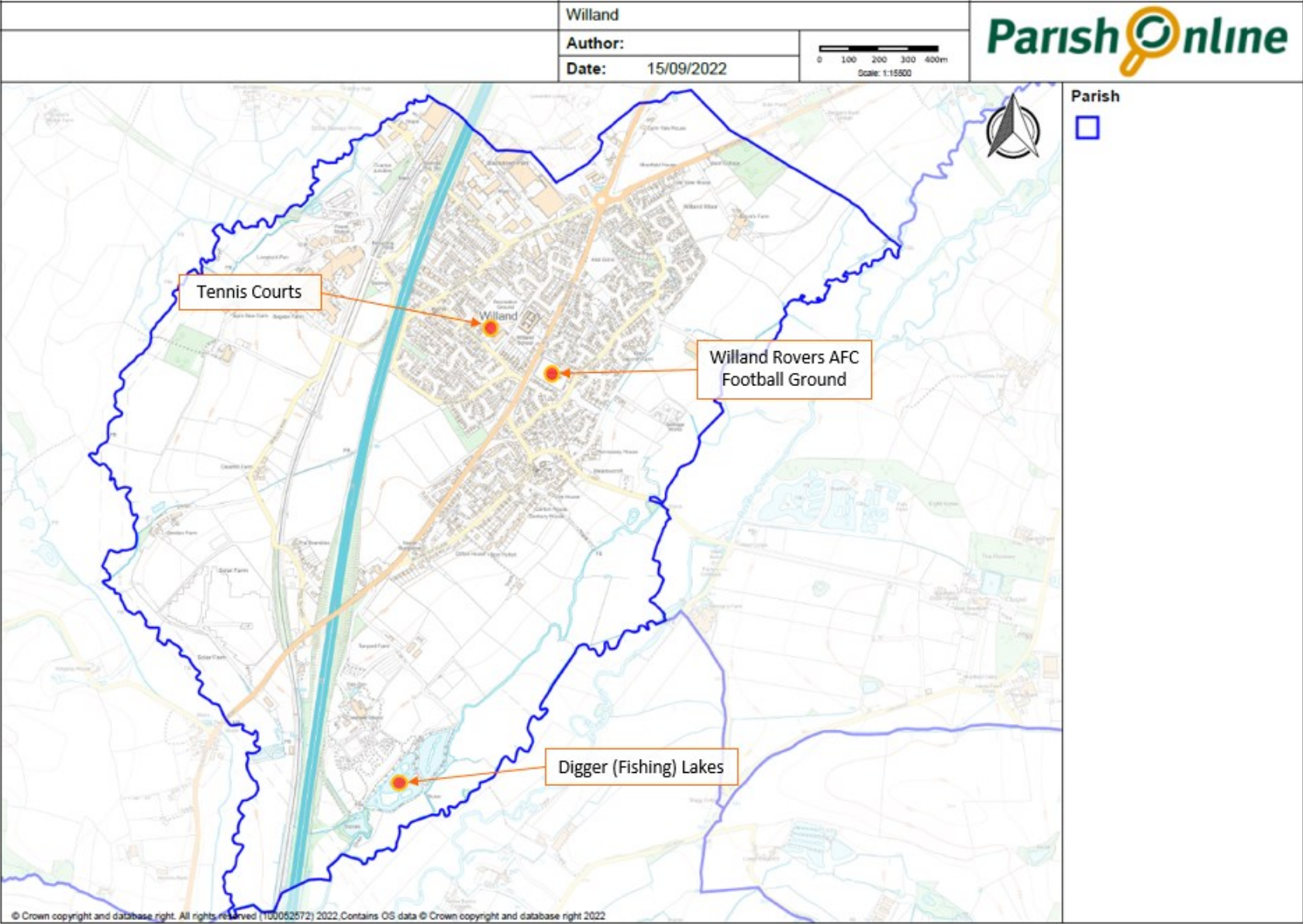
We are fortunate to have a wide range of well-used community and sports facilities and assets, which are shown on Maps 3 and 4 below. This also includes buildings which house or host what we consider to be of critical importance to the health and sustainability of the Parish and its community as community “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 regard<sup>17</sup>. Our policy COM1 is a simple, but important, requirement for developers of major development<sup>18</sup> 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

<sup>17</sup> 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/>

<sup>18</sup> 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 1,000m<sup>2</sup> 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 Hall<sup>19</sup>, Willand Health and Community Centre<sup>20</sup>, St Mary's Church and St Mary's Church Hall<sup>21</sup>, Willand Methodist Church<sup>22</sup> 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 facilities<sup>23</sup> and our policy COM2 adds value and local specificity to Local Plan policies S1: Sustainable development priorities and DM23: Community facilities<sup>24</sup>. 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.

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<sup>19</sup> See <https://willandvillagehall.org.uk/>

<sup>20</sup> See <https://www.facebook.com/groups/190698607681346/>

<sup>21</sup> See <https://www.stmaryswilland.org/>

<sup>22</sup> See <https://www.tivwell-methodists.org.uk/culm-valley>

<sup>23</sup> 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](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.

<sup>24</sup> 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 Club<sup>25</sup> (WRFC) 1<sup>st</sup> 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 Club<sup>26</sup> 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 Strategy<sup>27</sup> 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).

<sup>25</sup> See <https://www.facebook.com/willandroversfc/> and <http://www.willandrovers.co.uk/>

<sup>26</sup> See <https://www.facebook.com/Willandtennisclub/> and <https://clubspark.lta.org.uk/WillandTennisClub>

<sup>27</sup> 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 Policy<sup>28</sup> 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,**

<sup>28</sup> See [https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing\\_fields\\_policy](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-made<sup>29</sup>. 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"<sup>30</sup>, 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 Strategy<sup>31</sup>. 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

<sup>29</sup> 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."

<sup>30</sup> See <https://www.devonclimateemergency.org.uk/> for further information on both the climate emergency and ecological emergency declared in Devon.

<sup>31</sup> 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 score<sup>32</sup>. 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 5<sup>th</sup> 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 policy<sup>33</sup>, 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.<sup>34</sup>

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).

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<sup>32</sup> 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.”

<sup>33</sup> See NPPF, paragraphs 101-103, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf).

<sup>34</sup> See NPPF, paragraph 102, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](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 policy<sup>35</sup>. Our assessment to demonstrate that the spaces do meet the required criteria is also set out in this appendix.

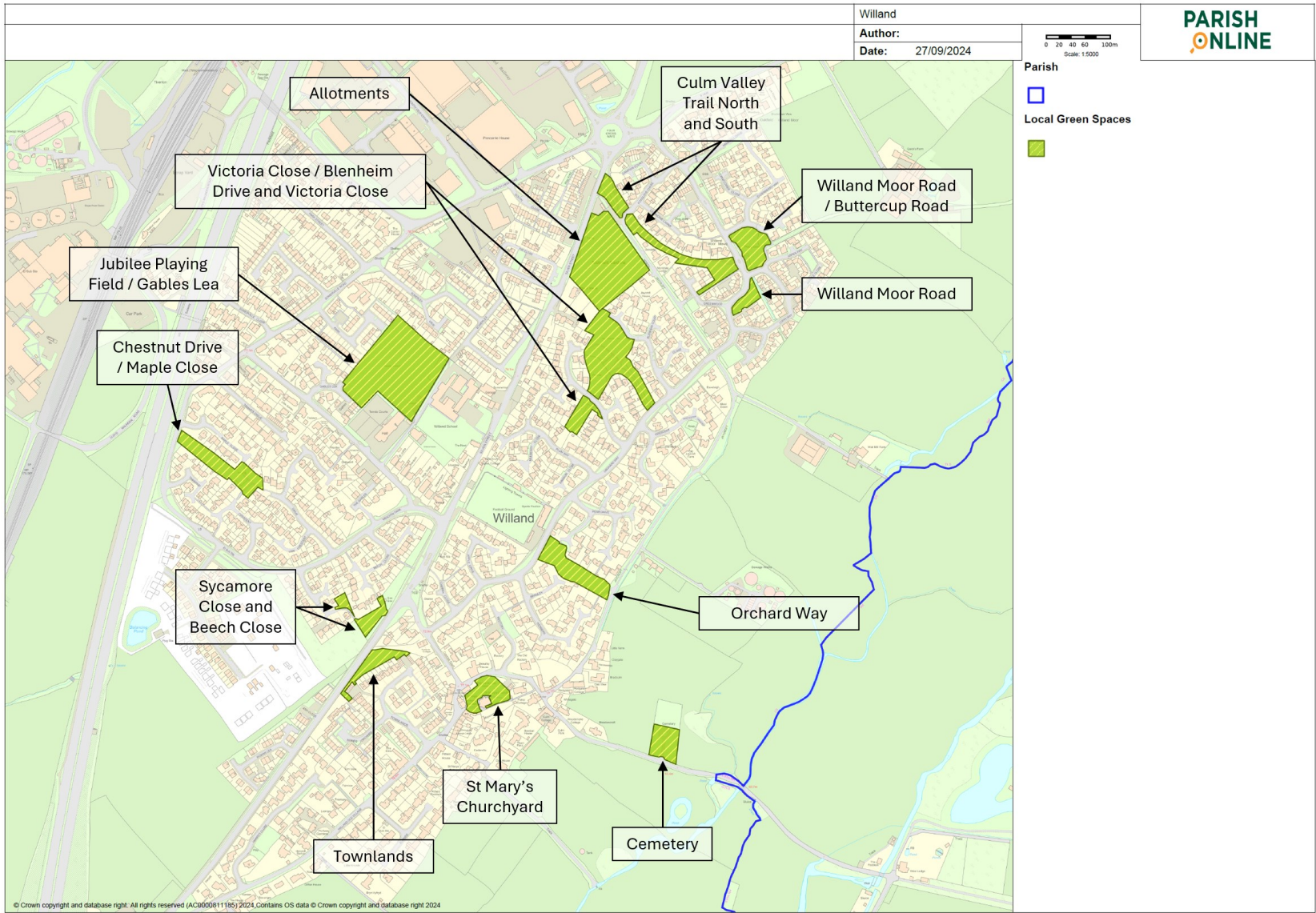
The designation does not mean that no change can happen on the sites and policy GI1 below sets out the criteria against which any planning proposals on these sites would be acceptable. Typically, for example, a proposal (which needs planning permission) for facilities which help to support or enhance the main use for which the site is protected, could be permissible.



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<sup>35</sup> See our Local Green Space Study which can be seen in Appendix 2.

Map 5: Local Green Spaces



**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 Viewer<sup>36</sup> and Natural England's habitats data<sup>37</sup>, 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

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<sup>36</sup> See <http://map.devon.gov.uk/dccviewer/>

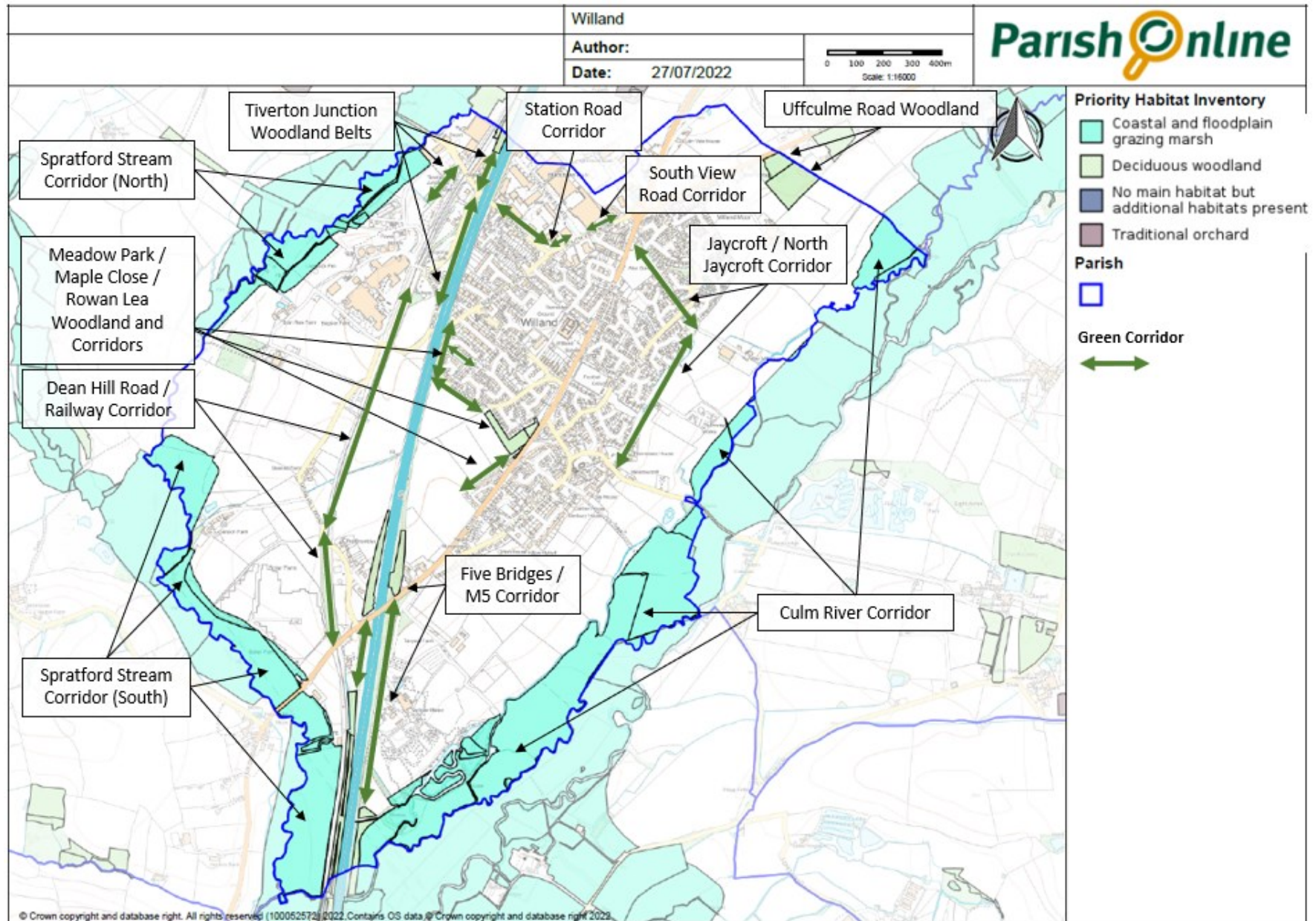
<sup>37</sup> This is documented in our evidence base, but detailed interactive mapping of these areas can be searched and seen here <https://magic.defra.gov.uk/>

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 sequestration<sup>38</sup>), 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.

<sup>38</sup> 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 Council<sup>39</sup>, 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 2021<sup>40</sup> 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 treescap<sup>41</sup>.

#### **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.**

<sup>39</sup> See <https://www.middevon.gov.uk/residents/planning/trees-and-hedgerows/tree-preservation-orders/> for further information on Tree Preservation Orders.

<sup>40</sup> See <https://www.legislation.gov.uk/uksi/2022/48/contents/made>

<sup>41</sup> 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:**

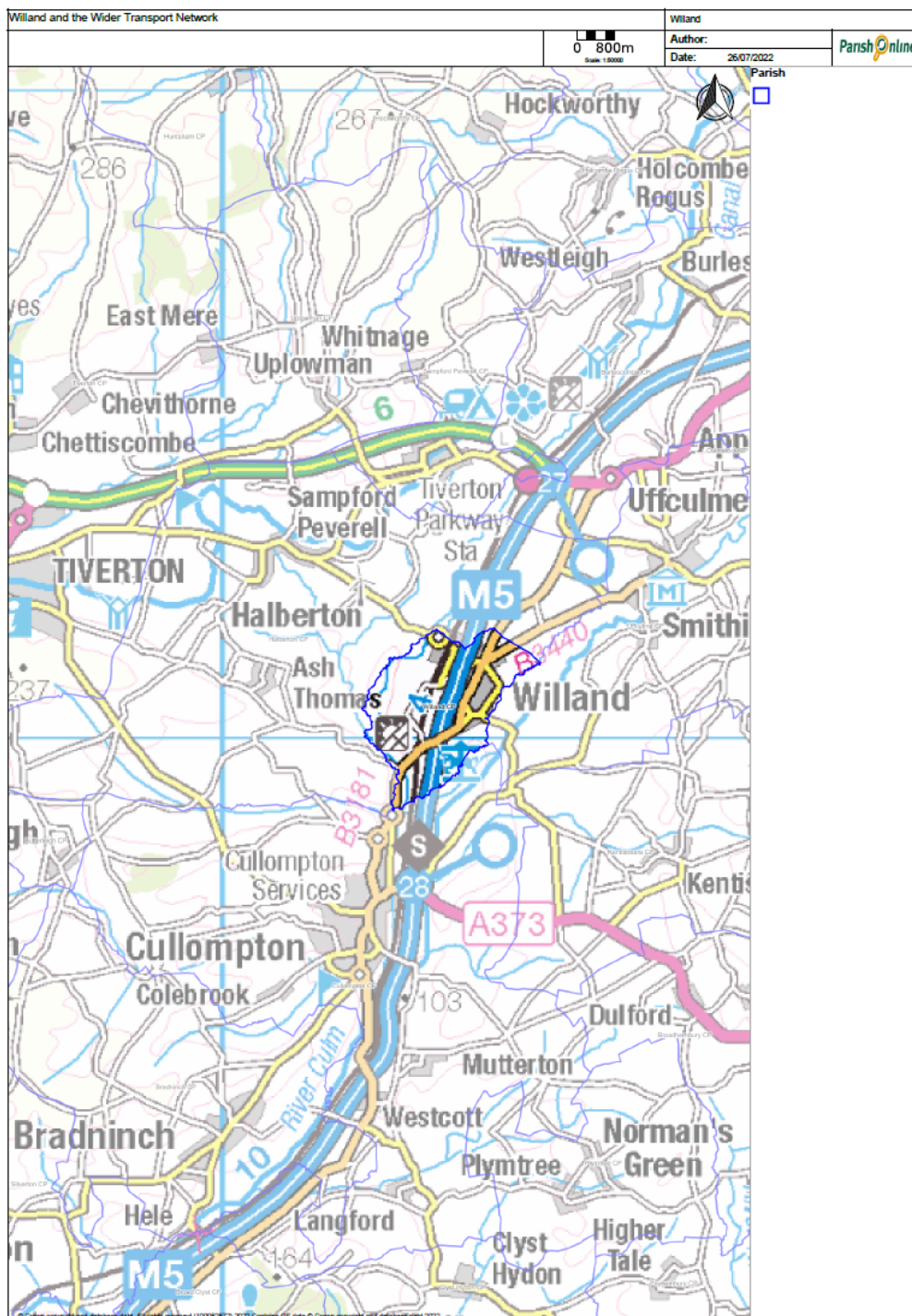
- i) the trees are of a species, size and massing appropriate to the immediate setting;**
- ii) planting and trees in foliage allow adequate access to buildings within their setting through adoption and implementation of an appropriate management and maintenance programme;**
- iii) trees and planting 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 this<sup>42</sup>.

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<sup>42</sup> 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.

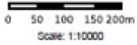
The main transport challenges and opportunities in Willand can be grouped around the following issues:

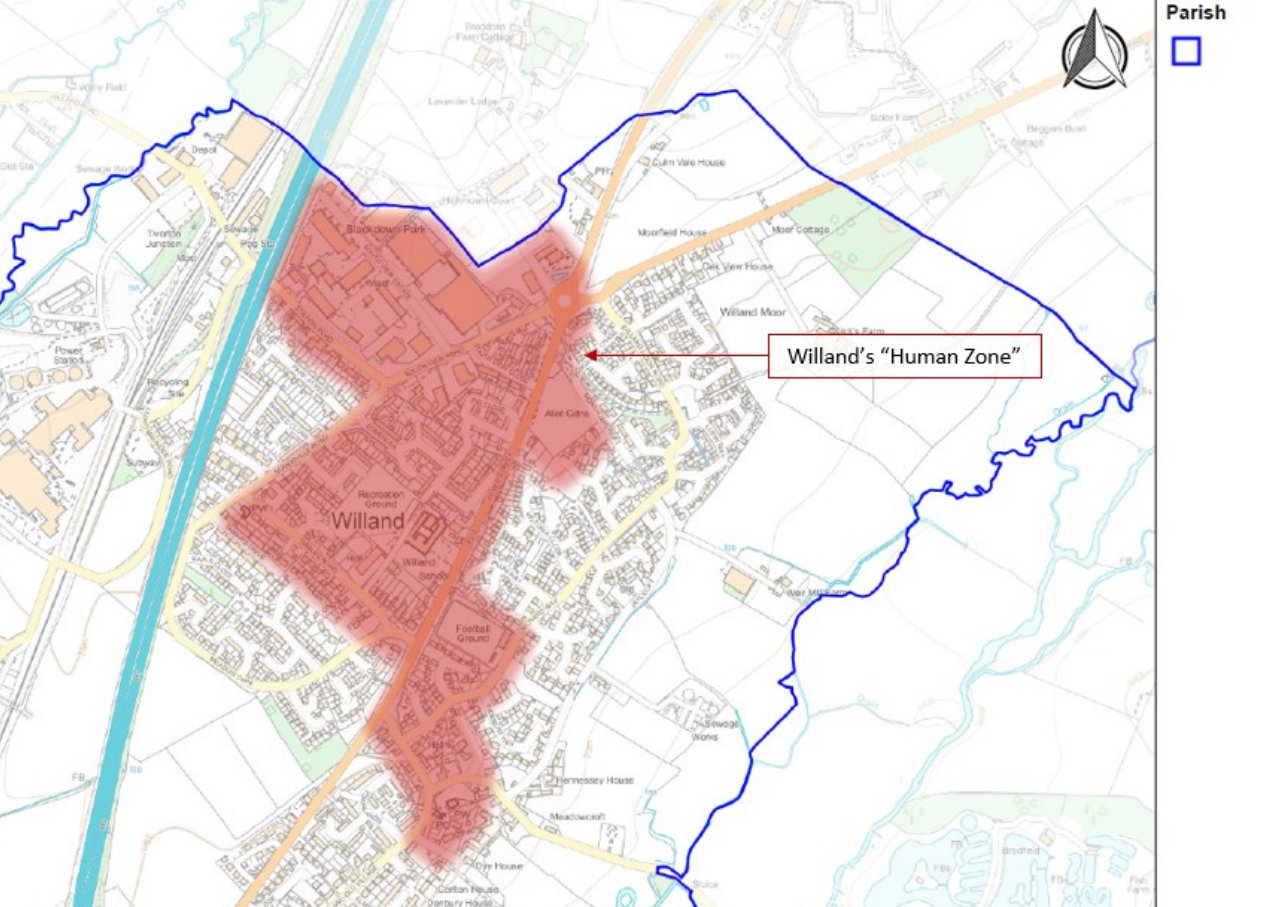
- Improving safe pedestrian and cycle routes;
- Improving pedestrian safety (with a focus on children);
- Increasing the frequency of local trips to be made by foot and bicycle (also called “modeshift”) to benefit health and help reduce the local carbon footprint, congestion at busy times and road safety;
- 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.

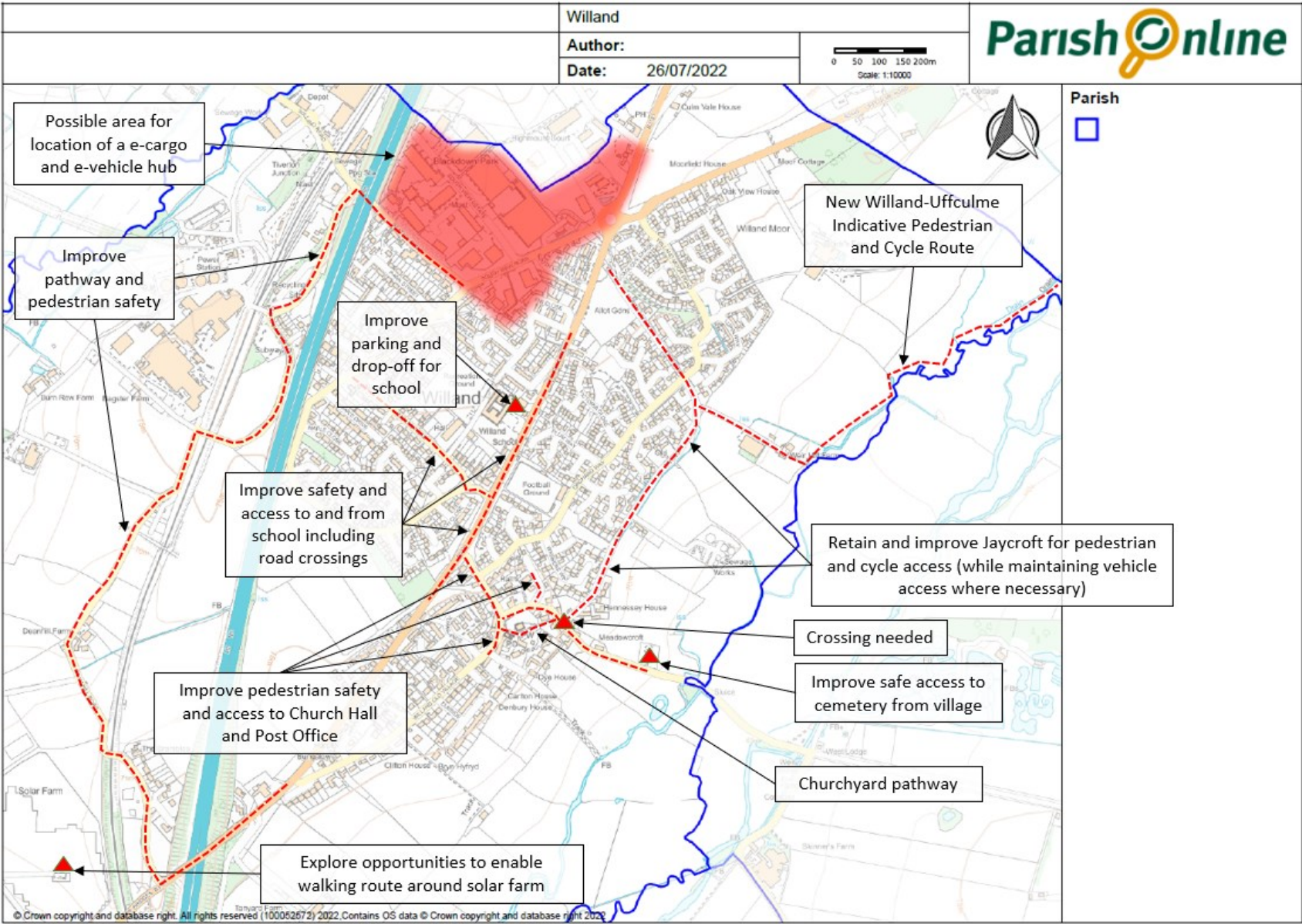
Map 8 below, shows the key transport and accessibility constraints, opportunities and features which will help to enhance Willand’s connectivity and ease of accessibility. Policy TAC1 then provides a positive policy framework to enable such projects and actions to be brought forward in planning terms, where opportunity arises to do so through the planning system.

<p><b>Willand</b></p> <p><b>Author:</b></p> <p><b>Date:</b> 26/07/2022</p>		<p><b>ParishOnline</b></p> <p><b>Parish</b></p> <p><span style="border: 1px solid blue; display: inline-block; width: 15px; height: 15px; vertical-align: middle;"></span></p>
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Willand's "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 village<sup>43</sup> 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.

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<sup>43</sup> 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 goods<sup>44</sup> 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.**

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<sup>44</sup> 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.

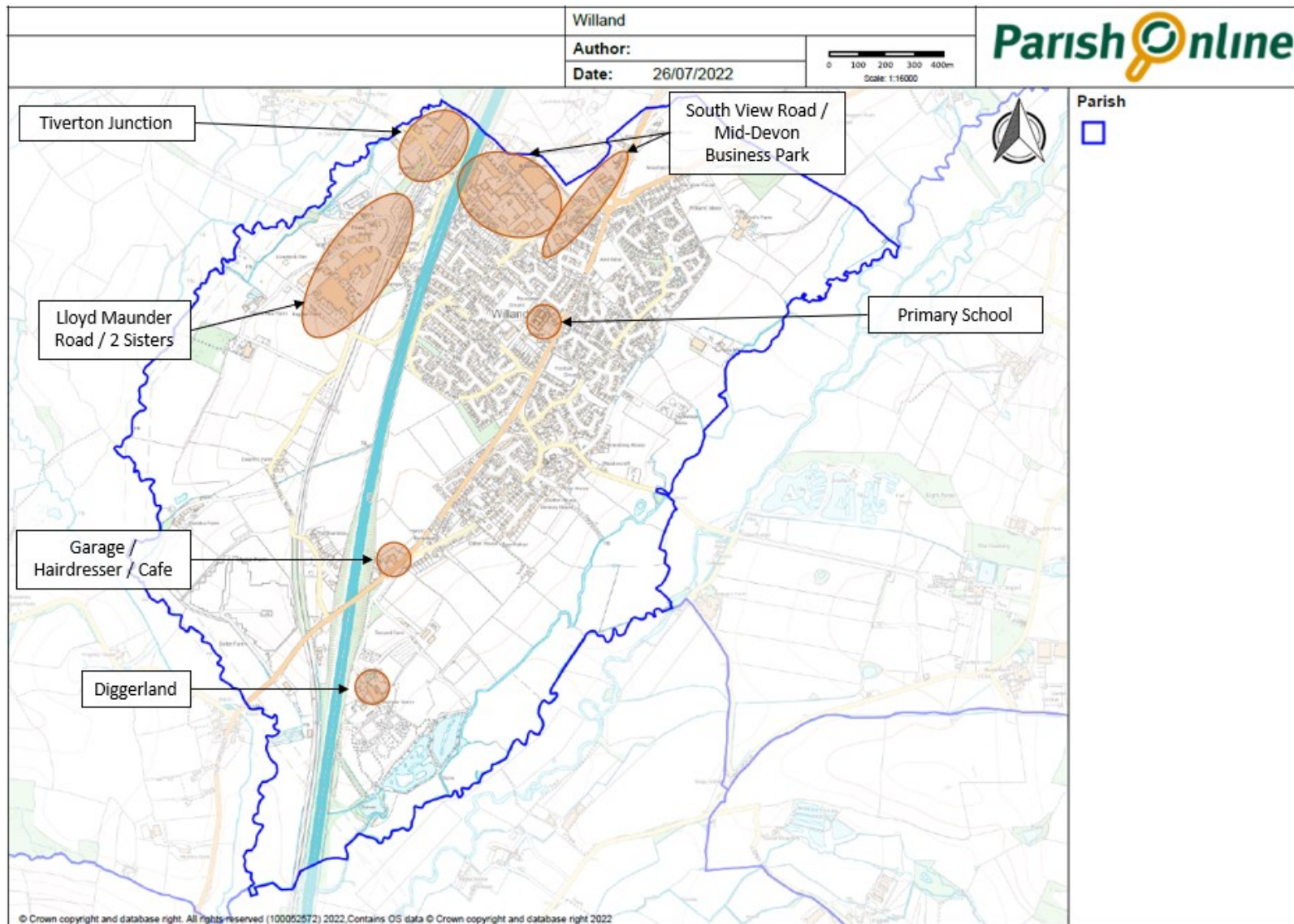
The policy in this section is:

- 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 assets<sup>45</sup> in the Parish which contribute to the character of the built environment. These vary in their protective designations and include listed buildings<sup>46</sup>, assets protected in the village's Conservation Area<sup>47</sup> and assets identified on the Mid-Devon District Council "local list" of heritage assets<sup>48</sup>. 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 Record<sup>49</sup> 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 area<sup>50</sup>.

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

<sup>45</sup> 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>

<sup>46</sup> Listed buildings have legal protection. Further details can be seen here - <https://historicengland.org.uk/listing/what-is-designation/listed-buildings/>

<sup>47</sup> See <https://www.middevon.gov.uk/residents/planning/conservation/conservation-areas/>

<sup>48</sup> See <https://www.middevon.gov.uk/residents/planning/conservation/local-heritage-assets-register/>

<sup>49</sup> See <https://www.devon.gov.uk/historicenvironment/the-devon-historic-environment-record/> for further details

<sup>50</sup> Application reference 18/00175/MOUT

and other windfall<sup>51</sup> 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 site<sup>52</sup>.

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 register<sup>53</sup> 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 dwellings<sup>54</sup>.

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.

<sup>51</sup> A windfall site is a site not specifically allocated for development, but which unexpectedly becomes available for development during the lifetime of a Plan.

<sup>52</sup> Application reference 17/01179/MFUL

<sup>53</sup> Devon Home Choice – see

<https://www.devonhomechoice.com/sites/default/files/DevonEditor2/devonhomechoicepolicyv6effectivefrom1jan2017.pdf>

<sup>54</sup> 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

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## Policy S13

### Villages

The following rural settlements will be designated as villages suitable for limited development: Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Copplestone, 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

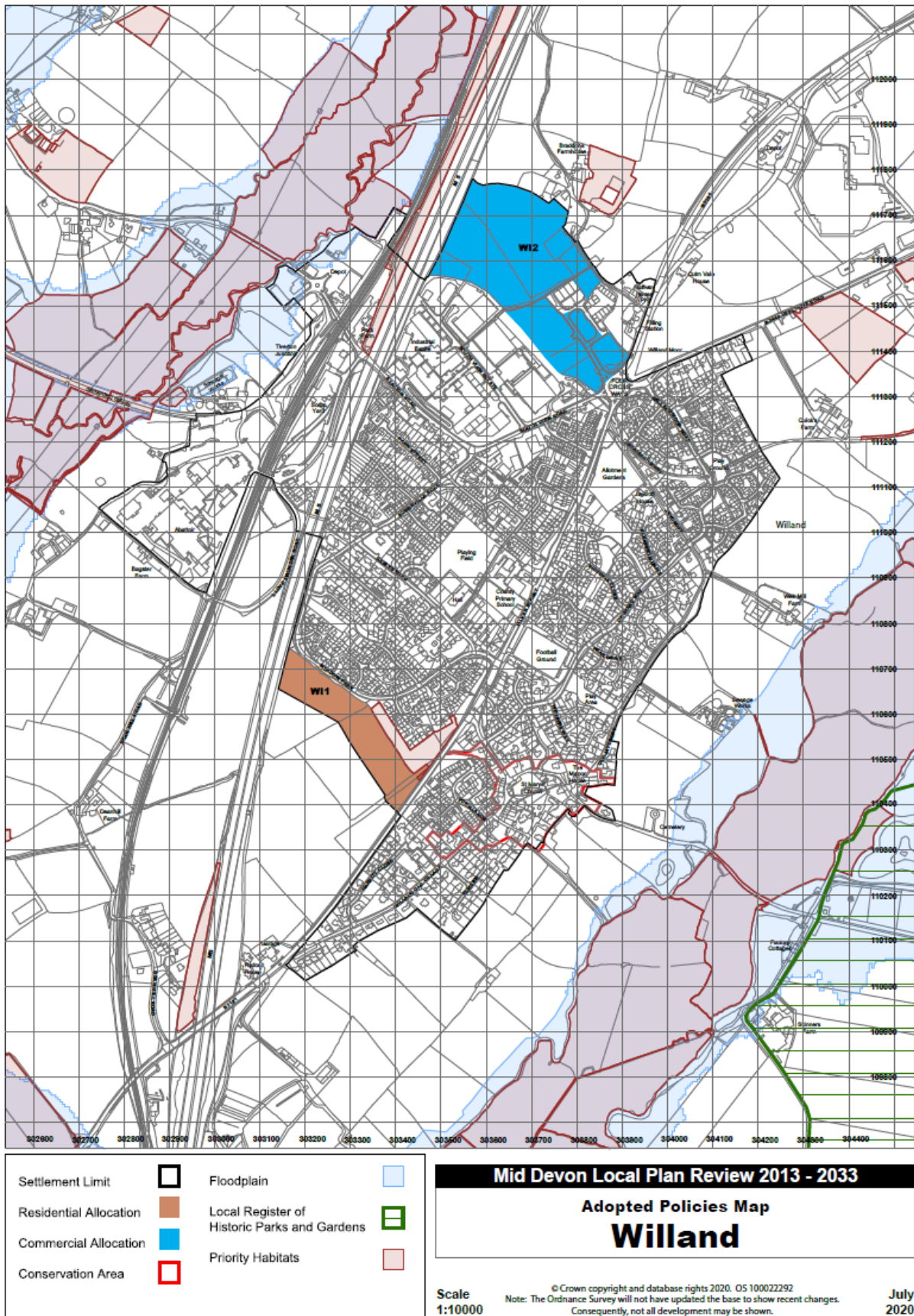
Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or **priority habitats** defined under the UK and Devon Biodiversity 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

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- 
- 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.



## Appendix 2 – Local Green Spaces

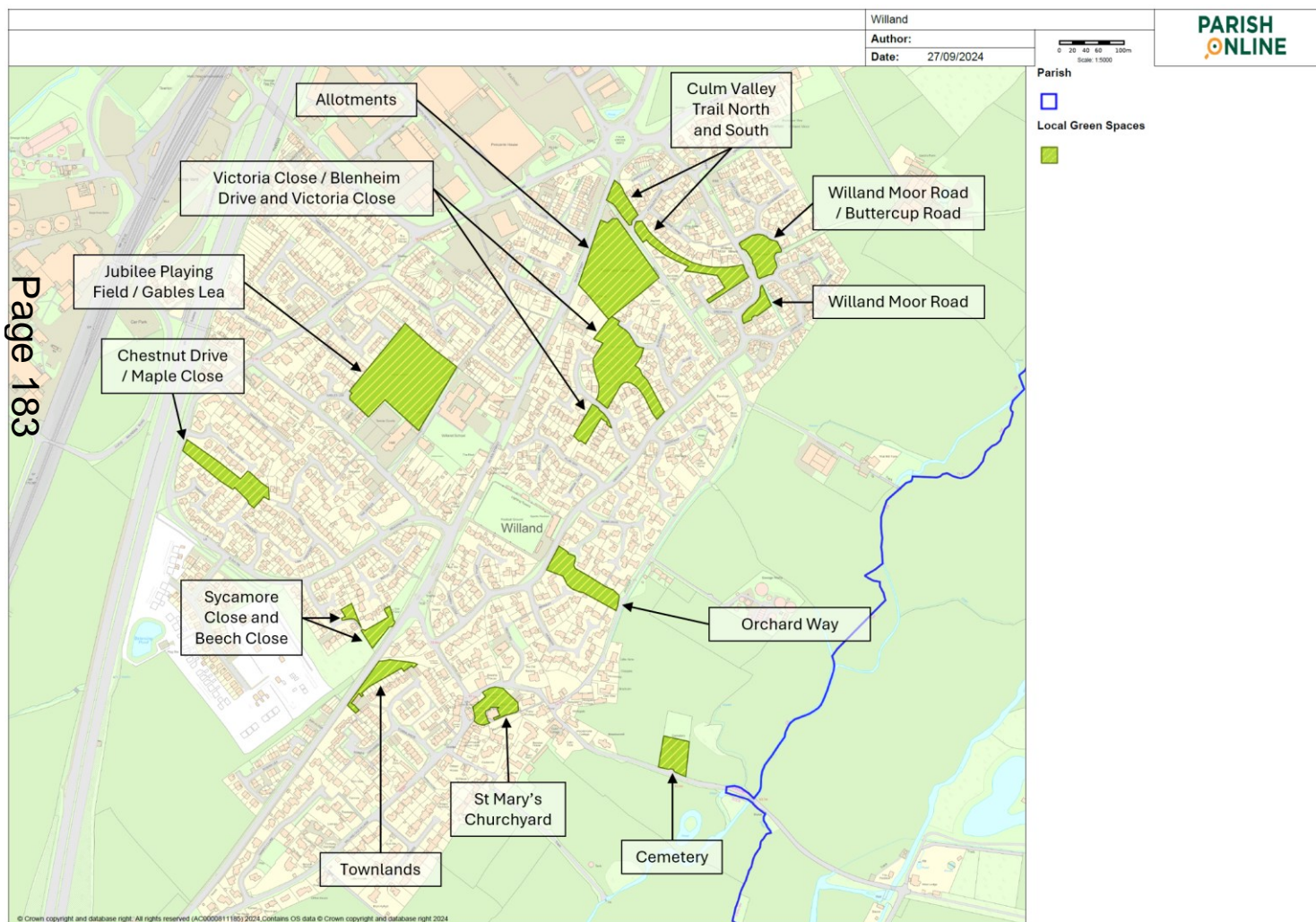
## Preface, to note

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 7<sup>th</sup> 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 7<sup>th</sup> November 2022.

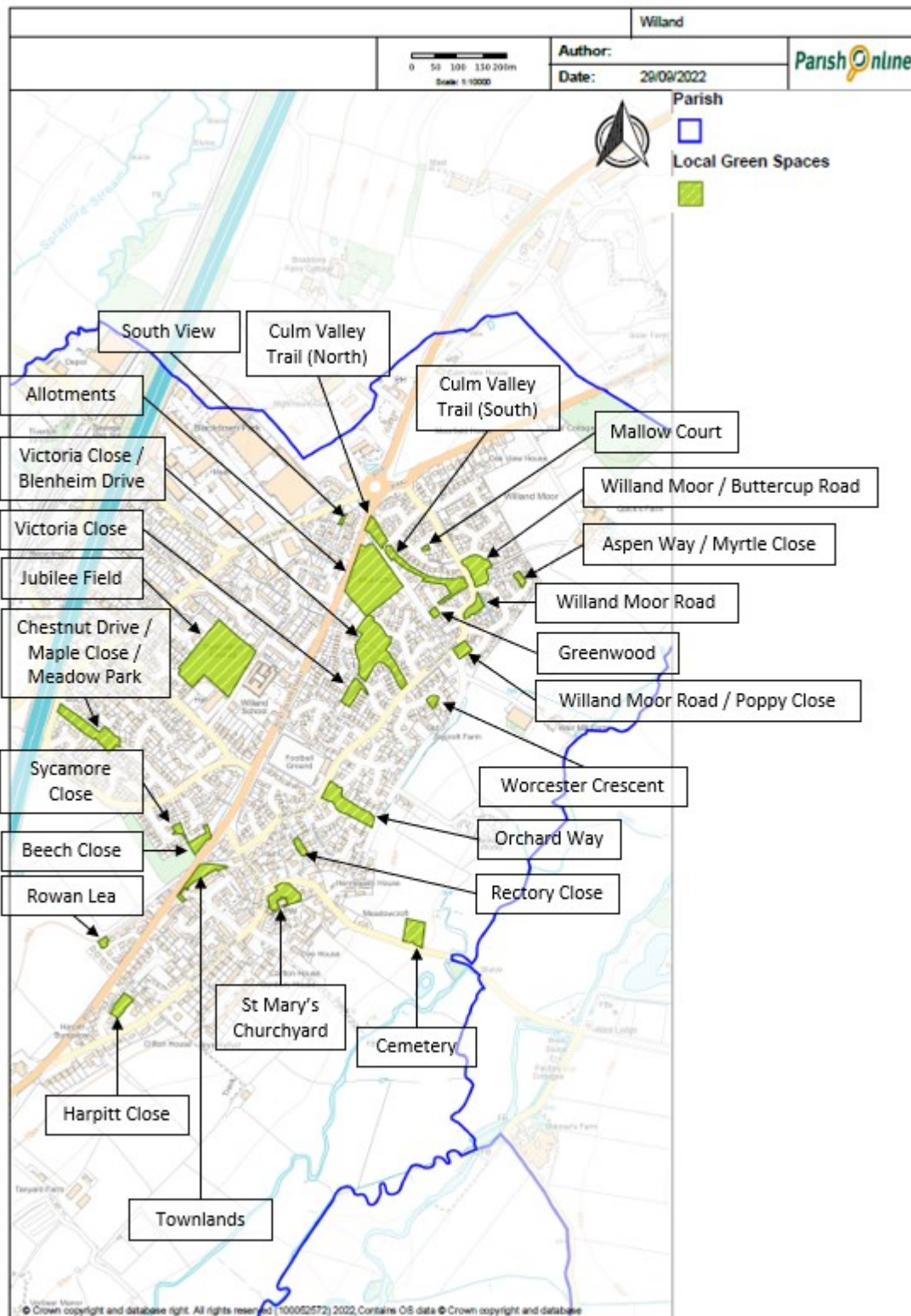
Site	Area*	Close to community it serves	Demonstrably special / reasoning	Extant planning permissions	Current planning applications	Landowner contacted
Aspen Way / Myrtle Close	0.1 ha	Yes	Small gated green area providing an amenity for residents and a break between the two lines of housing	None.		Yes
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
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.















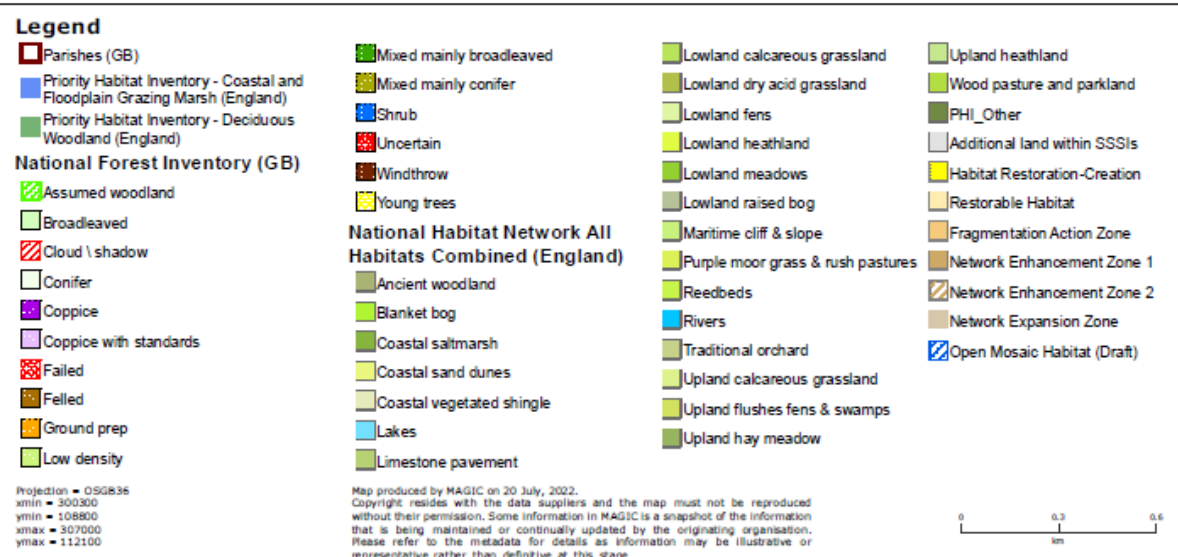
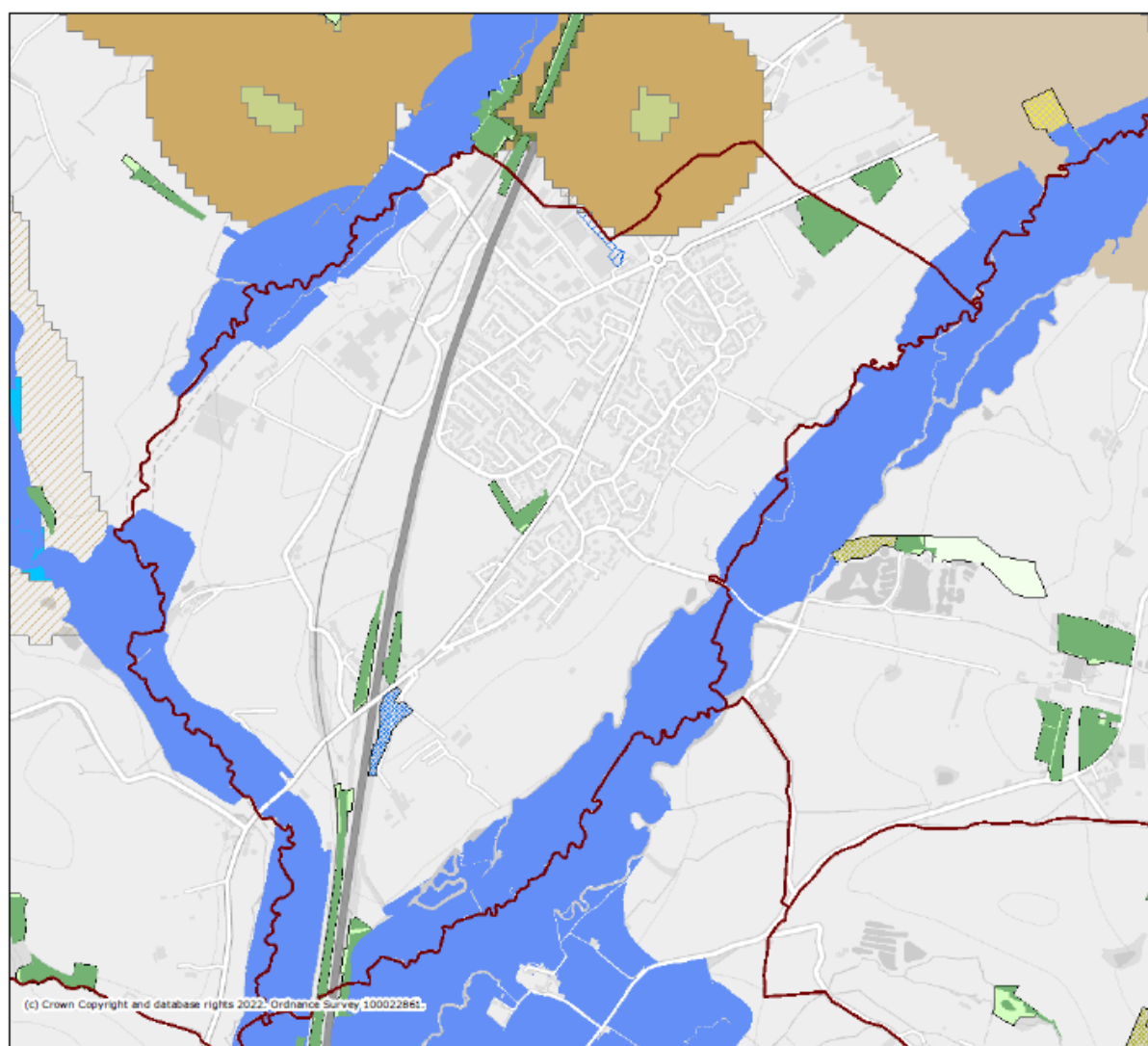






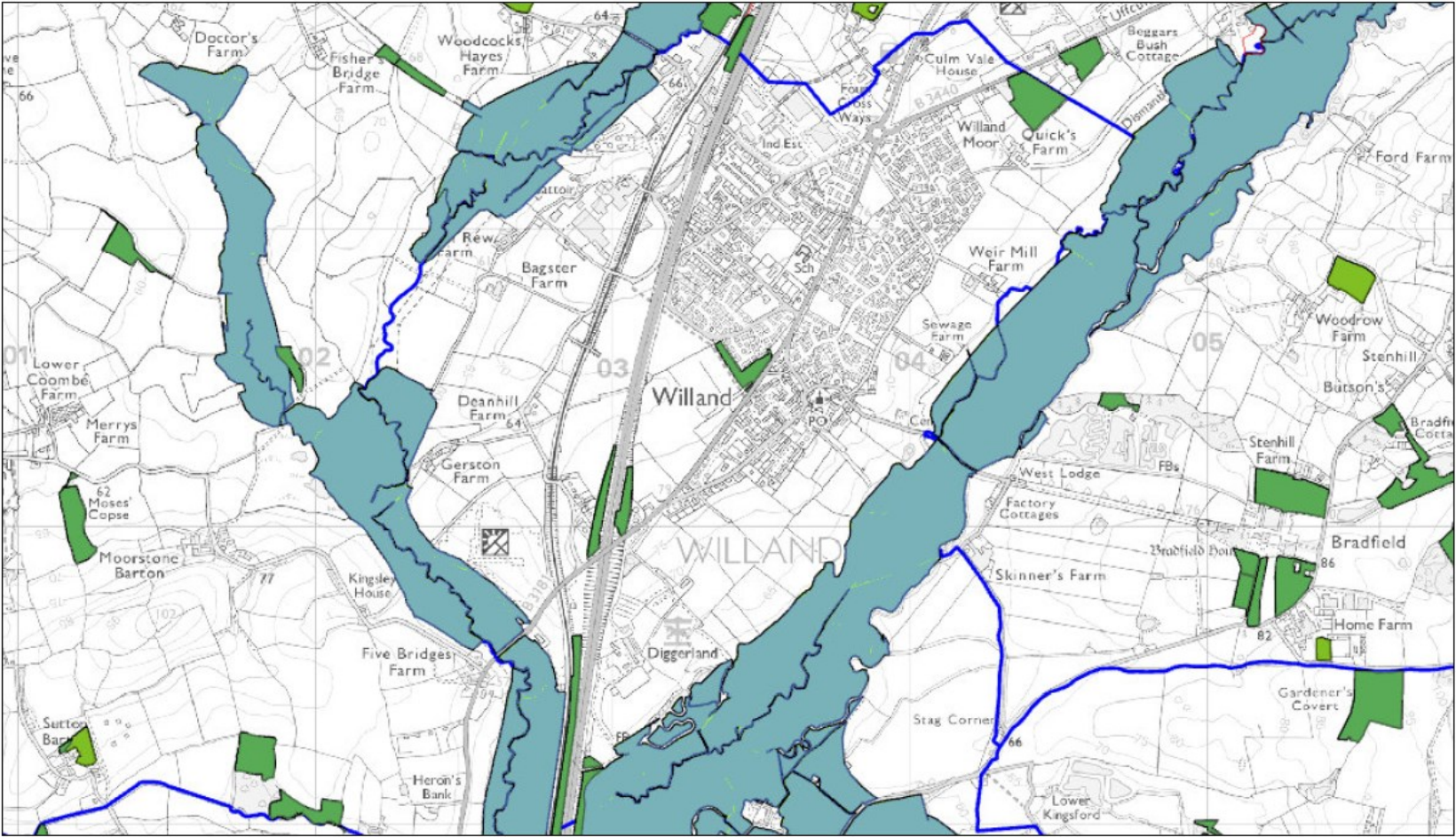


## Appendix 3 – Green Infrastructure Evidence Base Maps









Source: Natural England M<AGiC Online Mapping

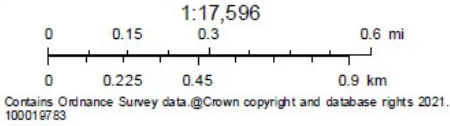
Devon County Council - Environment Data



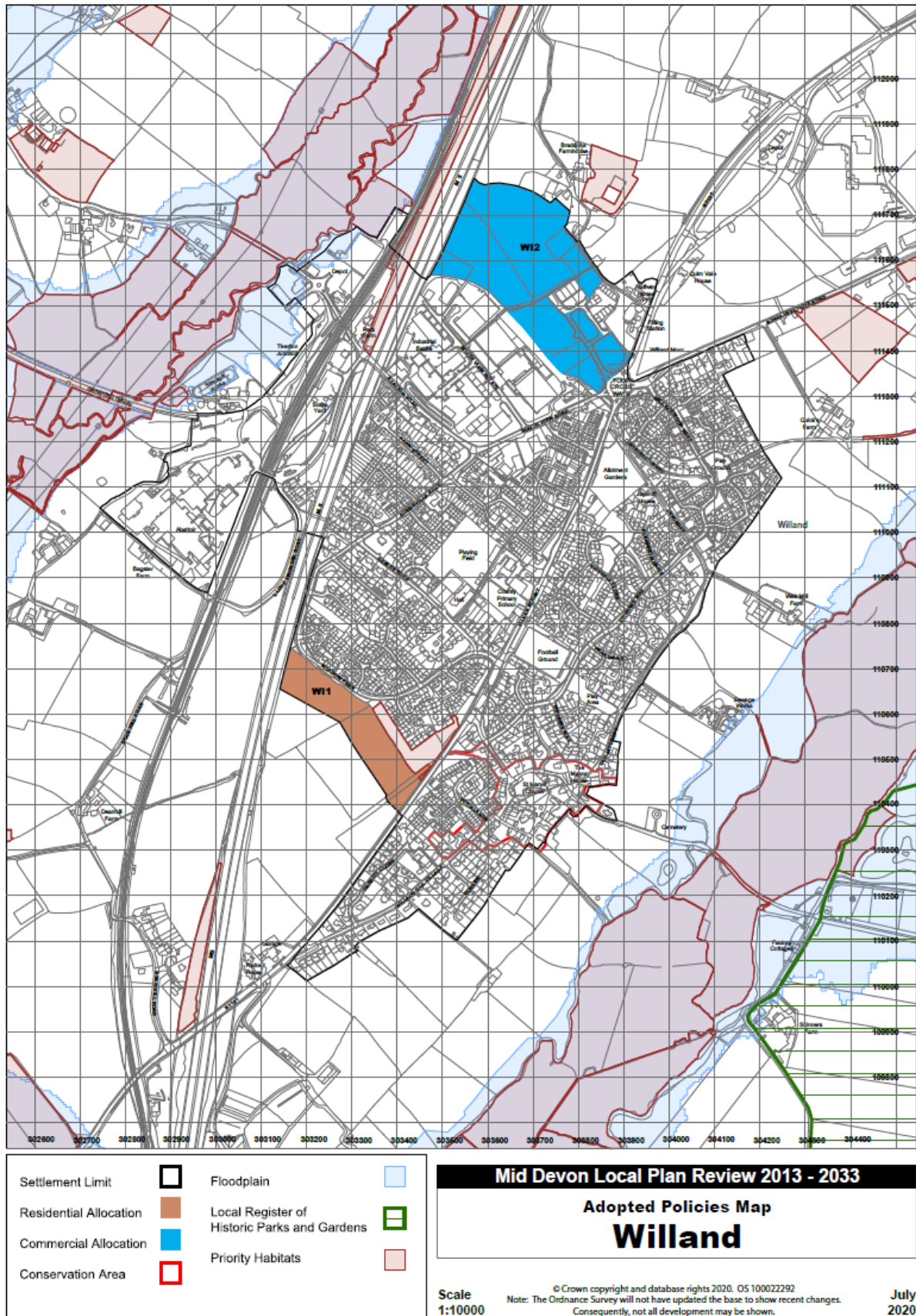
19/07/2022, 14:44:02

Priority Habitat Inventory - Priority Habitats Inventory (South) (England) © Natural England

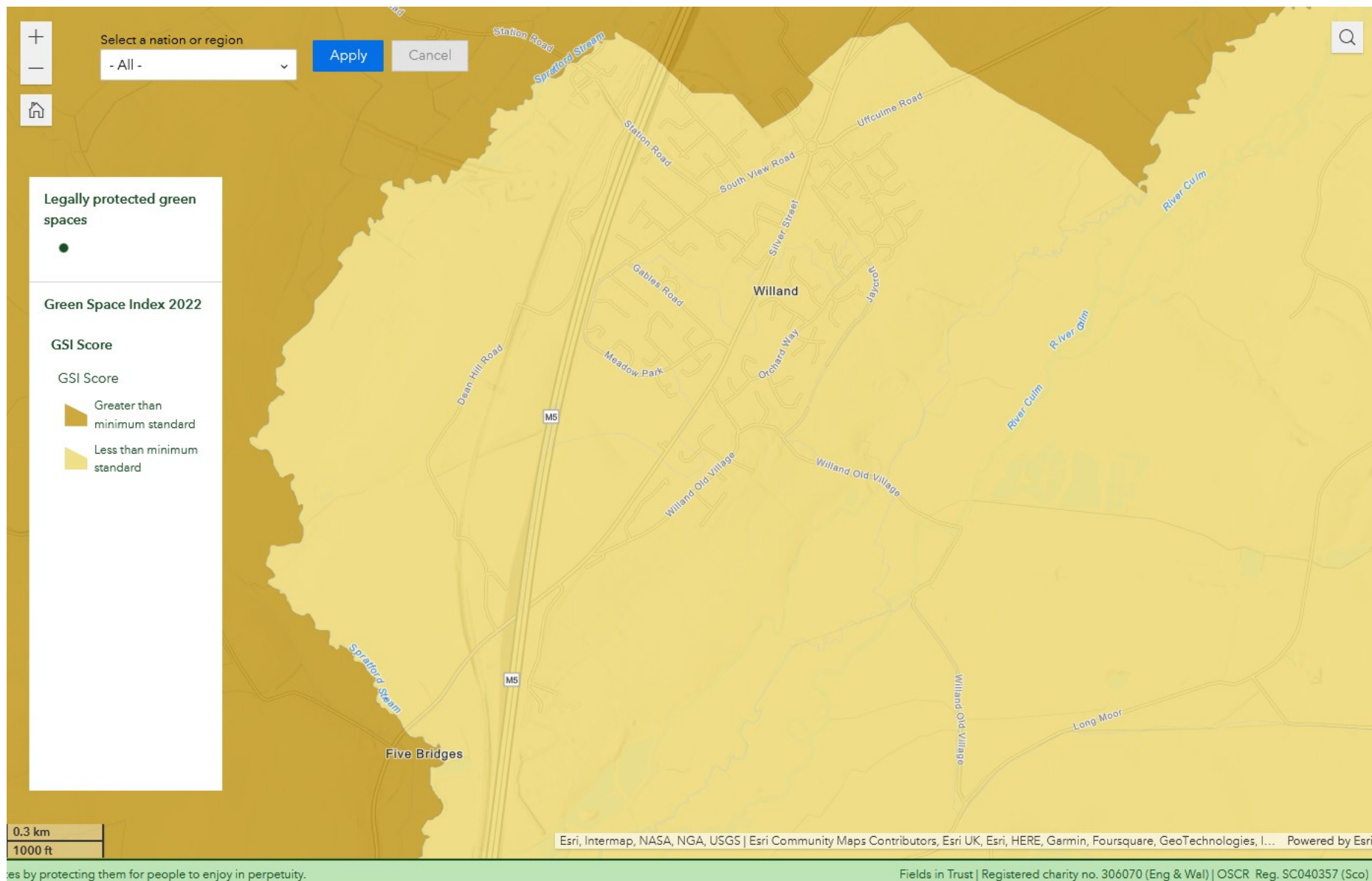
 Coastal and floodplain grazing marsh	 Traditional orchard
 Deciduous woodland	 Cropland
 No main habitat but additional habitats present	 Grassland



Devon county Council  
Some of the data comes from non-Devon County Council sources and is provided under restricted licence, please check each dataset for the appropriate terms & conditions of use. Action may be pursued against those who breach these restrictions.



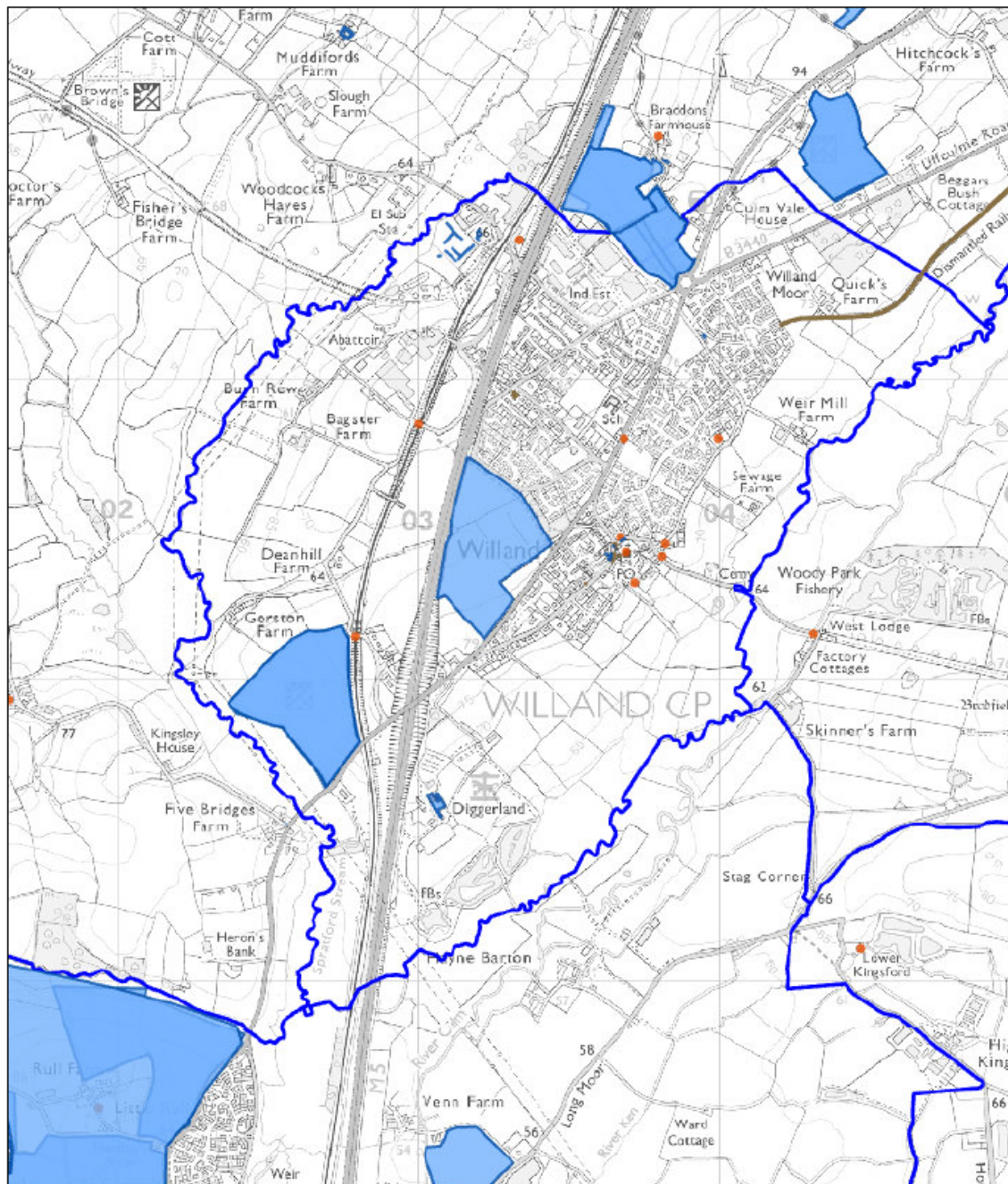
Source: Mid-Devon Adopted Local Plan



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

1:17,596  
0 0.15 0.3 0.6 mi  
0 0.225 0.45 0.9 km

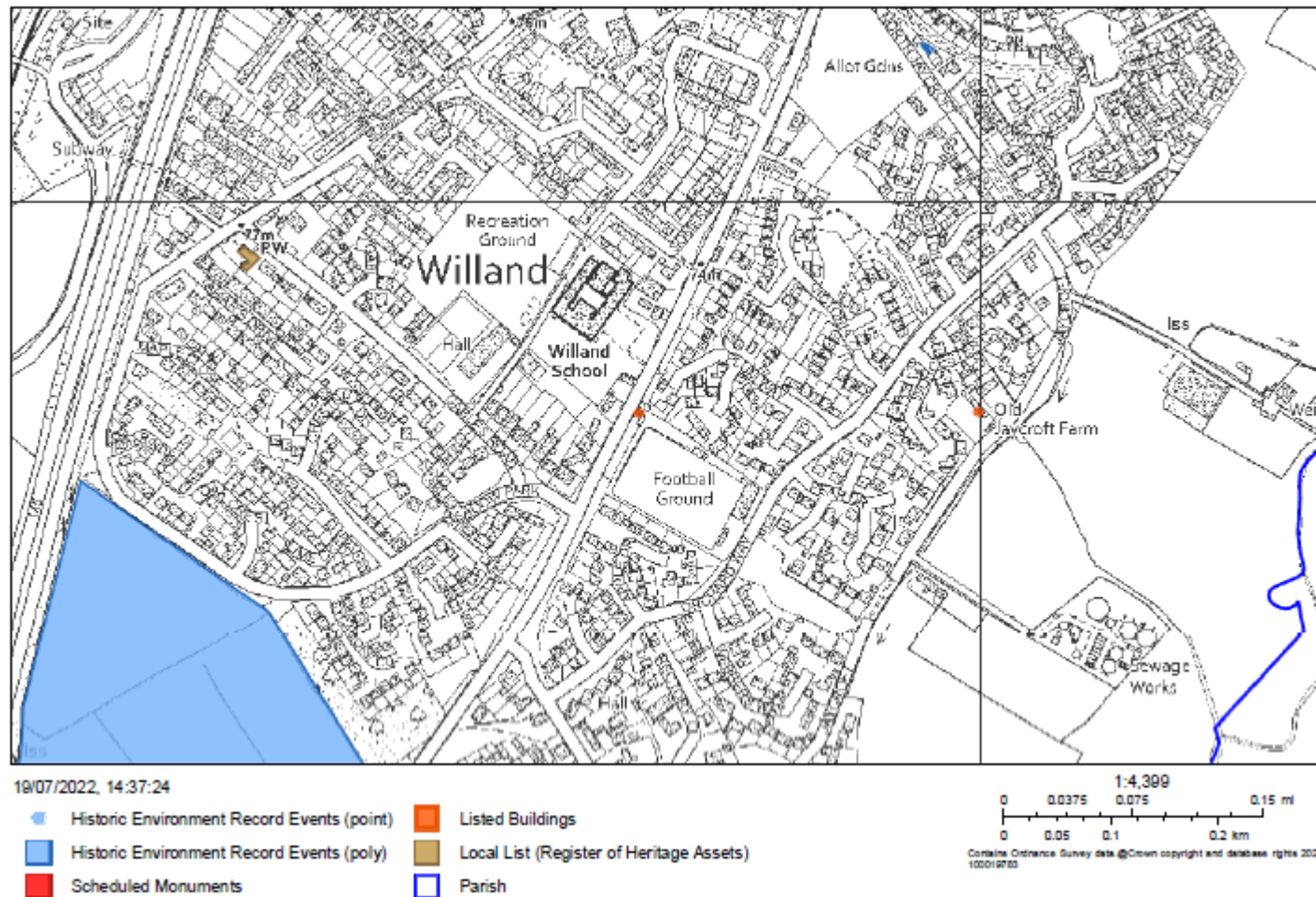
Contains Ordnance Survey data. © Crown copyright and database rights 2021. 100019783

Devon County Council sources and is provided under restricted licence, please check each dataset for the appropriate terms & conditions of use. Action may be pursued against those who breach these restrictions.

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

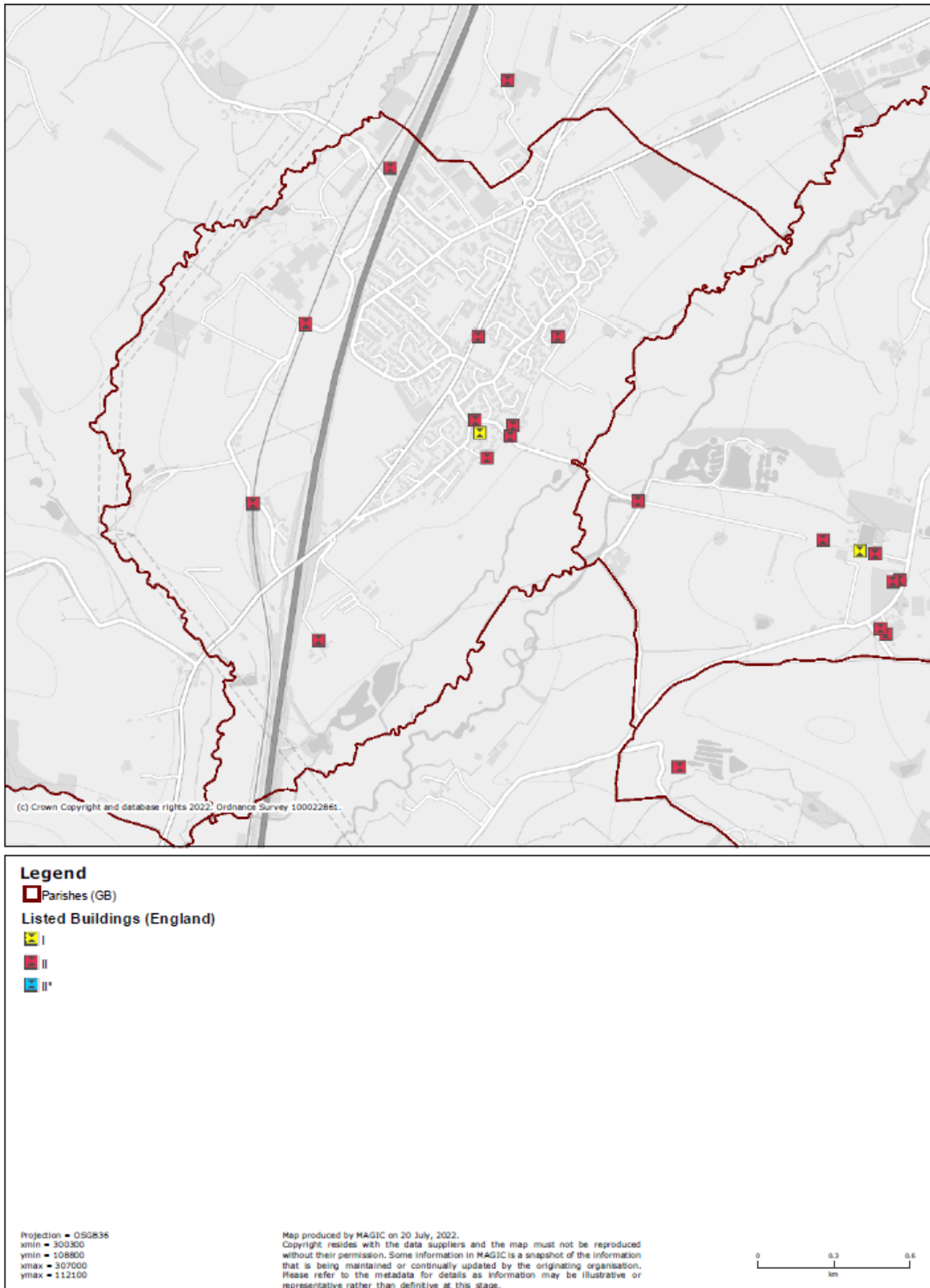


Devon county Council  
Some of the data comes from non-Devon County Council sources and is provided under restricted licence, please check each dataset for the appropriate terms & conditions of use. Action may be pursued against those who breach these restrictions.

Source: Devon Environment Viewer

Notes: the blue events points and polygons represent archaeological works that have been undertaken in the parish to date.






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   

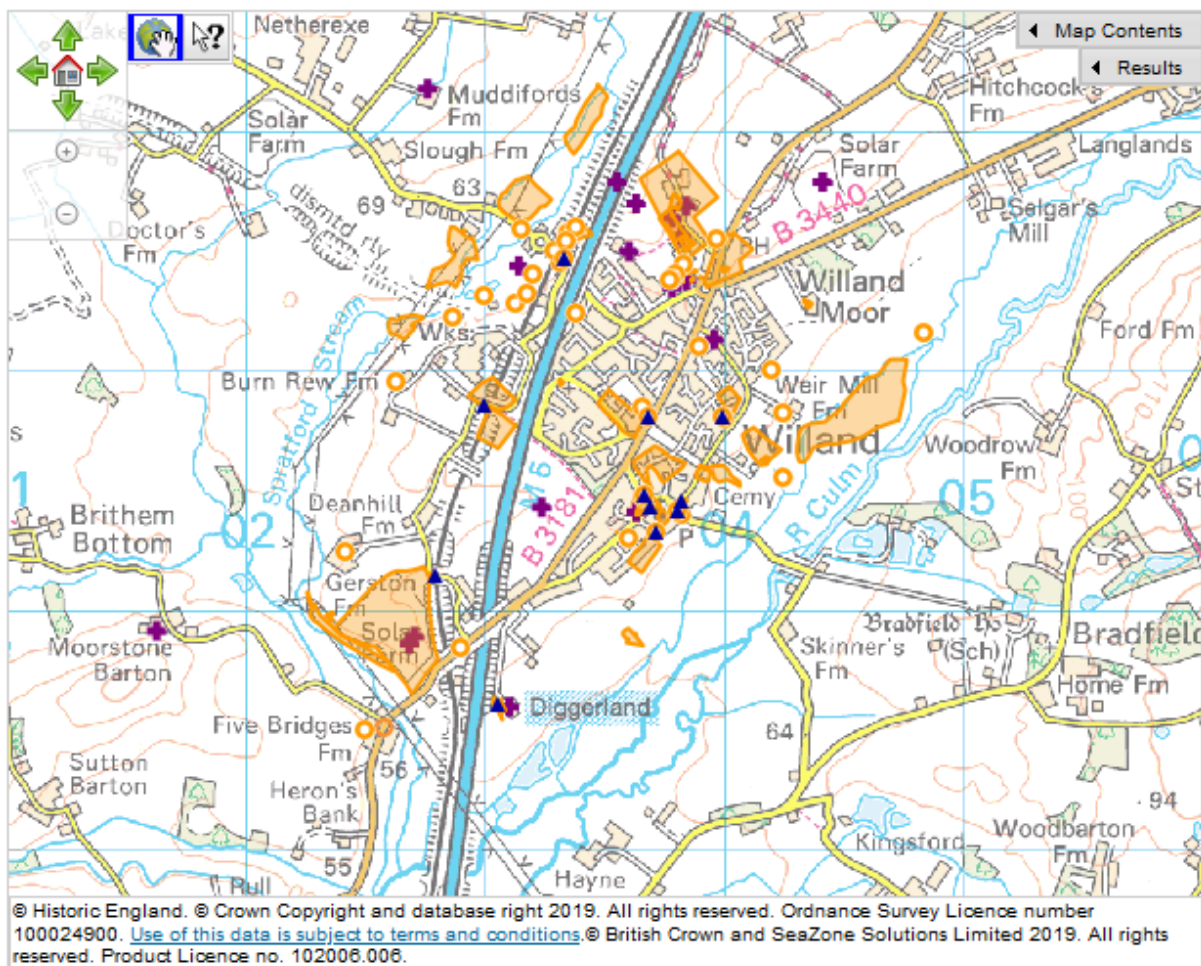
#### Local Records

[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

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Results Page: **1**

Next >>

Title	Type	Location	Grade
<a href="#">BRIDGE AT 030108</a>	Listing	BRIDGE AT 030108, Willand, Mid Devon, Devon	II
<a href="#">THATCH COTTAGE AND LITTLE CROFT</a>	Listing	THATCH COTTAGE AND LITTLE CROFT, SILVER STREET, Willand, Mid Devon, Devon	II
<a href="#">BEAUFOY HOUSE</a>	Listing	BEAUFOY HOUSE, WILLAND, Willand, Mid Devon, Devon	II
<a href="#">VERBEER MANOR HOUSE</a>	Listing	VERBEER MANOR HOUSE, Willand, Mid Devon, Devon	II
<a href="#">Redgate</a>	Listing	Redgate, Willand, Willand, Mid Devon, Devon	II
<a href="#">JAYCROFT</a>	Listing	JAYCROFT, Willand, Mid Devon, Devon	II
<a href="#">PARISH CHURCH OF ST MARY THE VIRGIN</a>	Listing	PARISH CHURCH OF ST MARY THE VIRGIN, WILLAND, Willand, Mid Devon, Devon	I
<a href="#">DYE HOUSE</a>	Listing	DYE HOUSE, WILLAND, Willand, Mid Devon, Devon	II
<a href="#">BRIDGE AT ST027101</a>	Listing	BRIDGE AT ST027101, Willand, Mid Devon, Devon	II
<a href="#">PARK FARMHOUSE</a>	Listing	PARK FARMHOUSE, Willand, Mid Devon, Devon	II
<a href="#">WOODSMOKE COTTAGE</a>	Listing	WOODSMOKE COTTAGE, WILLAND, Willand, Mid Devon, Devon	II

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Next >>



## 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

<< Previous

Results Page: **1**

Next >>

### [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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Next >>

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.

Viewing results 1 to 4 of 4

<< Previous

Results Page: **1**

Next >>

Title	Location	Description
<a href="#">Tiverton Junction Station</a>	Devon	Originally known as Tiverton Road Station. Railway station on the Bristol and Exeter main line, open...
<a href="#">Monument Number 1046039</a>	Devon	Three or more possible small curvilinear enclosures, of uncertain date, seen as cropmarks.
<a href="#">Church Of St Mary The Virgin</a>	Devon	Parish Church. 15th century, with 16th century north aisle and some window tracery renewed in the 19...
<a href="#">Jays Croft</a>	Devon	Post medieval house.

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Next >>

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](#)

[Next >>](#)

[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.

Viewing results 1 to 15 of 92

<< Previous

Results Page: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#)

[Next >>](#)

Name	Location
<a href="#">Willand War Memorial</a>	Willand
<a href="#">St. Mary's Churchyard, Willand</a>	Willand
<a href="#">Summers' Mill Farm</a>	Willand
<a href="#">Possible Water Meadow Gutters or Drains to the south of Gerston Farm</a>	Willand
<a href="#">Archaeological Features, Land at Stoneshill Farm, Cullompton</a>	Willand
<a href="#">Stone Walls and Railings along Willand Old Village</a>	Willand
<a href="#">Traditional Directional Sign in Village Centre, Willand</a>	Willand
<a href="#">Cobbles fronting Verbeer Cottages, Willand</a>	Willand
<a href="#">Methodist Chapel, Gables Road, Willand</a>	Willand
<a href="#">Mounting Block Steps attached to The Elms, Willand Old Village</a>	Willand
<a href="#">Orchard Banks to the southeast of Bagster Farm</a>	Willand
<a href="#">Orchard Banks at Willand</a>	Willand
<a href="#">Orchard Banks off Old Jaycroft Road, Willand</a>	Willand
<a href="#">Orchard Banks at Willand</a>	Willand
<a href="#">Orchard Banks at Willand</a>	Willand

Name	Location
<a href="#">Orchard Banks at Willand</a>	Willand
<a href="#">Water Meadow off Old Jaycroft Road</a>	Willand
<a href="#">Orchard Banks to the southwest of Weir Mill Farm</a>	Willand
<a href="#">Orchard Banks to the west of Weir Mill Farm</a>	Willand
<a href="#">Possible Water Meadow to the east of Weir Mill Farm</a>	Uffculme; Willand
<a href="#">Improvement Ridge and Furrow to the northwest of Bagster Farm</a>	Willand
<a href="#">Possible Water Meadow to the southeast of Woodcoxbayes Farm</a>	Halberton
<a href="#">Orchard Banks at Tiverton Junction</a>	Halberton; Willand
<a href="#">Orchard Banks to the north of Four Cross Ways</a>	Halberton
<a href="#">Possible Water Meadow to the north of Spratford Bridge</a>	Halberton
<a href="#">Possible Water Meadow System to the southeast of Yeo Farm</a>	Halberton
<a href="#">Deserted Settlement, Land off Muxbeare Lane, Willand</a>	Halberton; Willand
<a href="#">Quicks Farm, Willand</a>	Willand
<a href="#">Blacklands field name, Willand</a>	Willand
<a href="#">Verbeer Manor Inn</a>	Willand

<b>Name</b>	<b>Location</b>
<a href="#">St Mary's, Willand</a>	Willand
<a href="#">Rood Screen, St Mary's Church</a>	Willand
<a href="#">Enclosure to the south of Willand</a>	Willand
<a href="#">Ford over Spratford Stream near Willand</a>	Halberton; Willand
<a href="#">Weir Mill Farm, Willand</a>	Willand
<a href="#">FARMSTEAD in the Parish of Willand</a>	Willand
<a href="#">FARMHOUSE in the Parish of Willand</a>	Willand
<a href="#">FARMSTEAD in the Parish of Willand</a>	Willand
<a href="#">SETTLEMENT in the Parish of Willand</a>	Willand
<a href="#">FARMHOUSE in the Parish of Willand</a>	Willand
<a href="#">Dye House, Willand</a>	Willand
<a href="#">Signal Post, Tiverton Branch Railway</a>	Willand
<a href="#">Signal Post, Tiverton Junction</a>	Willand
<a href="#">SIGNAL POST in the Parish of Willand</a>	Willand
<a href="#">SIGNAL POST in the Parish of Willand</a>	Willand
<b>Name</b>	<b>Location</b>
<a href="#">SIGNAL POST in the Parish of Willand</a>	Willand
<a href="#">MILEPOST in the Parish of Willand</a>	Willand
<a href="#">CLAY PIT in the Parish of Willand</a>	Willand
<a href="#">GRAVEL PIT in the Parish of Willand</a>	Willand
<a href="#">Bridge over Railway on Dean Hill Road</a>	Willand
<a href="#">Bridge over the railway at Willand</a>	Willand
<a href="#">COTTAGE NON SPECIFIC in the Parish of Willand</a>	Willand
<a href="#">Redgate, Willand</a>	Willand
<a href="#">HOUSE in the Parish of Willand</a>	Willand
<a href="#">COTTAGE NON SPECIFIC in the Parish of Willand</a>	Willand
<a href="#">FORD in the Parish of Willand</a>	Willand
<a href="#">ROAD in the Parish of Willand</a>	Willand
<a href="#">Linhay, Halberton, Willand</a>	Halberton; Willand
<a href="#">TREE in the Parish of Uffculme, Willand</a>	Uffculme; Willand
<a href="#">TREE in the Parish of Uffculme, Willand</a>	Uffculme; Willand
<b>Name</b>	<b>Location</b>
<a href="#">Tiverton Junction Station</a>	Willand
<a href="#">Circular Soilmarks at Gerston Farm, Willand</a>	Willand
<a href="#">LODGE in the Parish of Willand</a>	Willand
<a href="#">ROAD in the Parish of Willand</a>	Willand
<a href="#">Earthwork Platform to the north of Four Cross Ways</a>	Halberton
<a href="#">BLACKSMITHS WORKSHOP in the Parish of Willand</a>	Willand
<a href="#">Archery Ground Southeast of Halfway House</a>	Willand
<a href="#">Halberton/Willand Parish Boundary</a>	Halberton; Willand
<a href="#">CROPMARK in the Parish of Halberton, Willand</a>	Halberton; Willand
<a href="#">Possible Burial Pit, Four Ways Cross, Willand</a>	Willand
<a href="#">Iron Age Ditch, Four Ways Cross, Willand</a>	Willand
<a href="#">Pond, Four Ways Cross, Willand</a>	Halberton
<a href="#">Pond Southeast of the Halfway House</a>	Willand
<a href="#">Milepost on the Culm Valley Railway</a>	Willand
<a href="#">Sluice East of Quick's Farm</a>	Willand

<b>Name</b>	<b>Location</b>
<a href="#">Pump at Weir Mill Farm</a>	Willand
<a href="#">Possible Bronze Age Enclosure Ditch at Four Cross Ways</a>	Willand
<a href="#">Possible Romano-British Pit North-West of Four Cross Ways</a>	Willand
<a href="#">Possible Boundary Ditch to North-West of Four Cross Ways</a>	Halberton; Willand
<a href="#">Narrow Gully North-West of Four Cross Ways</a>	Willand
<a href="#">Pit to North-West of Four Cross Ways</a>	Willand
<a href="#">D-Shaped Enclosure North of Four Cross Ways</a>	Willand
<a href="#">Posthole Alignment North-West of Four Cross Ways</a>	Willand
<a href="#">Pit Alignment North-West of Four Cross Ways</a>	Willand
<a href="#">Possible Boundary Ditch North-West of Four Cross Ways</a>	Willand
<a href="#">WOODSMOKE COTTAGE</a>	Willand
<a href="#">THATCH COTTAGE AND LITTLE CROFT</a>	Willand
<a href="#">BEAUFOY HOUSE</a>	Willand
<a href="#">JAYCROFT</a>	Willand
<a href="#">Willand War Memorial Plaque, St Mary's Church</a>	Willand
<b>Name</b>	<b>Location</b>
<a href="#">DYE HOUSE</a>	Willand
<a href="#">PARK FARMHOUSE</a>	Willand

**Mid-Devon “Local List” of Assets in Willand**

<b>Town/Village</b>	<b>Title/Address</b>	<b>Importance</b>
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

<b>Basic Details</b>	
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.

<b>Further Details</b>	
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: 11<sup>th</sup> November 2024**

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**Report for: Planning, Environment and Sustainability PDG**

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Date of Meeting:	26 <sup>th</sup> November 2024
Subject:	Motion 605
Cabinet Member:	Cllr Natasha Bradshaw, Cabinet Member for Environment and Climate Change
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	N/A
Wards Affected:	All wards
Enclosures:	N/A

**Section 1 – Summary and Recommendation(s)**

This report is set before the PDG to facilitate a discussion between PDG members in relation to Motion 605, previously set before full Council in September 2024, to allow the PDG to recommend a refined Motion back to Full Council for consideration.

**Recommendation(s):**

That Members:

1. Consider and discuss the further development or refinement of Motion 605, and;
2. Agree and recommend for approval any updated wording of the Motion to Full Council.

## Section 2 – Report

### 1.0 Introduction

- 1.1 At Full Council in September 2024, the Council had set before it (for the first time) a Motion (Motion 605). The Motion suggested that:
- a) Mid Devon District Council recognises and notes the huge contribution made by our farmers, growers and the drink industry to the local economy, environment, and rural economies.
  - b) Mid Devon District Council commits to further enhancing our partnerships alongside our arable, livestock and dairy farmers to enhance our beautiful countryside.
  - c) Mid Devon District Council also commits to supporting our local farmers and growers and the food and drink sector by, where possible, ensuring that all food and drinks provided at council organised events is sourced from local suppliers, to always include meat and dairy as well as plant-based produce.
  - d) As part of tackling the environmental priorities for Mid Devon District Council; the Council will consider ways to encourage our residents, where possible, to shop locally, taking full advantage of home-grown, affordable and nutritious produce, including meat, dairy and plant-based options, thus reducing food miles to our tables and boosting the economy.
- 1.2 During debate, consideration was given to;
- a) Concerns over paragraphs b & d in that there was no detail of what the Council would try to achieve and how it would get there. And;
  - b) Whether in paragraph c, the words “organic where possible” could be included within the Motion after the words “local suppliers”.
- 1.3 An amendment was put that the Motion be brought to this PDG (the Planning, Environment and Sustainability Policy Development Group), for review before the Motion was re-presented to Council for consideration. This Motion was subsequently voted on and was carried.
- 1.4 This PDG is therefore now invited to discuss the wording of the Motion and to consider any refinements or developments to it in order to ensure that it meets the expectation and requirements of Councillors. Any updated wording can then be recommended by this PDG back to Full Council.

1.5 To support discussions, it is suggested that members reflect on the following relevant points in relation to the Motion:

- a) That agriculture and food production is a considerable part of the economy of Mid Devon.
- b) That this Council has recently chosen to support various local food and drink producers and suppliers through the Shared Prosperity and Rural England Fund programmes and that investment has also been directed to other initiatives – such as around Regenerative Agriculture.
- c) That the Council does regularly seek to engage local businesses, both large and small, through the regular work of the Economic Development team.
- d) That the number of Council run events involving food and drink provision is very low and that, when it does host events, it does typically seek to utilise local suppliers.
- e) That Economic Development initiatives continue to be focused on supporting our residents to 'shop locally'. And;
- f) That Mid Devon's Biodiversity Duty encourages us to seek opportunities to work with farmers on sustainability initiatives.

### **Financial Implications**

Financial implications associated with this report and the Motion are very limited given the level of potential spend involved. The Council will need to abide by any procurement requirements in future procurement of any suppliers.

### **Legal Implications**

There are not considered to be any significant legal implications arising from this report.

### **Risk Assessment**

There are no major risks associated with this report.

### **Impact on Climate Change**

The Motion has the potential to create small positive impacts upon climate change in terms of minimising food miles and enhancing requirements about produce from sustainable/organic sources.

### **Equalities Impact Assessment**

No negative equalities impacts are expected.

### **Relationship to Corporate Plan**

The work of this PDG will supports a wide range of corporate objectives and the corporate plan as a whole.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 13<sup>th</sup> November 2024

**Statutory Officer:** Maria DeLeiburne

Agreed on behalf of the Monitoring Officer

**Date:** 13<sup>th</sup> November 2024

**Chief Officer:** Stephen Walford

Agreed by Chief Executive

**Date:** 13<sup>th</sup> November 2024

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 14 November 2024

**Cabinet member notified:** yes

### **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Marsh, Director of Place and Economy

Email: rmarsh@middevon.gov.uk

Telephone:

**Background papers:**

<b>Report for:</b>	<b>Planning, Environment and Sustainability Policy Development Group (PDG)</b>
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Date of Meeting:	26 <sup>th</sup> November 2024
<b>Subject:</b>	<b>S106 Governance</b>
Cabinet Member:	Cllr Steven Keable, Cabinet Member for Planning & Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place & Economy
Exempt:	There are no exemptions within the document(s)
Wards Affected:	Districtwide
Enclosures:	Proposed S106 Governance Framework and Terms of Reference (Appendix 1)

## Section 1 – Summary and Recommendation(s)

To advise Members of an update to the existing S106 Governance arrangements. The S106 Governance has been updated as a result of a best practice review to ensure that the Mid Devon's framework and governance arrangements remain the most appropriate and effective approach to S106 management and monitoring.

### Recommendation(s):

That the PDG recommends to the Cabinet that:

1. **The revised S106 Governance arrangements (Appendix 1; Mid Devon District Council S106 Governance Framework) are approved.**

## Section 2 – Report

### 1.0 Background/Introduction

- 1.1 The current S106 Governance arrangements were adopted by Cabinet on 1st October 2020 following the adoption of the Mid Devon Local Plan 2013 – 2033 (the Local Plan) in July 2020. Officers have reviewed these arrangements and looked to refine them to bring them up to date to reflect best practice, experience gained over the last few years and ensure that they are consistent with the latest government regulations. The proposed revised governance arrangements are consistent with the Planning Advisory Service guidance on

Developer Contributions and aim to provide a robust approach to the management of funds secured from Section 106 (S106) Agreements.

- 1.2 In addition to ensuring that appropriate management arrangements are in place, the governance arrangements also recognises the requirement on local authorities, since December 2020, to submit Infrastructure Funding Statements (IFS) annually. The Infrastructure Funding Statement sets out how much money has been collected through developer contributions, as well as where it has and will be spent. The Framework document in Appendix 1 explains more about this requirement.

## **2.0 The S106 Governance Framework**

- 2.1 The proposed revised S106 Governance Framework (Appendix 1) sets out a recommended approach to the governance of planning obligations. These financial contributions must be used to offset the implications of an individual development.
- 2.2 Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the district and to successfully mitigate the impacts of development. The proposed approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon.
- 2.3 The framework document sets out the process for identifying infrastructure requirements at the planning application/S106 drafting stage. These are often identified as specific projects. There are also instances when a broader definition of obligation is required. The framework therefore also provides a mechanism for determining project spend on schemes which are identified at a later stage by means of an application process.
- 2.4 The framework document describes the administrative processes, clear levels of decision making authority and monitoring arrangements. As part of the proposed governance arrangements the S106 Governance Board, which considers the more significant decisions, have also been reviewed. The terms of reference for the S106 Governance Board is appended to the framework document. These terms of reference set out the purpose and expectations of the Board, along with setting out the decision making and administrative processes. It also sets out information such as composition of the Board and regularity of meetings.

## **Financial Implications**

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.

Most S106 agreements contain obligations on the Council as well as on the developer. The obligations on the Council are usually quite straightforward and will usually be;

- To spend any contributions in accordance with the terms of the S106 agreement
- To repay any contributions to the developer which haven't been spent (or contractually committed to be spent) within a timescale stipulated within the S106 agreement (most commonly this is 10 (ten) years).

The purpose of the framework document is to ensure more efficient spend of S106 contributions and ensure prudent and timely management of their expenditure.

**Legal Implications:** Planning Obligations referred to in this report are secured by means of a legal agreement. The proposed governance arrangements seek to ensure that S106 contributions are managed and monitored effectively and appropriately and in accordance with the legally binding agreements they are associated with.

**Risk Assessment:** The proposed governance arrangements seek to reduce the risks of non-compliance with legislation or an ineffective governance structure by ensuring we have an effective and robust system in place.

**Impact on Climate Change:** Effective governance of S106 contributions will ensure the delivery of projects to help mitigate against Climate Change.

**Equalities Impact Assessment:** This report is with regard to a governance framework of S106 contributions to ensure the delivery of projects (including those involving improved accessibility to infrastructure and facilities). Specific projects will need to consider equality impact implications.

**Relationship to Corporate Plan:** Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the District and to successfully mitigate the impacts of development. This approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon, and will contribute towards the Council's priority themes of Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets.

### **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 15 November 2024

**Statutory Officer:** Maria de Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 14 November 2024

**Chief Officer:** Richard Marsh

Agreed by or on behalf of the Director of Place and Economy

**Date:** 15 November 2024

**Performance and risk:** Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 15 November 2024

**Cabinet member notified:** Yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Elaine Barry, Planning and Obligations Monitoring Officer

Email: S106@middevon.gov.uk

Adrian Welsh, Strategic Manager Growth, Economy & Delivery

Email: awelsh@middevon.gov.uk

#### **Background papers:**

1. Section 106 Governance (existing arrangements) adopted October 2020
2. 2020 Cabinet Report

Link to background documents: [Cabinet Report 1st October 2020](#)

# Mid Devon District Council

## **S106 Governance Framework**

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## **1.0 Background: S106 planning obligations and Community Infrastructure Levy (CIL)**

There are different mechanisms in which a Local Authority can require a developer to contribute towards infrastructure. This is to mitigate the impact of development and make it acceptable in planning terms.

Planning obligations can be sought in accordance with Section 106 of the Town and Country Planning Act 1990. These planning obligations are a legal agreement between the applicant and the local planning authority.

Local Authorities can also secure funding towards infrastructure through a Community Infrastructure Levy (CIL). The CIL is a flat rate and non-negotiable charge which can be levied on new development in their area and it is a mechanism to use to help deliver the infrastructure needed to support development in their area. The CIL can only apply in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website. Mid Devon District Council is not currently a CIL charging authority. The District Council in 2017 submitted documentation to the planning inspectorate, alongside its Local Plan, with the intention of becoming a CIL authority. However when the government subsequently removed pooling restrictions on s106 contributions, the Council at its 6th January 2021 meeting decided to withdraw the CIL draft charging schedule from its examination and CIL was no longer progressed.

## **2.0 Introduction: S106 Governance Framework**

This document will form the framework relating to the governance of planning obligations, also known as developer contributions or section 106 (S106) agreements which can be used to fund new infrastructure, wholly or in part. These financial contributions must be used to offset the implications of an individual development. S106 agreements specify a particular use for the sums received.

Clear governance, prioritisation and effective project management are required to ensure that any existing or future S106 funds, are used most effectively to deliver infrastructure across the district and to successfully mitigate the impacts of development. This approach will assist in securing a high quality environment and sustainable economic growth in Mid Devon. This framework sets out the governance arrangements.

## **3.0 Identifying infrastructure needs in Mid Devon**

The Mid Devon Local Plan Review 2013 - 2033 provides important evidence regarding the infrastructure required to support development in the district. Infrastructure is essential to support additional (as well as existing) housing provision and economic growth, to mitigate the current and anticipated effects of climate change, and to create thriving and sustainable communities.

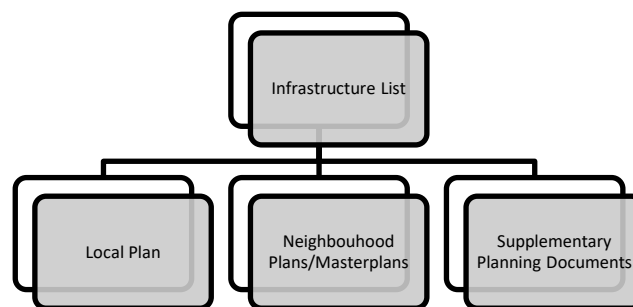
### 3.1 The (Mid Devon) Infrastructure List

The Infrastructure List (“the list”) identifies those infrastructure schemes deemed necessary to support development proposed within the Local Plan. It is a live document, able to be updated at any time.

Not all schemes on the list will require funding through development, as they may be deliverable through other sources including Government or private funding. The inclusion of a project on the list does not guarantee that it will receive funding now or in the future; funding through development is not capable of funding all infrastructure. Contributions can, however, be used as a mechanism to lever in additional funding.

The purpose of the Infrastructure List is therefore, in the first instance, to record infrastructure schemes to support new development. The Council’s Infrastructure List will also be a key document for determining S106 agreements and for setting a program of infrastructure delivery using S106 contributions.

Diagram 1: Key documents informing the Infrastructure List



### 3.2 The Infrastructure Funding Statement

The 2019 amendments to the CIL regulations, introduced mandatory reporting of S106 receipts and expenditure within a new ‘Infrastructure Funding Statement’ (IFS). Regulation 121A relates to annual infrastructure funding statements and requires authorities to publish an annual infrastructure funding statement each year no later than 31<sup>st</sup> December. The statement must comprise:

- the infrastructure list (referred to above); and
- a report about planning obligations, in relation to the reported year (“section 106 report”).

The Council’s IFS must be published by 31<sup>st</sup> December each year as it should set out those infrastructure items that the Council intends to fund in the following financial year(s). These documents are considered by the Planning, Environment and Sustainability Policy Development Group prior to consideration by Cabinet for a final decision by early December.

## **4.0 Planning obligations (Section 106 agreements)**

S106 agreements must be used to deliver benefits to local communities that can offset the negative impacts caused as a result of a specific development. Regulation 122 of the CIL regulations defines the limitation on the use of planning obligations:

‘A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- **Necessary** to make the development acceptable in planning terms;
- **Directly** related to the development; and
- **Fairly** and reasonably related in scale and kind to the development’

Planning obligations can be used by the Council to secure contributions towards off-site infrastructure provision where on-site provision has not been possible as part of the development. Infrastructure types secured through contributions include (but not exclusively);

- Affordable Housing
- Air Quality Mitigation
- Climate Change
- Community Facilities
- Ecology
- Education
- Flood Risk Mitigation
- Healthcare (Primary care)
- Highways and Transport
- Monitoring Fees
- Public Open Space
- Public Realm

### **4.1 Use of planning obligations**

In accordance with the statutory tests governing the use of planning obligations, S106 agreements will be used to address site specific issues, where those matters cannot be addressed through planning conditions, as well as contributing towards other infrastructure delivery. This will be done on a site by site basis and in line with the adopted Local Plan, any relevant supplementary planning documents (SPDs), Neighbourhood Plans and the Infrastructure List in effect at the time of decision-making.

For the avoidance of doubt, the following will apply:

<b>Selection of Heads of Terms; must meet the legal tests</b>	<ul style="list-style-type: none"><li>• Necessary to make the development acceptable in planning terms;</li><li>• Directly related to the development; and</li><li>• Fairly and reasonably related in scale and kind to the development</li></ul>
<b>Selection of Heads of Terms; must be evidenced by policy support</b>	<ul style="list-style-type: none"><li>• Local Plan</li><li>• Neighbourhood Plans/Masterplans</li><li>• Supplementary Planning Documents</li><li>• Infrastructure List</li></ul>

## 4.2 Identification of S106 projects within the planning application stage

Planning Officers, in conjunction with the Planning Obligations Monitoring Officer, will agree any planning obligations at the earliest opportunity within the planning application stage.

Where a project has not already been identified through the Local Plan, Neighbourhood Plans or Masterplans and where an obligation needs to be assigned to a recognised project, the Planning Obligations Monitoring Officer will consult with relevant internal department(s), ward members and town or parish councils, as appropriate to the type of obligation, to agree a project or to nominate a project, allowing for a 28 day consultation period. In the event that there are conflicting priorities for projects to be included within a S106 agreement the matter will be referred to the S106 Governance Board for a decision.

It is acceptable to include broad definitions such as 'new or improved public open space' and 'measures necessary to improve air quality within an Air Quality Management Area' as long as the locations/areas are identified and are appropriate to the application site. Where a broader definition is agreed, the specifics of projects will be considered subsequently as part of the S106 funding application process and will be governed by the Protocol for the approval of spend as laid out within this governance framework (see section 5.3).

The Mid Devon '**Meeting Housing Needs Supplementary Planning Document – adopted November 2023**' sets out the framework for on-site and off-site affordable housing requirements. Affordable housing in new developments where possible will be accommodated on site; however there are instances where a financial contribution is appropriate. Off-site Affordable Housing contributions are secured to address the district housing need and as such will be assigned as district wide.

Often in the case of Public Open Space, it is considered more appropriate to include a more broad definition as referred to above, at the S106 agreement planning application stage. The Planning Obligations Officer will engage with parish and town councils, at the earliest opportunity, to ensure they are aware of when funds become available for spending in their area, and to provide assistance throughout the process. Town and parish councils, along with local community groups, will be able to apply for Public Open Space S106 funds as detailed in section 5 below.

## 4.3 Collection and reporting of S106 contributions

The Planning Obligations Monitoring Officer is responsible for monitoring developments and ensuring compliance with planning obligations. Financial reconciliation of any monies collected is carried out on a quarterly basis and used to generate financial reports showing S106 contributions that are available to spend broken down by infrastructure type, catchment and project. These reports are available to all and are published on the Council's website; [Section 106 Funding - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/section-106-funding)

As referred to above, the Council is required to publish annual reports (for the previous financial year) detailing received and anticipated receipts and expenditure. This must be reported through an annual Infrastructure Funding Statement (IFS), and an annual report relating to Section 106

obligations.

## **5.0 Expenditure process for S106 contributions**

It is important that contributions secured are spent in accordance with the related legal agreement, monitored effectively and subject to appropriate governance arrangements. The following section sets out the protocol to manage S106 funds.

### **5.1 Funding application process**

For reasons of transparency, accountability and maintaining suitable evidence to be provided in times of audit, the Council operates a S106 funding application process for both internal and external applicants, where funds are held that are suitable for expenditure by a qualifying party.

Applicants are invited to submit details on how their proposed project meets the criteria specified in the S106 agreement(s). There is also a requirement for the applicant to evidence how they meet the following criteria:

- Land ownership or explicit permission of the landowner agreeing to the use of the land for the purpose of the project in perpetuity or as an absolute minimum for the lifetime of the project (where appropriate, e.g. Public Open Space);
- Compliance with procurement regulations;
- Need and justification for the project;
- Policy support and/or regulatory objectives;
- Project support from:
  - Town or parish council (where appropriate, e.g. Public open Space)
  - Local district council member(s)
  - Other local organisations (where appropriate)
- Public polls or survey results (where appropriate);
- Meeting ongoing maintenance costs (where appropriate);
- For third party payments, will need to enter into a legal funding agreement for either;
  - Spend greater than £12,000; or
  - For third party applicants requiring upfront payment of funds

Details of all funding applications and supporting documents will be stored on the Council's database in accordance with the Council's retention schedule:

- 8 years for successful applications
- 1 year for unsuccessful applications

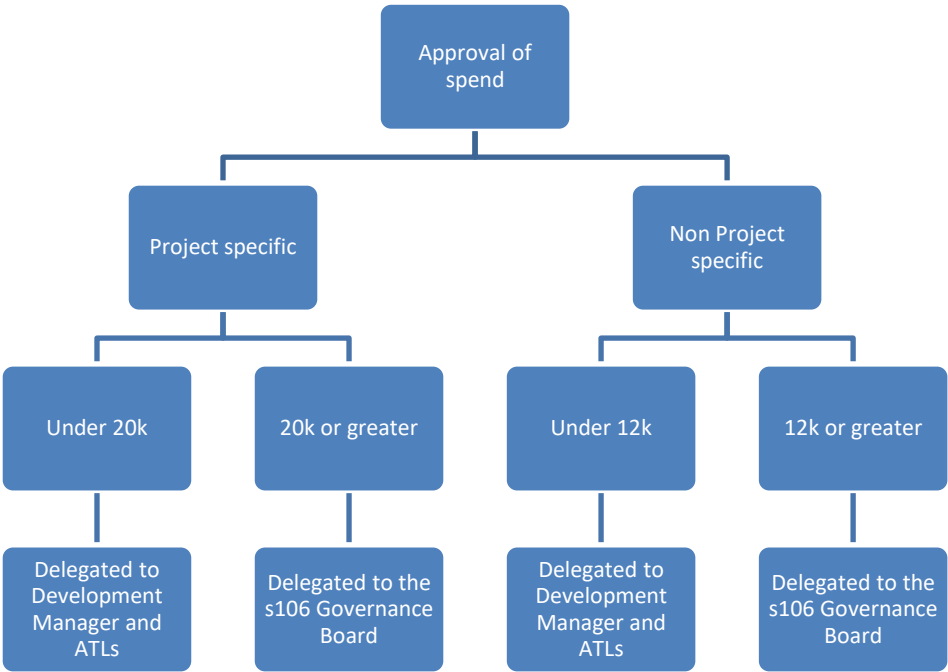
### **5.2 Validation**

Once an application has been received, the Council's Planning Obligations Monitoring Officer will assess the application to ensure it meets the criteria for spend, that the appropriate funding is available for the nominated project and that the form and supporting documents meet the criteria

for validation. Once validated, any suitable applications will be passed for approval of spend.

5.3 Protocol for the approval of spend

Following the submission and validation of funding applications, the following protocol for the approval of spend will apply:



For clarity, the following definitions apply:

**Project specific: Applications which clearly align with specifically allocated funds**

For requests where the funding is allocated to a specific project within the S106 agreement(s).

**Non Project specific: Applications which align with more broadly defined funds**

For S106 agreements with a broad definition of provision, for example ‘new or improved public open space’, ‘measures necessary to improve air quality within an Air Quality Management Area’.

As set out in 5.5, below, delegated decisions made in a preceding quarter will be reported to the S106 Governance Board for monitoring, awareness and transparency.

#### **5.4 Protocol for the processing of spend**

For all approved schemes over the value of £12,000, the applicant will be required to enter into a binding funding agreement with the District Council.

Any upfront payments will be subject to the applicant entering into an agreement with the District Council to ensure that the funding released is spent in accordance with the approved application, within a specified timescale and that any underspend is repaid to the District Council immediately. In all other cases the applicant will need to submit evidence of the completed project, invoices against the project and proof of payment. Funds will then be paid directly into the applicant's bank account within 10 working days (or as soon as practicably after).

#### **5.5 Monitoring spend**

Once funding applications are approved and funds have been processed, the Planning Obligations Monitoring Officer will monitor progress to ensure the project is delivered in accordance with the details and timescales approved via the funding application process. Progress updates will be provided to the S106 Governance Board on a quarterly basis.

Any spend will be recorded and accounted for through the financial reconciliation process and reported through the quarterly funding reports and annual IFS.

#### **6.0 Obligations on the District Council**

Most S106 agreements contain obligations on the Council as well as on the interested parties. This is with the exception of unilateral undertakings – legal agreements where the obligation(s) is on one party only (i.e. the developer or land owner). The obligations on the Council are often quite straightforward and will usually be;

- To spend any contributions in accordance with the terms of the S106 agreement
- To repay any contributions to the relevant party to the S106 agreement which haven't been spent (or contractually committed to be spent) within a timescale stipulated within the S106 agreement (most commonly this is 10 (ten) years).

## **7.0 The S106 Governance Board**

The S106 Governance Board will consist of a fixed panel of members and officers with guest members and/or officers to attend as appropriate to their ward or department. The makeup of the S106 Governance Board is as follows:

### **Fixed Panel**

- Director of Place and Economy (**Chair**) (who may delegate a deputy to chair in his/her absence)
- Planning Obligations Monitoring Officer (**Clerk**)
- Senior officer from Planning (Development Management Manager or Area Team Leader)
- Cabinet Member for Planning and Economic Regeneration
- Cabinet Member for Environment and Climate Change
- Cabinet Member for Quality of Living, Equalities and Public Health

### **As required**

- Relevant ward member(s)
- Senior officer from department relevant to spend

## **7.1 Terms of Reference (ToR)**

Terms of reference for the S106 Governance Board is appended to this framework document. These terms of reference sets out the purpose and expectations of the Board, along with setting out the decision making and administrative processes. It also sets out information such as composition of the Board and regularity of meetings.

Mid Devon District Council  
**S106 Governance Board**  
**Terms of Reference**

## **S106 Governance Board Terms of Reference (ToR)**

The ToR document for the S106 Governance Board:

- Sets out the purpose of the S106 Governance Board
- Sets out the expectations of the S106 Governance Board
- Sets out the decision making process
- Sets out the administration process
- Sets out the regularity of meetings

1.0 The group shall be formally known as;  
**The (Mid Devon District Council) S106 Governance Board**

2.0 The role of the group:

- To consider and make decisions on project allocations and funding applications that meet the board's threshold for consideration and/or where there are conflicting requests for contributions
- Ensuring the District Council meets its obligations
  - a. Spending the money in accordance with the terms of the S106 Agreement
  - b. Spending the money within the stipulated timescale
- To consider regular s106 monitoring reports

3.0 Matters beyond the scope of this Board:

- Approval of Heads of Terms
- Viability assessments
- Deeds of Variation and/or other amendments to legal agreements

4.0 Composition of the S106 Governance Board

The S106 Governance Board will consist of a fixed panel of members and officers with guest members and/or officers to attend as appropriate to their ward or department. The makeup of the S106 Governance Board is as follows:

### **Fixed Panel**

- Director of Place and Economy (Chair) (who may delegate a deputy to chair in his/her absence)
- Planning Obligations Monitoring Officer (Clerk) (Non-voting)
- Senior Officer from Planning (Development Management Manager or Area Team Leader)
- Cabinet Member for Planning and Economic Regeneration
- Cabinet Member for Environment and Climate Change
- Cabinet Member for Quality of Living, Equalities and Public Health

### **As required**

- Relevant ward member(s)
- Senior officer from department relevant to spend

The Planning Obligations Monitoring Officer encourages all board members and substitute members to obtain necessary skills to contribute to the work of the board. In the absence of a cabinet member of the board and where there will otherwise be less than 2 cabinet members present, they would find a suitable substitute that MUST be another cabinet portfolio holder and to brief them on the meeting which they are due to attend.

## 5.0 Decision making

The decision making process is voting, by fixed panel board members, with a majority determining decisions and the Chair having the casting vote.

When a decision needs to be made, where convening a meeting would be impracticable within the required timescales, taking account of the 5 clear days for publishing an agenda, and any consultation periods, the Planning Obligations Monitoring Officer will inform the S106 Board in writing of the matter about which decision is to be made and obtain the agreement of the S106 Board (keeping a written record of when agreement/approvals are confirmed, and how).

## 6.0 Quorum

The quorum for a meeting of the Governance Board shall be 2 cabinet members and one senior officer from the fixed panel.

## 7.0 Administration

The administration function will be provided by the clerk to the S106 Governance Board and this will include;

- Calendar bookings
- Circulating agenda and reports
- Consultation processes
- Minutes
- Managing enquiries

## 8.0 Time, Place and Notice of Meeting

Hourly meetings will take place in person on a quarterly basis ideally after financial reconciliation of accounts has taken place.

In order to allow for effective and timely decision making on funding applications, meetings can be called by the Planning Obligations Monitoring Officer, with the agreement of the Director of Place and Economy, on an as needed basis

An agenda item for the first meeting should be to agree a meeting start time to be followed throughout the year.

The agenda and supporting documents will be sent out at least five clear working days before a meeting from the Planning Obligations Monitoring Officer to the cabinet members and officers on the board.

## 9.0 Standing Agenda Items

- Minutes of the previous meeting
- S106 Monitoring report
  - a. Quarterly funding updates
  - b. Review of any “at-risk” funding
- Infrastructure delivery:
  - a. Project Updates
  - b. Review of the Infrastructure List (annually)
- Consideration of any funding requests

## 10.0 Approval and review or ToR

ToR to be reviewed/updated annually.

## 10.0 Definition of terms

<b>CIL tests</b>	Specifically Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended)
<b>Deed of Variation</b>	A legal document that varies or modifies an existing S106 Agreement
<b>Financial reconciliation</b>	The process of validating S106 records against receipts held on the Council’s finance systems
<b>Heads of Terms</b>	The agreed obligations by infrastructure type to be included within a S106 Agreement
<b>Infrastructure List</b>	Document identifying infrastructure projects that can be partly or wholly funded by S106 Contributions
<b>Project allocations</b>	The project meeting the criteria set out in the CIL tests to which a financial contribution is legally assigned to
<b>S106 Agreement</b>	A legally binding agreement between a local authority and a landowner/developer under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) containing obligations, used to support the provision of services and infrastructure, which are necessary to make the development acceptable in planning terms
<b>Viability assessments</b>	Site-specific reports seeking a reduction in S106 contributions so as to make the development financially viable

**Report for: Planning, Environment and Sustainability  
Policy Development Group (PDG)**

---

Date of Meeting: 26 November 2024

**Subject: Climate and Sustainability Update**

Cabinet Member: Cllr Natasha Bradshaw - Cabinet Member for Environment and Climate Change.

Responsible Officer: Jason Ball - Climate and Sustainability Specialist.  
  
Paul Deal – Hea of Service for Finance, Property and Climate Resilience.

Exempt: None

Wards Affected: All.

Enclosures:  
1: A draft Climate Change Strategy.  
2: Climate Action Plan.  
3: Green Enterprise Grant proposal.  
4: Biodiversity Duty Action Plan.

## **Section 1 – Summary and Recommendation(s)**

To receive an update on the Climate and Sustainability Programme.

### **Recommendation(s):**

1. **That the Planning, Environment and Sustainability Policy Development Group (PDG) notes and accepts this report as an update on the Council's Climate and Sustainability Programme, and progress on its response to the Climate Emergency.**
2. **That this PDG notes the appended enclosures.**

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 The Council's Corporate Plan 2024-28 places a strong emphasis on environmental sustainability matters woven into all aspects of its work, from procurement to promoting nature recovery.

- 1.2 The Climate and Sustainability (C&S) Specialist leads the development of the Council's C&S Programme, working inclusively with all Councillors and colleagues and particularly service leads, the Corporate Management Team and the Cabinet Member for Environment and Climate Change.
- 1.3 The Council has declared a Climate Emergency and aims to be climate neutral by 2030. The term 'climate neutrality' describes a balance achieved, for any given period, for carbon dioxide and other greenhouse gases released into or removed from the atmosphere; related to the actions taken by organisations, businesses or individuals. The goal of climate neutrality is to achieve a net zero climate impact.
- 1.4 The Council's work to address the climate change crisis aligns with the climate emergency declaration across Devon, and the Devon Carbon Plan. Council actions with regard to **climate mitigation** (reducing greenhouse emissions) and **climate adaptation** (resilience to climate change risks) can be split into two work streams:
- An internal organisational / corporate focus for the Council;
  - Efforts to enable and facilitate actions across Mid Devon communities.
- 1.5 Therefore this report is divided into **corporate** and **community** items (some overlap is possible). Clearly the Council can monitor and manage matters related to its own assets and operations to a significant degree. For the wider agenda linked to the whole Mid Devon area, we will work as a partner with local businesses, organisations, community groups and residents.
- 1.6 This report emphasises activity and progress updates for brevity. For background details, please refer to previous reports, all [available online](#).

## 2.0 Performance

### 2.1 Aims, Priorities and Performance Indicators

- 2.1.1 Progress on [Corporate Plan Performance Indicators](#) (PI) is provided in quarterly reports to [Cabinet](#) (Scrutiny Committee every 6 months).
- 2.1.2 Quarterly [Performance Dashboards](#) share data on e.g. greenhouse gas emissions avoided by generating solar power and using electric vehicles.
- 2.1.3 Progress notes on Corporate Plan aims and Climate Change priorities are [available online](#). ([sustainablemiddevon.org.uk/our-plan/#aims-priorities](https://sustainablemiddevon.org.uk/our-plan/#aims-priorities))

### 2.2 The Council's Carbon Footprint

- 2.2.1 Annual [carbon footprint reports](#) (greenhouse gas accounting) are published on the Council's [Sustainable Mid Devon](#) website.

- 2.2.2 The Council commissioned the University of Exeter's Centre for Energy and the Environment through the South West Energy and Environment Group (SWEEDG) to develop and produce its annual carbon footprint reports for 2018/19 (baseline year) to 2023/24. Analysis was based on BS EN ISO 14064-1 and the Greenhouse Gas Protocol. A [carbon footprint](#) is measured in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e). Net emissions for the 2023/24 financial year totalled 16,454 tCO<sub>2</sub>e.
- 2.3 The Council's Climate Strategy and the Climate Action Plan.
- 2.3.1 The draft 2024-2028 Climate Strategy and this year's Climate Action Plan are enclosed. Aligned to the Corporate Plan, the Climate Strategy looks at the district's strategic position, as a starting point for engagement between the Council, local communities, businesses and partners which will seek to co-create community climate action planning for adaptive resilience and ways to cut greenhouse gas emissions for the district as a whole.
- 2.3.2 The Climate Strategy is deliberately brief, with the intention that the collaborative work outlined above will generate more detail and research such as joint and community action programmes, sometimes led by others. The Climate Strategy will be published online alongside further work.
- 2.3.3 The Council will complement the Strategy annually with a carbon reduction plan ('roadmap to 2030') aiming to deliver corporate net zero at the soonest opportunity. Each will reflect current budgets and capacity.
- 2.3.4 As the Council has direct control over its own activities, i.e. transport, facilities and working practices, it makes sense to prioritise efforts to reduce the components of our corporate carbon footprint within direct control. This will involve innovation, direct investment and further bids for additional funding to make our journey towards net zero a reality.
- 2.3.5 Although recognising the majority of emissions are not in our direct control, it is vital that the Council seeks to reduce climate impact across the whole of its operations, and the carbon footprint shows the importance of its potential investments, influence and spending power. Therefore cutting emissions also entails work to enable change within supply chains, joint actions with tenants, and by innovating in partnership with communities and businesses.
- 2.3.6 As with the Corporate Plan, each PDG and team must drive and monitor their remit, and operations, with regard to climate adaptation and mitigation.

### **3.0 Community and partnership activities**

#### **3.1 Vibrant landscapes at the heart of Devon**

- 3.1.1 We work in partnership with a range of organisations and initiatives such as Blackdown Hills National Landscape (BHNL); and Connecting the Culm.

- 3.1.2 Progress is being made with [an ark project](#) to prevent the extinction of white clawed crayfish, combined with farmer advice and engagement by the Environment Agency and citizen science monitoring of river water quality. Part of conservation projects at the [Culm](#) and Creedy rivers.
- 3.1.3 The Cabinet Member for Environment and Climate Change and the C&S Specialist met with BHNL, Defra and Natural England to foster joint understanding of the National Landscape management plan, its heightened need to respond to the climate emergency, and the roles of local authorities, central government, farmers, funding and nature recovery schemes at river catchment scales that consider the full context of risks such as climate change and objectives such as soil, flood and ecological resilience.
- 3.1.4 The Tree Officer and C&S Specialist helped to establish a Mid Devon Tree Warden group, in the area of Crediton and nearby parishes initially, thanks to Crediton Town Council and local volunteers. Volunteer recruitment began at the Big Green Fair run by Sustainable Crediton. Wardens do not have an official role but add to local nature conservation e.g. veteran trees.
- 3.2 Climate Resilient Communities
  - 3.2.1 Community Emergency Plan promotion continues e.g. a presentation on Resilience at the Annual Town and Parish meeting on 20 November.
- 3.3 Green Growth and Bright Futures
  - 3.3.1 Please refer to the enclosed outline proposal for Green Enterprise Grants.
  - 3.3.2 The Council was the first to host a rapid charger in the 'Deletti Phase 2' EV partnership scheme, at William Street in Tiverton, and now has a second at Forge Way, Cullompton. The next installation is due this autumn at Market Street in Crediton. During 2025-2026 a further 3 MDCC car parks will get rapid chargers: Pannier Market at Tiverton, Westex South in Tiverton and St Saviour's at Crediton. Total 12 new chargepoints under this scheme.
  - 3.3.3 Devon County Council's (DCC) Local Electric Vehicle Infrastructure (LEVI) procurement now has OZEV approval (Office for Zero Emission Vehicles). The majority of subsidy will benefit on-street residential areas and parish / community car parks.
- 3.4 Healthy Homes
- 3.5 The Housing Initiatives Officer is currently working with DCC and the other Devon authorities on a delivery proposal for the Warm Homes: Local Grant funding as part of the Devon consortium.
  - 3.5.1 Mid Devon Housing won yet more awards (on 9 shortlists in 2024), most recently at the British Construction Industry Awards, where the St Andrews project at Cullompton earned the title 'Carbon Net Zero Initiative of the Year'.

Built in partnership with ZED PODS, it welcomed new tenants in March 2024. Shapland House at Tiverton also won 'Best Public Sector Brownfield Project' at the Environment Analyst Brownfield Awards.

3.6 Community engagement and promoting events, exemplars and projects.

3.6.1 Online promotion continues via social media, the Let's Talk Mid Devon engagement platform and the Sustainable Mid Devon website.

#### 4.0 **Corporate activities**

4.1 Biodiversity Duty: please refer to the enclosed draft plan.

4.2 The C&S Specialist continues to give support to all teams and has:

- Worked with the Cabinet Member to take forward actions raised by this PDG and NZAG with colleagues and partners.
- Provided secretariat support for Net Zero Advisory Group (NZAG).
- Worked to support and brief the Corporate Management Team (CMT), service leads and others on corporate environment aims, goals and policies, particularly the draft Climate Strategy and roadmap to 2030.
- Shared opportunities with Members, NZAG, CMT, etc, such as county travel consultations, local partnership work, projects, community training opportunities and funding sources.
- Met quarterly with key operational managers to support communications, teamwork and to help prioritise actions.
- Held monthly calls for all operations managers / service leads to support climate action planning and delivery.
- Has been attending / supporting team meetings with regard to climate and sustainability being a regular agenda item.
- Has begun drafting an environment policy; will engage teams on action plans for their specialist / service remits.
- Supported an environment audit at Exe Valley Leisure Centre.
- Supported the consideration of climate change related issues and opportunities for the Economy Strategy.
- Continues to support proactive energy management and investment.

**Financial Implications.** The financial implications associated with this report are the overall costs of the C&S Programme, budgets linked specifically to the Council's Corporate Plan, Climate Strategy and CAP.

**Legal Implications.** The Council's environmental sustainability duties are underpinned by legislation e.g. [Environment Act 2021](#). All local authorities have 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](#).

**Risk Assessment.** Progress on Performance Indicators (PI) provided separately by Performance and Risk Reports. There are 2 main risks (to the Council): 1) that the Council does not take sufficient actions to enable it to meet its Climate Emergency declaration ambitions; and 2) that the financial implications of Climate Change are not adequately measured and reflected in the Council's decision making.

**Impact on Climate Change.** The role of the C&S Specialist in support of the corporate officer team is central to the Council's C&S Programme by actions such as the development of strategic positions and delivery of projects through internal, community and partnership work.

**Equalities Impact Assessment.** There are no equality impacts associated with this report. Specific 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.** Please refer to Section 2, paragraphs 2.1 - 2.2.

### **Section 3 – Statutory Officer sign-off / mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151.

**Date:** 18 November 2024

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer.

**Date:** 18 November 2024

**Chief Officer:** Stephen Walford

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

**Date:** 18 November 2024

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager.

**Date:** 14 November 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**

**Contact:** Jason Ball, Climate and Sustainability Specialist: Email:

[JBall@MidDevon.gov.uk](mailto:JBall@MidDevon.gov.uk) Tel: 01884 255255.

**Background papers:** The previous report was provided to this [PDG](#) on 03 September 2024.

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# Draft Climate Change Strategy 2024-2028

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# Welcome to our Climate Change Strategy for Mid Devon



This document considers Mid Devon's strategic position, sets out the Council's approach to climate change and serves as a starting point for engagement with communities, businesses and other partners.

The strategy, aligned with our Corporate Plan, sets the Council's priority ambitions and aims. We provide some key facts and figures for Mid Devon, such as its carbon footprint and the renewable energy installed in our district so far. We also explore the Council's own carbon footprint and outline our climate action plan that aims to deliver operational net zero at the soonest opportunity.

To realise progress for the whole of Mid Devon, we must work in partnership, learn from those leading change, and support those who need help. Together we can co-create community climate action planning to cut greenhouse gas emissions for the district and adapt to build resilience in the face of the climate change already happening. Can you help create a vision for a sustainable future?

Councillor Natasha Bradshaw  
Cabinet Member for Environment and Climate Change

November 2024

# Climate Change and the Mid Devon district.

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# Mid Devon Facts and Figures

## Potential to grow solar PV & wind power

A 2020 University of Exeter [study](#) found potential for 1,238 GWh per year from solar and wind power. Another [study](#) by University of Exeter & Friends of the Earth found that just 1.3% of land could generate 674 GWh annually with solar and wind.

## Annual solar PV & wind power generation

Solar over 56 GWh, Wind 2.5 GWh.  
UK govt 2022 data ([Link](#))

## Annual energy made by anaerobic digestors

UK govt 2022 data ([Link](#))

## Electricity - Mid Devon's annual consumption

data.gov.uk 2021. ([Link](#))

## Total energy - Mid Devon's annual consumption

data.gov.uk 2021. ([Link](#))

## Area

914 km<sup>2</sup>

## Woodland cover in Mid Devon

ONS ([Link](#))

10%

## Recycling Rate achieved by Mid Devon residents

58%

## Potential economic growth from home retrofit work across Mid Devon

(direct economic benefit)  
Historic England. ([Link](#))

£22.8m

## Mid Devon's district carbon footprint 2022

UK govt 2022 data ([Link](#).)

907,684 tCO<sub>2</sub>e

## Households in Mid Devon

ONS 2021 ([Link](#))

35,633

## Council Homes

3,000

## Population

82,852

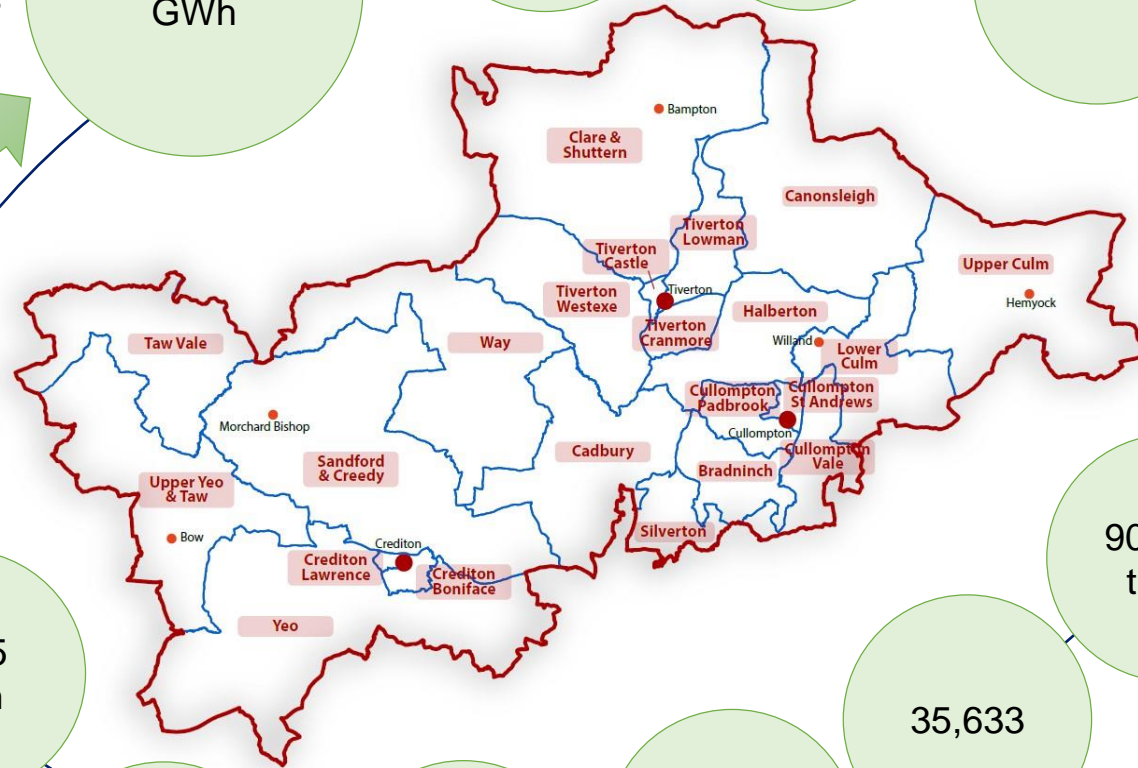
2,226 GWh

356.5 GWh

29 GWh

59 GWh

674 - 1,238 GWh



# Working together for a brighter future

Working in partnership, the Council is determined to take positive action to address the climate emergency in every aspect of what we do - through strategy, how we operate, and how we support residents and businesses.

## Vibrant landscapes at the heart of Devon

As part of reviewing Mid Devon's Local Plan (Plan Mid Devon), the overarching priority must be to respond to the climate emergency by moving to a net-zero carbon future and investing to adapt. The Local Plan will draw together policy to address interlinked issues, ranging from resource consumption to landscape and ecosystem conservation and recovery.

## Climate Resilient Communities

We work in partnerships such as the Blackdown Hills National Landscape and projects such as *Connecting the Culm* that work with farmers and communities on citizen science and nature-based solutions for climate adaptation and flood risks.

## Healthy Homes

The Council provides 3,000 homes and continually invests in maintenance, energy efficiency and retrofit to meet tenant needs. Our new Net-Zero-carbon homes are climate-adapted and affordable to run, A-rated and super-insulated with heat recapture and rooftop solar panels. We continue to help landlords and private tenants to access funding and advice for home improvements and retrofit. This is backed by climate-linked targets to raise standards in the Mid Devon Housing Strategy.

## Green Growth and Bright Futures

Climate is vital to our economic strategy and for Plan Mid Devon, shaping policy to help drive green growth, supported by greener travel infrastructure to enable more walking and cycling, public transport and EV charger networks. We need futureproofed developments as part of a resilient and prosperous Mid Devon.

## Sustainable Services and Spending

Bin It 1-2-3 collections enable Mid Devon's communities to cut greenhouse gas emissions by reaching higher recycling rates. The Council has cut emissions by investing to save energy in transport, IT, communications and buildings, investing millions to decarbonise leisure centres.



**Trees planted at Cullompton, in a sea of buttercups.**

The trees will absorb carbon dioxide from the air and their roots will help the ground to absorb flood water.

# Climate change resilience

Solutions to the challenges we face from climate change will overlap, as the problems are often interlinked, so acting in partnership is vital for climate adaptation.

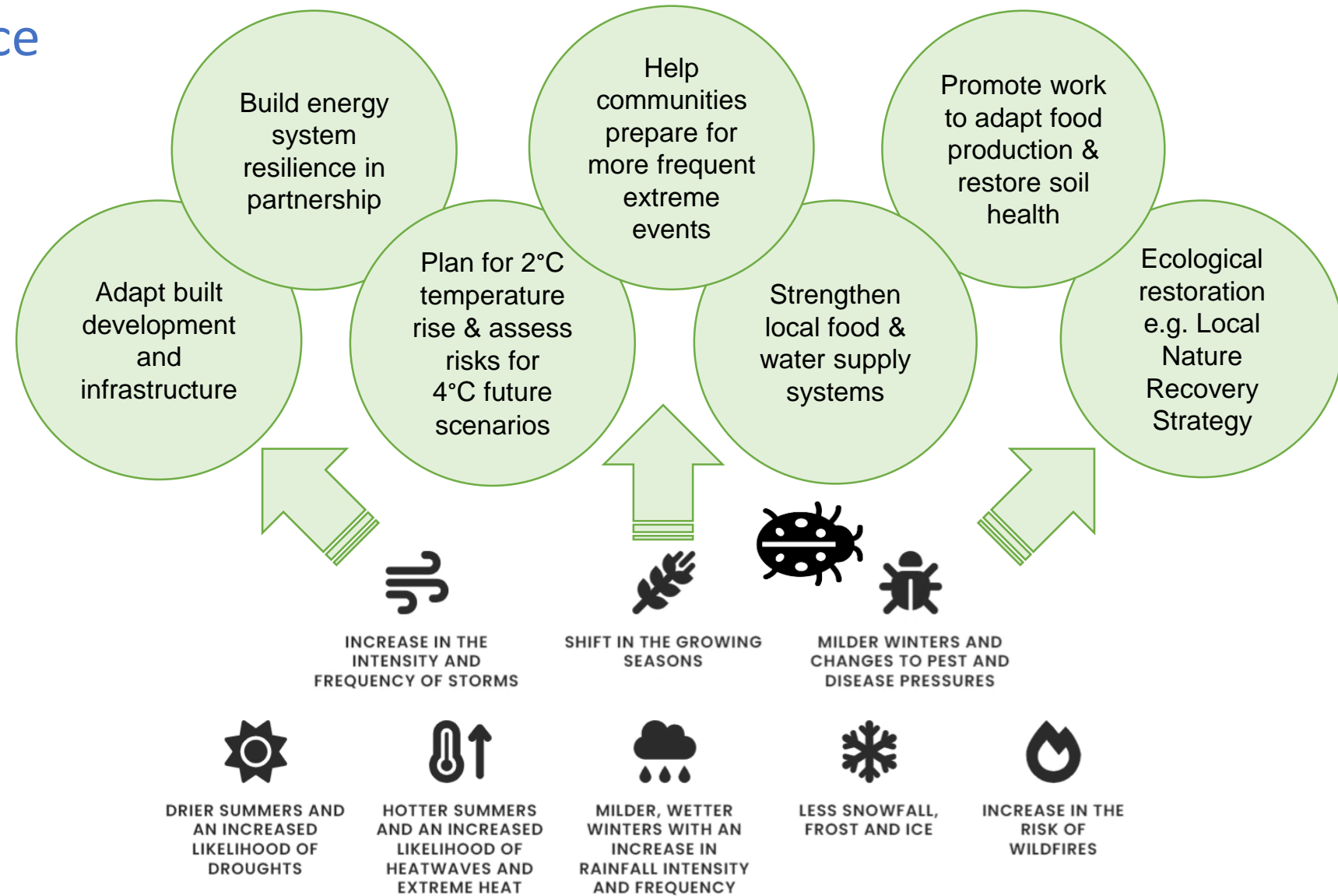
Risks to Mid Devon's residents e.g.

- Severe weather events risk increased.
- Vulnerable potentially most exposed to risk.
- Heat stress will affect people differently, depending on aspects such as age, health conditions, their home and their workplace.

Disruptive impacts e.g.

- threats to soils, nature and food supplies
- summertime heat stress for cattle
- extended crop growing season
- effects on the lifecycles of crop pests such as greenfly and midges, and their predators such as ladybirds and bats
- disruption to energy infrastructure, transport and supply chains could also arise from the consequences of impact felt elsewhere

South West England is already experiencing climate change, temperatures have increased (1884-2023) and many of the hottest years have occurred in the last few decades.



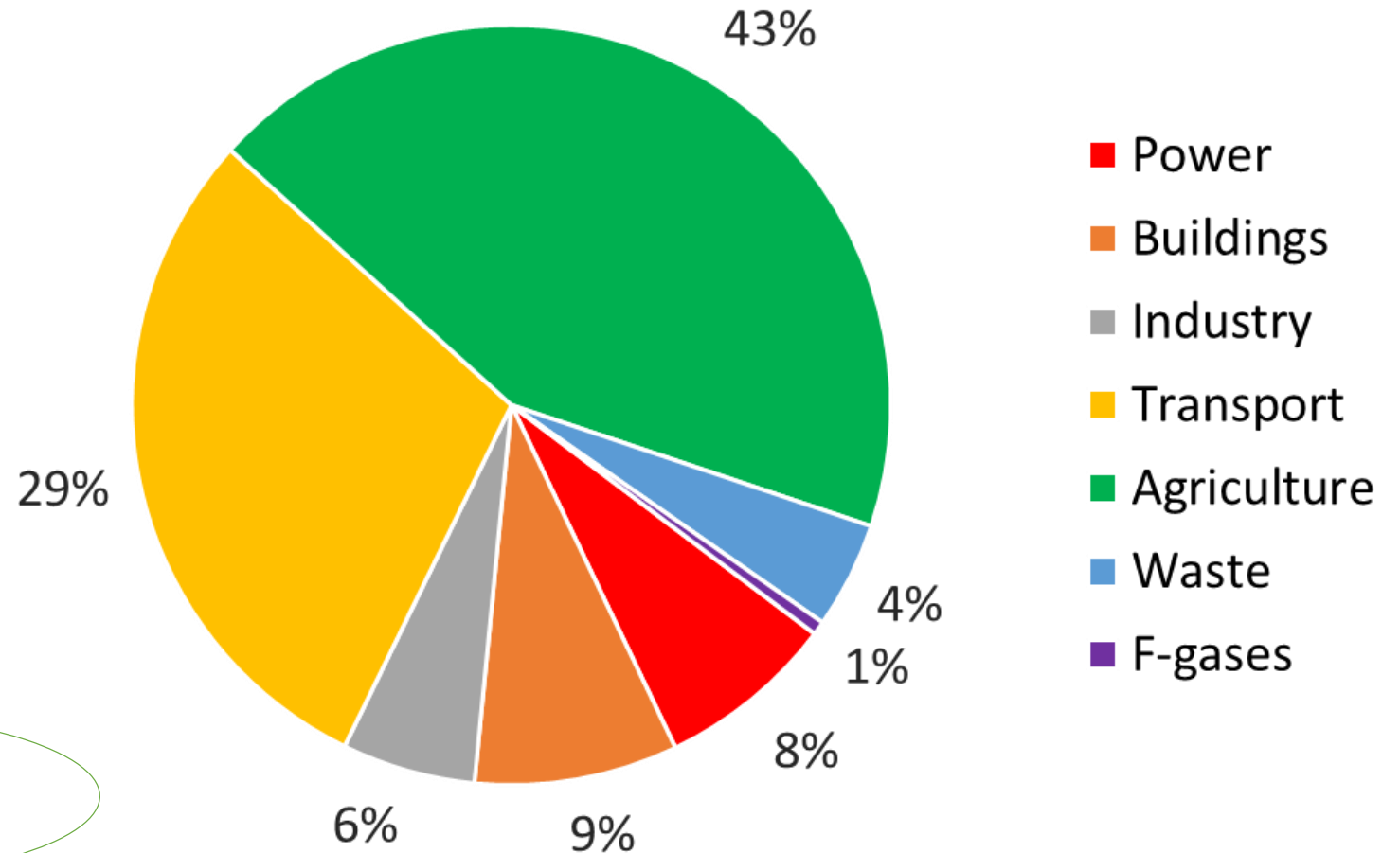
# Greenhouse Gas Emissions for the district; Mid Devon's territorial footprint

Mid Devon's 2022 territorial carbon footprint, excluding land use change, was 907,684 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e).

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** (78,689t) with most of that (68,643t) from homes.

Mid Devon district is 914 km<sup>2</sup> of chiefly agricultural land with only around 10% woodland cover. Land use change captures around 68,000 tonnes of CO<sub>2</sub> per year, giving net emissions of 839,311 tCO<sub>2</sub>e.

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What are F gases?

Fluorinated gases are used as refrigerants and have a very powerful greenhouse effect.

# Climate Change and the Council's work.

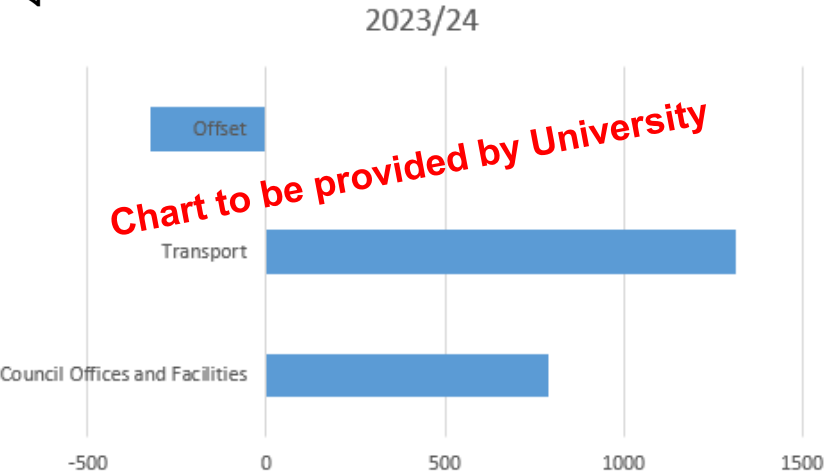
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# Carbon Footprints linked to all council service areas

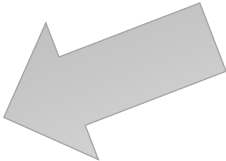
	Categories	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
8%	1. Buildings (exc. housing)	1654	1554	1469	1865	1694	1398
51%	2. Social Housing	9326	8758	8547	8711	8319	8526
9%	3. Transport	1626	1513	1216	1220	1263	1531
32%	4. Procurement	4594	4469	3615	4975	6784	5324
-2%	5. Offsets	0	-9	-8	-241	-181	-325

This colour-coded table and chart show the 2023/24 carbon footprint split into key activity categories.

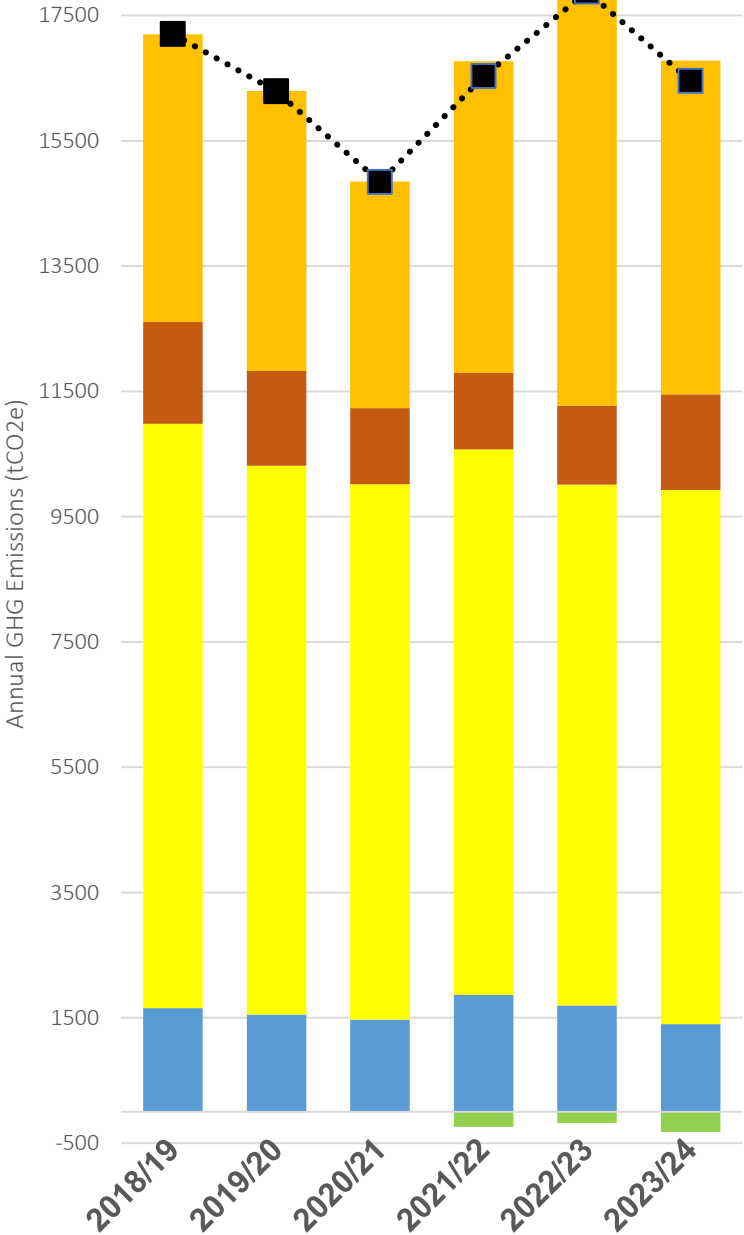
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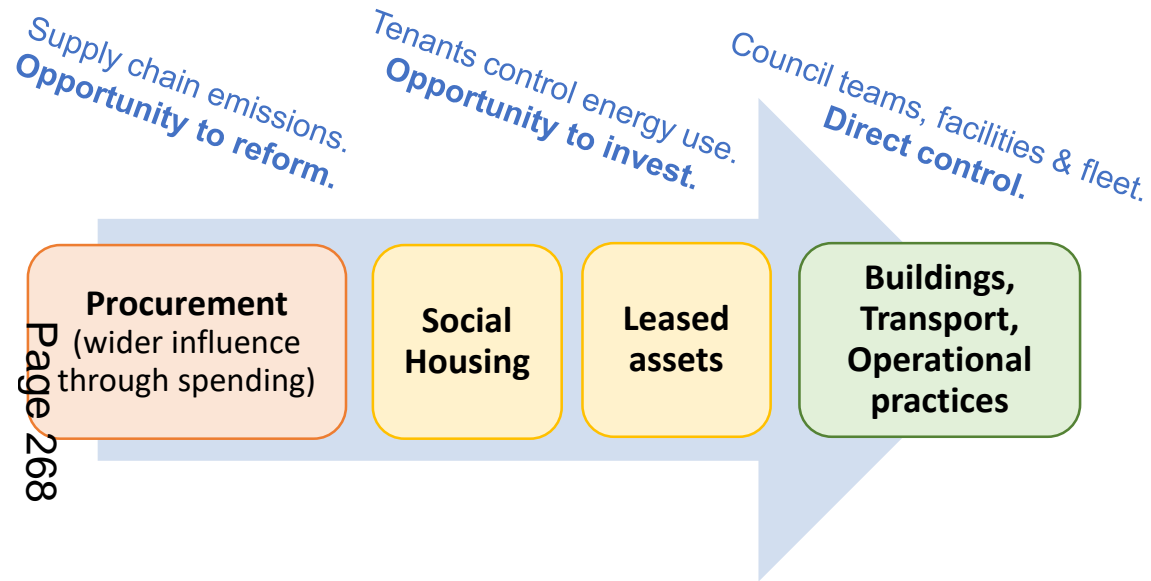
Elements under the direct control of the council - the corporate footprint - are a fraction of the overall impact.



Carbon Footprints 2018/19 to 2023/24 (tCO2e)



# Cutting the Council's operational carbon footprint - a route map to 2030

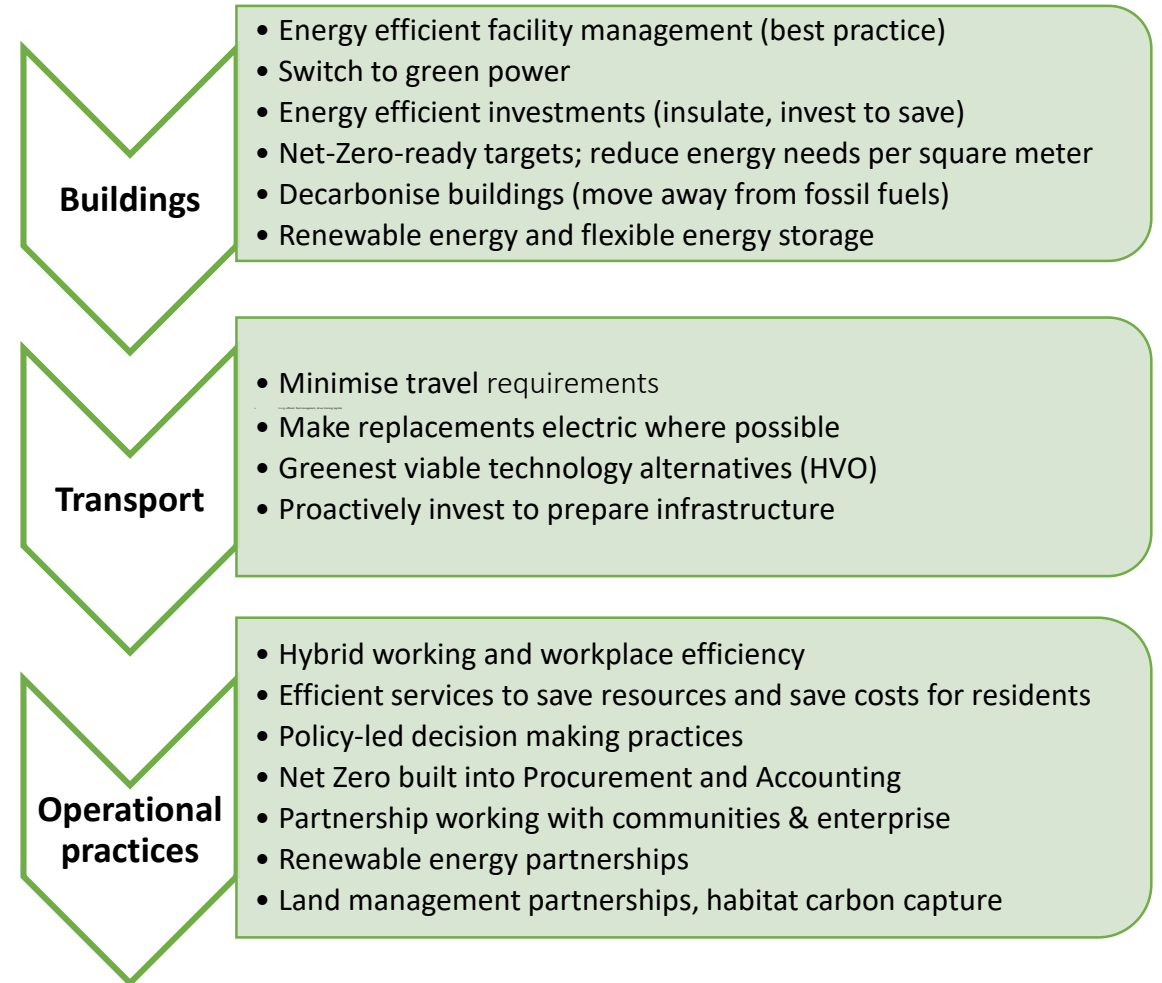


## Where is the Council best able to act?

The Council has direct control over its own activities, so we will prioritise efforts to reduce areas of the operational carbon footprint where we have direct control. Lower emissions for our fleet, facilities and services will feature alongside renewable energy projects and support for trees and habitat schemes.

Retrofit work will seek to achieve healthy, net-zero-ready housing and greener leased non-residential buildings. This relies strongly on external financing, so we will bid for additional funding to make our journey towards net zero a reality. We will lead and influence through best practice, as a workplace, by how we spend, and acting in partnership.

## A strategic approach to cutting carbon.



# The council recognised the climate emergency in 2019... how have we been cutting carbon since then?

We put all Council facilities onto a certified **100% renewable electricity supply** in 2023.

We invested **£2.8 million** from the Public Sector Decarbonisation Scheme (PSDS) at the Crediton and Tiverton leisure centres to make them Net-Zero-ready.

- ✓ **Exe Valley Leisure Centre** is heated and cooled by ground-source and air-source heat pumps, with power boosted by solar photovoltaic (PV) arrays on the roof and new solar car ports.
- ✓ **Lords Meadow Leisure Centre** has a biomass boiler [fuelled by locally-sourced wood](#), and boasts a new ground-source and air-source heat pumps plus extra solar PV on the roof.

Our **Street Scene depot** has [solar PV panels](#). Our office base **Phoenix House** hosts a solar PV array and range of [energy saving measures](#). We invested **£300k to boost efficiency** with smart LED lighting to save **520 tonnes of CO<sub>2</sub>** in their lifetime. New LED lighting at **Tiverton's Pannier Market** will save the equivalent of around 2 tonnes per year.

We have **solar PV on 1,000 council homes** and will fit solar on all new social housing.

**Our new modular-build homes are Net-Zero by design** with triple-glazed windows and doors, solar PV panels, heat pumps, and mechanical ventilation that recaptures over 80% of outgoing heat.

Council home energy upgrades 2020-24 e.g. insulation and roofing, cut **over 600 tonnes CO<sub>2</sub>e** per year.

We cut commuter traffic with **hybrid working** which benefits the wellbeing of our teams and communities.

The Council has **10 Electric Vehicles** that will save **25 tonnes CO<sub>2</sub>e** annually. We prioritise the greenest options each time we replace a vehicle.

We have worked in partnership to help **plant more than 2,400 trees** across Mid Devon since 2021.

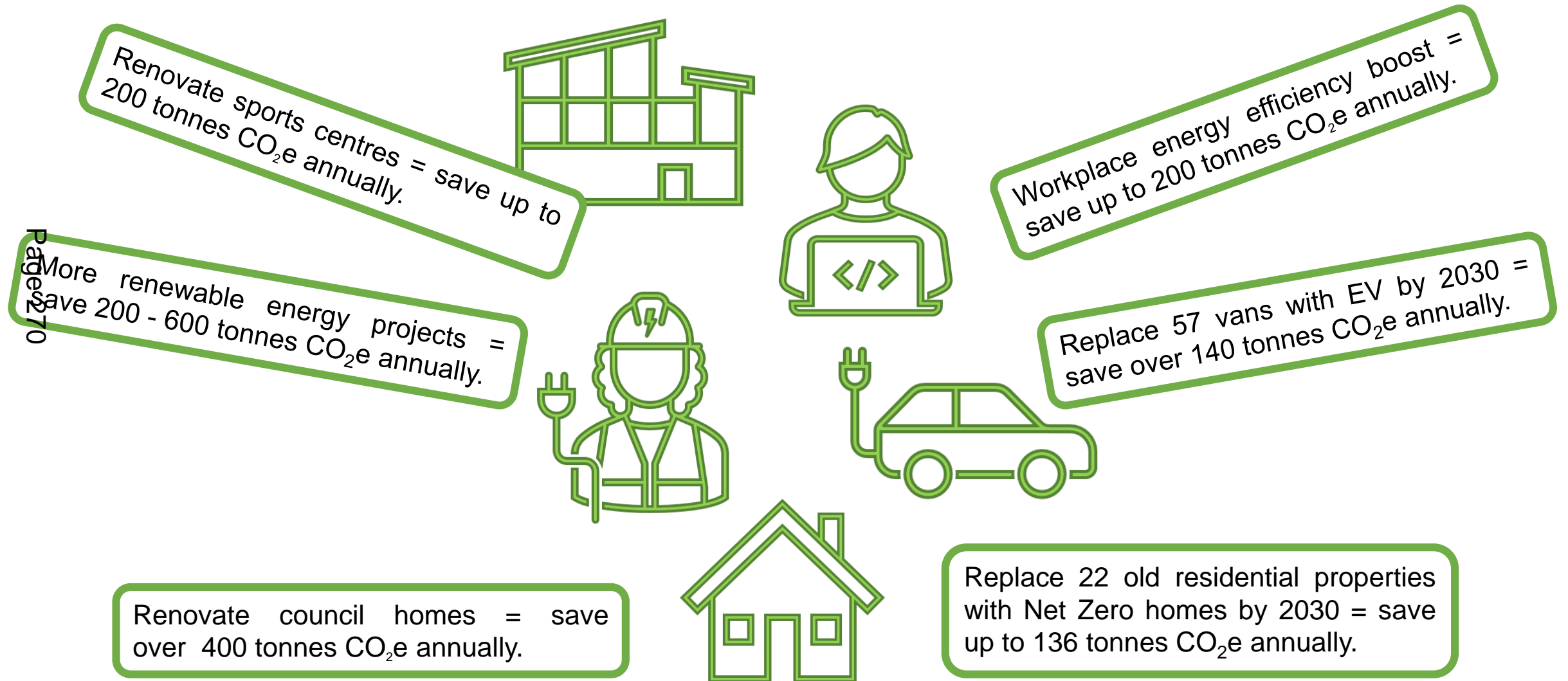


Solar panels



Heat pumps at Exe Valley Leisure Centre

## Plans to reduce the Council's carbon footprint further



## How our Corporate Plan priorities link into this Climate Change Strategy

Corporate Plan theme	Climate Strategy theme	Corporate Plan aims	Devon Carbon Plan theme
Planning, Environment & Sustainability	Vibrant landscapes at the heart of Devon	<ul style="list-style-type: none"> <li>• Demonstrate climate leadership through achieving ambitious net zero targets.</li> <li>• Support the district's response to the climate emergency.</li> <li>• We will work with stakeholders to introduce planning policy which reflects the key issues and challenges facing the district.</li> <li>• Value and protect Mid Devon's natural and built environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Food, land and sea</li> <li>• Transport</li> <li>• Energy supply</li> <li>• Economy and resources</li> <li>• Built environment</li> <li>• Cross-cutting themes</li> </ul>
Community, People & Equalities	Climate Resilient Communities	<ul style="list-style-type: none"> <li>• We will support the health, wellbeing, and safety of our residents.</li> </ul>	<ul style="list-style-type: none"> <li>• Cross-cutting themes</li> </ul>
Homes	Healthy Homes	<ul style="list-style-type: none"> <li>• We will build, promote, and encourage the building of energy efficient and low carbon homes and communities.</li> <li>• We will invest in our homes. We will upgrade our social housing by installing energy efficiency measures and renewable energy.</li> </ul>	<ul style="list-style-type: none"> <li>• Built environment</li> </ul>
Economy & Assets	Green Growth and Bright Futures	<ul style="list-style-type: none"> <li>• We will work with partners to ensure that Mid Devon has the infrastructure it requires to meet its potential.</li> <li>• We will support business and economic development across Mid Devon, enabling job creation, and sustainable tourism growth.</li> </ul>	<ul style="list-style-type: none"> <li>• Economy and resources</li> <li>• Built environment</li> <li>• Transport</li> </ul>
Service Delivery & Continuous Improvement	Sustainable Services and Spending	<ul style="list-style-type: none"> <li>• We will maintain our leisure services and ensure they are fit for the future.</li> <li>• We will continue to improve and transform our services. (e.g. digital)</li> <li>• We will further increase our recycling services, enabling our communities to achieve even higher levels of recycling.</li> </ul>	<ul style="list-style-type: none"> <li>• Economy and resources</li> <li>• Transport</li> </ul>

# Background information.

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# What is the future for renewable energy in Mid Devon?

Whilst the future growth of renewable energy in the district is potentially very significant, it needs to be achieved in an environmentally responsible way.

A special study for Mid Devon by Exeter University’s Centre for Energy and the Environment identified potential for between 15 and 66 large wind turbines (2 MW) plus potential for between 140 and 368 smaller-scale turbines (500 kW) to generate a yearly total of 245 to 797 GWh. Solar PV of between 194 and 312 sites were also identified with the potential to generate between 1,934 and 4,036 GWh annually.

This work was published in 2020 as the [Low Carbon and Climate Change Evidence Base](#) for the former [Greater Exeter Strategic Plan](#).

Other research by the University of Exeter's *Environmental Intelligence Centre* and Friends of the Earth sought to identify suitable land across England for renewable energy developments. [Their 2023 research](#) suggested that just 1.3% of Mid Devon land could generate 674 gigawatt-hours (GWh) each year. That is more than 10 times the 59 GWh currently generated annually, with over 56 GWh from solar, and around 2.5 GWh per year from wind.

Renewable Energy Installations	Photovoltaics	Onshore Wind	Hydro	Anaerobic Digestion	Sewage Gas	Landfill Gas	Plant Biomass	Total
	4,963	37	2	10	1	1	1	5,015

Mid Devon has over 5,000 renewable energy installations, mostly solar photovoltaic arrays. This may sound like a lot, but the current total [annual energy consumption](#) (2,226 GWh) already far outweighs [local power generation](#) (88 GWh).

Future projections and national strategy recognise that Mid Devon energy system demands will need transformational change, particularly to enable decarbonised heating and cooling in our homes, and more electrically powered transport.

The way ahead and the pace of change depends on a range of factors such as Planning policies, developer or investor strategies, and the power grid configuration.

# Useful Resources

## Saving energy and carbon at home.

- [The Energy Saving Trust](#) has great [energy-saving tips for the kitchen](#).
- [Centre for Sustainable Energy](#) free [resources](#) on practical DIY, such as how to fit loft insulation.
- Find clever ways to save water on the [Waterwise website](#).
- [Historic England's guidance](#) on working with roofs, walls, windows and doors to conserve energy in heritage buildings.

## Healthier, greener lifestyles

- Delicious [recipes](#) to help you save money and avoid food waste.
- [Devon Community Energy](#) offers advice for communities that seek to embrace eco-friendly initiatives.
- Cycling and walking routes feature on the [Visit Mid Devon](#) website.

We share a range of resources on our [Sustainable Mid Devon](#) website, where we welcome contributions of articles, news and events about the many fantastic community projects across Mid Devon.



## References used in this paper

### Mid Devon District Council

- The MDDC [Corporate Plan 2024 - 2028](#).

### Adaptation.

- Devon, Cornwall and Isles of Scilly (DCIoS) Climate Adaptation Strategy: [Link](#).
- Met Office 2024 summary for Mid Devon: [LACS](#) (Local Authority Climate Service).
- Met Office: Food, farming and natural environment risks. [Link](#).
- The CCC: UK Climate Risks. [Link](#).
- Devon Climate Emergency page. [Link](#).

### Carbon Footprint (Council).

[Annual carbon footprint reports](#) (greenhouse gas accounting) are published on the Council's [Sustainable Mid Devon](#) website.

### Carbon Footprint (Community).

- Explore your local emissions data with the free Impact Tool [here](#).
- The chart and figures in this paper were from analysis provided by the Centre for Energy and the Environment, University of Exeter, which used the [UK local authority & regional greenhouse gas emissions statistics](#) (2022 data) published July 2024.
- Woodland data was from the ONS, Forestry Research and Defra. [Link](#).

### Mid Devon's Renewable Energy Generation Potential.

- The University of Exeter's Centre for Energy and the Environment 2020 [Low Carbon and Climate Change Evidence Base](#) for the former [Greater Exeter Strategic Plan](#).
- Research by Exeter University's Environmental Intelligence Centre and Friends of the Earth. [Article and interactive map](#). Full data: [Link](#).

### Retrofit.

Historic England estimated the potential economic value of Mid Devon district's retrofit needs as £22.8 million of direct economic output (2018 prices). That would require, on average, 180 more jobs per year to support the work. [Link](#).

# Carbon Reduction Plan

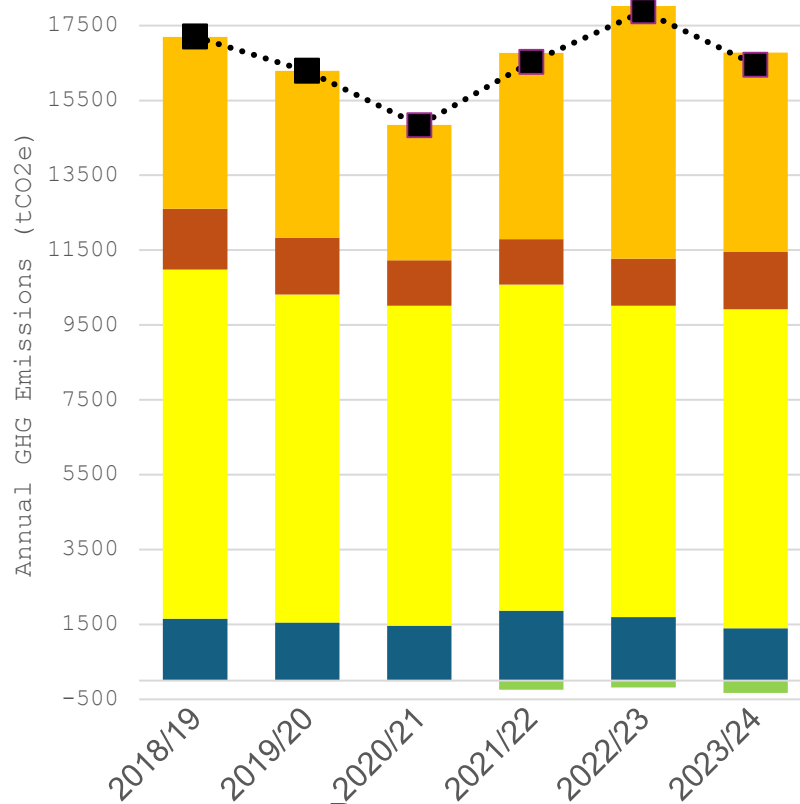
Mid Devon District Council, November 2024

## The Council's Carbon Footprint

Each year the Council commissions a carbon footprint report by the University of Exeter. Emissions are measured as tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e).

- Total net greenhouse gas emissions for the 2023/24 period were 16,454 tCO<sub>2</sub>e.
- Offsets at -325 tCO<sub>2</sub>e made a small reduction in overall emissions with almost all due to the purchase of renewable electricity.

	Categories	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
8%	1. Buildings	1654	1554	1469	1865	1694	1398
51%	2. Social Housing	9326	8758	8547	8711	8319	8526
9%	3. Transport	1626	1513	1216	1220	1263	1531
32%	4. Procurement	4594	4469	3615	4975	6784	5324
-2%	5. Offsets	0	-9	-8	-241	-181	-325



## Actions to reduce climate impact (greenhouse gas emissions)

The following table is a summary of actions for 2024-2026 that will affect the Council's carbon footprint, through investing in energy efficiency and low carbon technologies. The figures for emissions saved are estimates of how much the actions would reduce our annual carbon footprint. Measured in tCO<sub>2</sub>e per year.

Year	Actions, Activities, Projects	Emissions Saved, tCO <sub>2</sub> e/year
	<b>Council Facilities</b>	<b>Subtotal 218</b>
2024	Pannier Market LED fixtures and controls.	2
2024	Exe Valley, additional solar car ports.	37
2024	Culm Valley, new ASHP, solar.	45
2024	Exe Valley CHP 70kW (*)	-50
2025	Solar Car Ports, Phoenix Lane multi-storey.	146
2025	Building Management System project at Phoenix House.	38
	<b>Transport Fleet</b>	<b>Subtotal 7</b>
2024	Replace 1 van	2
2025	Replace 4 vans	5
	<b>Housing</b>	<b>Subtotal 135</b>
2024-2026	Solid Fuel appliance removals from HRA Stock	50
2024-2026	Whole house UPVC window replacements to HRA stock	15
2024-2026	Internal Insulation upgrades to HRA stock	13
2024-2026	Whole roof Replacement to HRA stock	7
2024-2026	Renewable Heating installations to HRA stock	48
2024-2026	LED lighting to Bathrooms in HRA stock	1
	<b>Total</b>	<b>360</b>

(\*Combined heat and power. Gas use would counteract savings, so is shown as a negative.)

Fuel and power consumption by the activity areas above - council buildings, transport fleet and housing - are significant sources of greenhouse gas emissions.

Moving away from consuming fossil fuels where possible (Scope 1 emissions) will 'decarbonise' transport and the energy used to heat buildings i.e. within the council's rented commercial estate, and in social housing.

Actions to reduce energy demand will cut costs and carbon, such as works to improve insulation and the fabric on buildings e.g. door seals and windows, or changing to more efficient heating and cooling systems, or energy controls and management systems.

The climate impact linked to electricity generation and supply (Scope 2 emissions) is also expected to gradually decrease as the UK's generation mix continues to decarbonise, and due to future growth of localised generation. This will, in turn, reduce the impact of power used by the council's rented commercial estate, and in homes rented out by the council.

The Council switched to 100% green power at all its facilities, including offices, leisure centres and the waste depot, in October 2023. This saved over 300 tCO<sub>2</sub>e in 2023/24 and should save even more during this financial year.

Looking ahead to 2030, a series of projects are set to deliver important reductions to our 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 will 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 will save up to 136 tonnes annually.
- Renovating council homes will save over 400 tonnes annually.

The scale of these reductions to the annual carbon footprint, circa 1,100 to 1,600 tCO<sub>2</sub>e are compatible with targets in the [Corporate Plan](#) 2024-2028. However, further reductions will be sought, and teams will submit external funding bids to enable more projects. Funding provided by central government plays a crucial part in making it possible and affordable for us to achieve and expand our action to address climate change.

In addition to the actions above, the Authority will seek to use its spending power to influence and require its suppliers to reduce the climate impact of the goods and services they provide (Scope 3 emissions). The reach of our influence, such as engaging with tenants, working in partnership, demanding supply side change, and leading by example, has the potential to outweigh and outlast what we can achieve in the short term within our directly managed buildings and transport.

## Working towards Net Zero

Components of the 2023/24 carbon footprint under the direct corporate control comprised 2,103 tCO<sub>2</sub>e with emissions that belong to Scope 1 (fuel) and Scope 2 (electricity). The Council's ability to fully decarbonise this 'corporate carbon footprint' is highly constrained, because currently the availability and costs of the alternative technology are inhibitive. For example, small vehicles can be replaced with electric vehicles (EV) but this is not a feasible option for most large vehicles, particularly in a rural district.

However, in theory, net zero for the 'corporate carbon footprint' can be achieved by a combination of cutting the impact of what the Council can directly control - and by balancing actions that reduce the impact of other elements. This is known as offsetting.

The top priority is to cut greenhouse gas emissions, particularly Scope 1 and Scope 2, and primarily those impacts under direct management control. Therefore any offsetting would be secondary to this, and would need to comply with recognised best practice standards such as the [Oxford Offsetting Principles](#), to ensure carbon credits are additional, measurable, etc.

The Council already offsets hundreds of tonnes of emissions annually, by buying green power, and it exports some of the power created by solar panels on its property (surplus

that cannot be used on site is absorbed by the local network). There is potential to grow this renewable energy portfolio.

By investing in actions to shrink the overall footprint in other areas e.g. housing, rented commercial property and procurement, which each create impact outside the Council's direct control, this can be considered 'insetting' or 'offsetting' to help balance out the corporate carbon footprint.

The Council will also consider how nature-based [carbon capture](#) can contribute to offsetting, such as through land / habitat management and partnership projects.

The table below provides examples of different types of actions that could avoid, reduce or seek to balance out greenhouse gas emissions.

<b>Scope 1</b> , direct emissions, from fuel combustion	<b>Scope 2</b> , indirect, from purchase of electricity	<b>Scope 3</b> , indirect emissions linked to supply chains
<b>AVOID</b> Less travel.	<b>AVOID</b> Switch off / use less power.	<b>AVOID</b> Buy less.
<b>REDUCE</b> Replace vehicles with more efficient models and vehicles with low carbon energy technology, such as EV. Switch to low-carbon fuels. Staff culture and best practice.	<b>REDUCE</b> Replace plant and equipment with more efficient models and technology. Generate renewable power on Council sites. Staff culture and best practice.	<b>REDUCE</b> Require suppliers to reduce their emissions. Buy products and services with lower emissions. Avoid high impact options. Efficient supply chains e.g. buy local, combine delivery.
<b>INSET</b> Support / enable / invest in ways to reduce tenant energy use, and to decarbonise tenant energy.	<b>INSET</b> Council funds / supports / enables / invests in ways to reduce tenant energy use, and to decarbonise tenant energy.	<b>INSET</b> Actions taken by supply chain. Council supports / funds / invests to enable communities and businesses to reduce their climate impacts.
<b>OFFSET</b> Purchase gas from renewable sources e.g. biogas. Nature-based offset.	<b>OFFSET</b> Export / sell green energy. Purchase green power. Nature-based offset.	<b>OFFSET</b> Buy carbon-neutral products and services. Suppliers subscribe to (certified) offsetting schemes.

## Caveats and notes

Conversion factors are subject to change. Figures cited in this report relate to the relevant conversion factors used to estimate the carbon footprint of e.g., fuel use, travel, and other activities.

Estimates used in this report were, where possible, based on the UK 2024 conversion factors. However, some estimated values were provided by others e.g. the 2021 decarbonisation plan; solar PV suppliers; CHP supplier.

The climate impact of the UK's electricity generation and supply is projected to decrease. Therefore, any estimates of carbon savings linked to reduced electricity consumption could be affected by interrelation to the grid's conversion / emissions factor.

# Biodiversity Duty Action Plan

## Mid Devon District Council

November 2024 (draft)



### Introduction

The Council's statutory duty to conserve and enhance biodiversity (habitats and species) is set out by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act). This is known as 'the biodiversity duty'.

The Council must:

- Consider what it can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on its consideration.
- Act to deliver its policies and achieve its objectives.
- [Report on its biodiversity duty actions.](#)

The Department for Environment, Food & Rural Affairs (Defra) has published [guidance](#) on purpose and compliance.

### Joined-up delivery of the Council's action planning.

Responsibility to deliver on the general biodiversity duty is shared across all Council operations. As such, this matter was raised on agendas for all Policy Development Groups (PDGs) and, where within the jurisdiction of the LPA, the Planning and Policy Advisory Group (PPAG) to request input to the policy framework and action plan.

Thus, action and policy development will be split into two separate streams. Either:

- a. matters within the Council's statutory Planning Policy making process and the statutory powers as a Local Planning Authority (LPA), largely governed and

- prescribed by national policy and through the work of the Forward Planning and Development Management teams, or;
- b. items outside those functions, such as land management and its wider corporate operations.

## The approach to action and policy development.

The legislation's explanatory notes (Part 6, section 102) carry key points:

- A requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then to take these actions (beyond simply discharging its duties as the Local Planning Authority).
- The aim is to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.
- To comply, a public authority must periodically consider the opportunities available across the full range of its functions. This represents a proactive, strategic assessment of functions, rather than considering each function in isolation.

The Council may decide there is no action it can reasonably take that is consistent with the proper exercise of its functions. For example, if a particular action is not possible within budget constraints, not good value for money, or it conflicts with other priorities. However, if there is action it can take, then it must decide how that action can be put into effect, through appropriate policies and objectives. It is possible the duty can be satisfied by adjusting existing policies and objectives, rather than requiring public authorities to introduce new policies or undertake new projects.

## Progression and development of this action plan

The Cabinet Member for Environment and Climate Change led a first consideration of what action to take with regard to this duty in autumn 2023, and a report was submitted to [Cabinet](#). The Cabinet Decision was [published online](#).

The next step was to develop a policy framework and action plan, in consultation with committees and teams across the Council. The first round of development was carried out in consultation with each of the PDGs and by the Planning and Policy Advisory Group (PPAG) who considered reports that highlighted potential action related to each of their remits. The second round was addressed by staff teams to shape realistic actions and achievable measures / metrics.

Guidance was given to teams on key considerations for policy development and actions:

- Does the action comply with and support the requirements of the legislation? (Please refer to the introduction.)
- Would the Council have full control over whether the Aim / Action is achieved?
- Are your objectives SMART?
- Does the Aim / Action require new policies or projects - or could it build on current practice?
- Does an action need partnership work to make it happen? (How would it influence the work of others / partners to help realise the aims?)

Guidance was given to teams on key considerations for monitoring and targets:

- What would success look like?
- Would the Council be able to measure success and progress? (Would we rely on others for this information?)
- Would a quantifiable metric (number) be appropriate?
- Would a metric be realistically achievable – e.g. will data be affordable and available?
- Could a qualitative evaluation be appropriate instead of a metric, or be an essential way to explain progress?

The key outcome is this **policy framework and action plan** to enable and inform implementation, decision-making and policy development.

# Policy Framework and Action Plan

Mid Devon District Council’s implementation and monitoring of its Statutory Duty for Biodiversity will focus on the following Biodiversity Duty Policy Framework and Action Plan. This contains aims, actions and goals for the Council and its partners.

Policy and practical actions are shown in tables below, for each policy / service remit.

**Table 1 - Planning, Environment and Sustainability PDG**

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
e1	Biodiversity Net Gain at 10% or above.				Please refer to the actions for the Local Planning Authority role.
e2	Shape / influence planning policy.		Not applicable.		Seek policy on enhancement through liaison with Planning and Policy Advisory Group (PPAG).
e3a	Tree Policy and Strategy.	Strengthen tree policy. Develop a Tree Strategy e.g. to improve potential for greater tree cover.	Document in place.	2026	Climate Change will affect the optimum choice of trees in terms of local suitability for planting.
e5	Active engagement with nature.	Engagement and partnership projects to help celebrate, boost and monitor biodiversity on Council owned land.	No. of events.		Hosting or supporting activities such as bat walks in parks, community orchard events, etc.
e6	Partnership schemes to boost nature at landscape scale.	Seek to identify and enhance special sites, Local Nature Reserves (LNR) and Country Parks.  Landscape scale enhancement projects e.g. woodland cover, connectivity, river valley schemes.	No. of sites by 2028.	1 new LNR / country park / special scheme.	Additional to any required via developer Planning obligations.

**Table 2 - Community, People and Equalities PDG**

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
c1	Review strategic grants to achieve biodiversity benefits.	This could include e.g. agreed results linked to a supported partner organisation or project.	Not applicable.		Next review due 2026.  Existing grant regime includes a grant to the Grand Western Canal Country Park and Local Nature Reserve.
c2	Health and wellbeing benefits of nature.	Consider, monitor and promote the social and wellbeing benefits of nature engagement activities, green space, and ecological health.	Reporting in place.	2027	
c3	Co-benefits for nature and communities.	Consider and promote the social benefits of nature-based solutions for climate change e.g. natural flood management schemes, urban tree cover	Not applicable.		

**Table 3 - Homes PDG**

<b>No.</b>	<b>Action / Aim</b>	<b>Goals / measures of success</b>	<b>Metric</b>	<b>Target</b>	<b>Comment</b>
h1	Tenant engagement projects to help celebrate, boost and monitor biodiversity on Mid Devon Housing land.	Activities or events. Communications (e.g. leaflet, social media) about maintenance of grounds and properties, in relation to wildlife.	Engagement numbers in each scheme. Number of schemes.	Annual summary to PDG. At least 3 sites or communities engaged per year.	
h2	Add enhancement targets into estate and asset strategy	Enhancement features and management practices e.g. roost bricks, mowing regimes, bird and bat boxes, planting.	No. of features / installations.	Plan to be in place 2026.	
h3	Ecological awareness	Provide a foundation of ecology training for key staff.	No. of training sessions.	At least 1 ecology workshop per year.	Basic ecology awareness training for key staff e.g. garden wildlife, bats, breeding birds.

**Table 4 - Economy and Assets PDG**

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
ea1	Promote sustainable local food systems.	Regenerative / positive and low impact production innovations.	Not applicable.		Build on successes of support afforded through SPF/REPF aimed at local food producers
ea2	Support innovation and investment opportunities that enhance biodiversity across Mid Devon landscapes, neighbourhoods and built assets.	Promote environmental land management partnerships and grants. Promote local investment in urban green space. Promote green schemes with cobenefits for nature such as restorative landscape enhancement, farm diversification, active travel and ecotourism.	TBC  Unlikely that MDDC would lead on this.	TBC	Mid Devon recently supported a Regenerative Agriculture initiatives within the district utilising REPF/SPF funding and an opportunity to build on this may exist via the 4 <sup>th</sup> year of SPF funding, recently announced.
ea3	Promote investment in Natural Capital and resource conservation.	Recognise, encourage and monitor the economic benefits of e.g. natural flood management schemes, habitat carbon capture / banking and biodiversity banking.	Not applicable.		Unlikely that MDDC would lead on this.
ea4	Council estate and asset management	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2026	
ea5	Regeneration to boost nature.	MDDC major regeneration bids to include habitat gains and ecologically informed design.	Actions in major bids.		Opportunities available will depend on the purpose and setting of each project.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Consideration is already being given on how to enhance existing scheme to deliver additional benefits

**Table 5 - Service Delivery and Continuous Improvement PDG**

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
s1	Mowing regimes	Monitor the effects of conservation management and mowing regimes (less cutting) in cemeteries and green spaces.		Increase the number and variety of plant and invertebrate species present on these areas	To enable any form of measurement a baseline study of areas managed for conservation is required. In addition, the baseline needs to be established for more frequently mown areas.
s2	Optimise land management plans	Review land management plans to ensure gains.	Review document.	2026	
s3	Legacy policy	Develop a policy to conserve gains achieved e.g. if land management is passed to another party / partner.	Policy in place.	2025	

s4	Ecological awareness	Provide a foundation of ecology training for key staff.	Number of training sessions.	At least 1 ecology workshop per year.	Training sessions tailored to the operational supervisors and staff would be beneficial.
s5	Enhance nature on Council property.	Build biodiversity enhancement targets into estate and asset management strategy.	Plan in place.	2027	

**Table 6 - Local Planning Authority role**

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p1	Biodiversity Net Gain at 10% or above.	Require and enforce mandatory Biodiversity Net Gain (BNG) at 10% or above, where possible, for eligible developments.	Number of Consents with BNG secured.	All eligible cases. (Annual total.)	Defra requires BNG to be reported. Development Management seek to track BNG and all cases where mitigation and enhancement are agreed / secured by Conditions. Even with enforcement, we cannot accurately track all actual change i.e. habitat enhancement being achieved / on target.
p2	Policy to support BNG.	Develop local policy to support BNG, such as to enable biodiversity banking, and enforcement.	Policy content.	Policies in place by 2027 / via Local Plan process.	Local Plan timetable review due 2025.

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
p3	Ecology checklist for developments.	Optimise checklist effectiveness for scoping ecological issues.	Checklist in place to raise ecological matters.	Use 2025 data collected via checklists to help devise monitoring goals.	Build on the ecological elements of the checklist introduced by the climate emergency interim planning policy statement (resource published 2023).
p4	County Ecologist provision.	Measure impacts / celebrate the success of the Ecology Service Level Agreement (SLA) with Devon County Council.	Not applicable.		SLA in place with Devon County Council. Potential for annual summary notes by Ecologist.
p5	Non-BNG gains	Seek / require ecological gains for cases not subject to mandatory BNG legislation.	No. of non-BNG cases with gains conditioned	Monitor 2025 data; use that to inform a target.	Development Management seek to track all cases where mitigation and enhancement are agreed / secured by Conditions.
p6	Planning service ecology targets	Devise strategic targets to achieve district gains such as % tree cover, key features e.g. swift roost bricks, wildlife road crossings, dark zones, landscapes permeable to wildlife movement.	Not applicable.		Targets will relate to strategic drivers such as species strategies and the Local Nature Recovery Strategy (LNRS). Progress targets to be reviewed once we have LNRS in place.
p7	Wider obligations such as the Local Nature Recovery Strategy (LNRS)	Reinforce policy and practice around delivering the NERC Act duty and new Environment Act obligations such as LNRS.	Not applicable.		We will identify and implement delivery mechanisms; potential to use the Local Plan review to enable policy. Devon County Council is the "Responsible

No.	Action / Aim	Goals / measures of success	Metric	Target	Comment
					Authority” for preparing the LNRS; Mid Devon District Council is a “Supporting Authority”.
p8	Report on Biodiversity Duty compliance and achievements	Delivery on BNG. Progress on Actions (including this action plan). How other strategies have been considered e.g. species, protected sites, LNRS. Future aims.	Report to be published.	Frequency of every 5 years or sooner.	To comply with reporting requirements as set out by Defra.
p9	Explore BNG policy	Evaluate the potential and viability of Mid Devon BNG policy above the national 10% minimum.  This might be policy to realise specific uplift aims rather than blanket % habitat unit targets. Such as ecological enhancement for priority species; or priority factors e.g. disturbance, connectivity or climate adaptation.	Not applicable.		A matter to be investigated through the preparation of the new Local Plan. (A matter that cannot be pursued outside the plan-making process.)

# Appendix

## Background papers

Biodiversity statutory duty [report](#) submitted to [Cabinet 09 January 2024](#).

## References

Defra [guidance](#) on legislation purpose and compliance.

Defra [guidance](#) about how and what the Authority / Council needs to report on with regard to its biodiversity duty actions.

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**Report for: Planning, Environment and Sustainability PDG**

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Date of Meeting:	26 <sup>th</sup> November 2024
Subject:	Summary report on Planning matters
Cabinet Member:	Cllr Steve Keable, Planning & Economic Regeneration
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	N/A
Wards Affected:	All wards
Enclosures:	N/A

## Section 1 – Summary and Recommendation(s)

This report provides a summary of activity undertaken in relation to planning matters.

### Recommendation(s):

1. That Members note the contents of the report.

## Section 2 – Report

### 1.0 Introduction

This report seeks to provide Members with updates across a range of matters relating to Planning and Building Control. The updates are in line with those previously agreed at the June 2024 meeting of the PDG.

## **2.0 Updates**

### **2.1 New National Planning Policy Framework (NPPF)**

- 2.1.1 The Council's response on proposed reforms to the National Planning Policy Framework and other changes to the planning system was submitted on 23<sup>rd</sup> September 2024. The response was discussed at PPAG during August and at Cabinet on the 17<sup>th</sup> September 2024.
- 2.1.2 The Government is understood to be considering the responses received and has promised to respond to the National Planning Policy Framework consultation before the end of the year.
- 2.1.3 The Planning and Infrastructure Bill is to be introduced into Parliament in early 2025 with a focus on streamlining and simplifying the planning system to ensure, "the planning system supports public and private investment."

### **2.2 New Local Plan: Plan Mid-Devon**

- 2.2.1 Work on Plan Mid Devon continues, but it will be necessary to re-visit the workplan once Government publishes the updated NPPF, as set out above. Once this is published and can be reviewed, it is expected that a new Local Development Scheme will be brought before this PDG for discussion and review before presentation to Cabinet in early 2025.

### **2.3 Development Management Policies**

- 2.3.1 A Gypsy and Traveller Accommodation Assessment was presented to Cabinet (12 November), with interim targets approved for use in determining planning applications.
- 2.3.2 Following the last report, the Willand Neighbourhood plan has now progressed with Willand Parish Council having agreed the Examiners recommended modifications and having produced a referendum version of the Neighbourhood Plan. This item is also before this meeting of the PDG seeking onward recommendation to Cabinet (January 2025) to support referendum (February 2025).
- 2.3.3 The Blackdown Hills National Landscape Management Plan consultation was approved by Cabinet in October with the Partnership expected to undertake the public consultation through late 2024/early 2025.
- 2.3.4 Finally, a Stage 1 Public Consultation regarding future development of Tiverton EUE (Area B) was approved by Cabinet at its November meeting and is scheduled to run from 20<sup>th</sup> November 2024 until 10<sup>th</sup> January 2025.

## **2.4 Development Management**

- 2.4.1 Performance within Development Management remains strong with 99% of householder applications determined within 8 weeks and 98% of Majors within 26 weeks (Q1 data).
- 2.4.2 However, Q1 statutory income was depressed versus target (£142k income vs. £908k target) which is reflective of the depressed and sluggish housing market. Positively however, discretionary income fared better and was only marginally below target.

## **2.5 S106**

- 2.5.1 Work regarding revised S106 governance has progressed and a revised governance framework is also set before this meeting of the PDG for review, comment and onwards recommendation to Cabinet. This review has been undertaken to support more proactive utilisation of S106 funds, increase member involvement and support effective decision making.
- 2.5.2 Also progressed is the Infrastructure Funding List (2024) which is again set before this PDG for review and onward recommendation to Cabinet targeting publication in December to meet statutory requirements.

## **2.6 Conservation**

- 2.6.1 The Grand Western Canal Conservation Area Appraisal and Management Plan was put before Cabinet on the 12<sup>th</sup> November and adoption was recommended to Full Council in December.
- 2.6.2 A 'forward plan' of conservation areas to be reviewed has been requested by Members and this will be provided in due course.

## **2.7 Building Control**

- 2.7.1 Building Control (a shared function with North Devon Council) continues to perform well, albeit with continuing resourcing challenges and pressures accruing through changes introduced through the Building Safety Act (2024) – including around the mandatory reporting of multiple data sets without clear guidance from the regulator regarding the format of such returns.
- 2.7.2 Q2 data showed 100% approval of full applications within 2 months (versus 95% target) and continuity of a strong market share (80% versus 75% target). However, market share of new housing completions remains low (12% vs. 40% target) and applications numbers, and therefore income, remain

low/below target. Again – this is reflective of a depressed housing market and low confidence within the construction/development sector as a whole.

## **2.8 Planning Enforcement**

- 2.8.1 Advertisement continues for a Senior Enforcement Officer with an application deadline of 15<sup>th</sup> November 2024. A 15% market supplement is included with the role in order to seek to make the role attractive to applicants. This is the fourth time advertising this hard-to-fill role.
- 2.8.2 The Enforcement services continues with a high/active case load. Currently, the service has around 300 cases and this number is broadly stable, albeit there is churn/change in the live cases as new cases are presented as the officers close older cases.
- 2.8.3 The update to the Enforcement Policy is progressing with presentation of the revised draft policy to Scrutiny on the 25<sup>th</sup> November. This is following discussion with PPAG and precedes presentation to Cabinet in December for approval.

## **Financial Implications**

Financial implications associated with this report are limited – but members are asked to note points relating to financial performance and other implications of matters.

## **Legal Implications**

There are no legal implications arising from this information report.

## **Risk Assessment**

There are no major risks associated with this report.

## **Impact on Climate Change**

The scope of this PDG means it has a significant opportunity to progress positive work around climate, biodiversity and other environmental/sustainability matters. Officers will work to seek to support the PDG in maximising these opportunities.

## **Equalities Impact Assessment**

No negative equalities impacts are expected.

## **Relationship to Corporate Plan**

The work of this PDG will supports a wide range of corporate objectives and the corporate plan as a whole.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151  
**Date:** 15<sup>th</sup> November 2024

**Statutory Officer:** Maria DeLeiburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 15<sup>th</sup> November 2024

**Chief Officer:** Stephen Walford  
Agreed by Chief Executive  
**Date:** 15<sup>th</sup> November 2024

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 14 November 2024

**Cabinet member notified:** yes

#### **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Marsh, Director of Place and Economy  
**Email:** rmarsh@middevon.gov.uk  
**Telephone:**

**Background papers:**

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