



**A MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 24 September 2025 at 6.00 pm

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

**[The next meeting is scheduled to be held in Tiverton on Wednesday, 29 October 2025 at 6.00 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: 375 826 034 358

Passcode: jT9m2Cx9

**STEPHEN WALFORD**

Chief Executive

16 September 2025

## **AGENDA**

**1 Apologies**

To receive any apologies for absence.

**2 Public Question Time**

To receive any questions and or statements relating to any items of the Council powers/ duties or which otherwise affects the District and items on the agenda from members of the public.

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

To record any interests on agenda matters.

**4 Minutes** (*Pages 7 - 18*)

To consider whether to approve the minutes as a correct record of the meeting held on 23 July 2025.

**5 Chair's Announcements**

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

**6 Petitions**

To receive any petitions from members of the public.

**7 Notices of Motions**

To receive any notices of motions.

**8 Cabinet-Reports of the minutes held on the 5 August 2025 and 2 September 2025** (*Pages 19 - 37*)

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

5 August 2025

2 September 2025

**9 Scrutiny Committee- Report of the Minutes of the meeting held on the 19th July 2025** (*Pages 39 - 49*)

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

19 July 2025

- 10 **Planning, Environment and Sustainability Policy Development Group- Reports of the minutes of the meeting held on the 29 July 2025** *(Pages 51 - 53)*

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

29 July 2025

- 11 **Planning Committee- Reports of the minutes of the meeting held on 30 July and 20 August 2025** *(Pages 55 - 71)*

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

30<sup>th</sup> July 2025

20<sup>th</sup> August 2025

- 12 **Appointment to Outside Bodies**

To consider the appointment to outside bodies for Council for the Tiverton Museum and seek one representative to the position available.

- 13 **Questions in accordance with Procedure Rule 11**

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

- 14 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special.

- 15 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

- 16 **Members Business**

To receive any statements made and notice of future questions by Members.

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

## **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 **COUNCIL** held on 23 July 2025 at 6.00 pm

**Present**

**Councillors**

G Czapiewski (Chair)  
C Adcock, M D Binks, N Bradshaw,  
D Broom, E Buczkowski, J Buczkowski,  
J Cairney, S Chenore, S J Clist, L J Cruwys,  
G Cochran, C Connor, F J Colthorpe,  
A Cuddy, G Duchesne, J M Downes,  
M Farrell, B Fish, M Fletcher, C Harrower,  
B Holdman, M Jenkins, S Keable,  
L G J Kennedy, L Knight, N Letch, J Lock,  
J Poynton, R Roberts, Stanford, A Stirling,  
Stratton, L Taylor, H Tuffin, G Westcott,  
J Wright and D Wulff

**Apologies**

**Councillor(s)**

S Robinson and N Woollatt

**Also Present**

**Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place & Economy), Maria De Leiburne (Director of People, Legal and Governance (Monitoring Officer)), Laura Woon (Democratic Services Manager) and Sarah Lees (Democratic Services Officer)

**Councillors  
Online**

A Glover and A White

**Officers Online**

Paul Deal (Head of Finance, Property and Climate Resilience).

**1 APOLOGIES (03:34)**

Apologies were received from Councillors: S Robinson and N Woollatt.

**2 PUBLIC QUESTION TIME (04:24)**

**Goff Welchman**

**Question 1:**

The recent appeal was always likely to win, due to the new Government housing targets, which tied the inspector's hands. However, he clearly sympathised with the many objections raised, as he has thrown us the consolation prize of 29 conditions, many of which will act as a deterrent to any developer thinking of taking over the site. Therefore, applications to retrospectively remove the most onerous conditions are highly likely. Will this Council confirm, that any such applications will be robustly refused?

**Response from the Cabinet Member for Planning and Economic Regeneration:**

The application of a significant number of conditions as well as obligations in any associated S106 agreement was a typical level of control to be established over a development of this scale. They were not a "consolation prize" but simply reflect the range of issues that a planning authority would reasonably expect to control or secure further details prior to various trigger stages in the development.

At this stage it would be pure speculation to discuss what options any developer may seek to pursue in implementing the planning permission and therefore to pre-determine the planning authorities decision on any such proposals would be both premature and represent an unreasonable starting point to our assessment that could place the authority at risk of a further costs award against it.

The Inspector in his decision had clearly set out the level of impact principally upon heritage assets and landscape (but also other impacted environments) and confirmed that he considers these impacts to be an acceptable cost in order to secure the 100 dwellings. This would represent the starting point for any consideration of alternative proposals if they are submitted.

**Question 2:**

The Tidcombe Hall area remains vulnerable to further speculative development applications, and even one to enlarge the currently approved plan, due to the original terrible mistake of designating it as a contingency site. Will this Council now commit to removing that designation in the next Local Plan?

The residents of Tiverton, and beyond, are bitterly disappointed at, and outraged by what is happening to the Tidcombe Hall area, and expect very positive responses to my questions."

**Response from the Cabinet Member for Planning and Economic Regeneration:**

As you would know, the current Local Plan was adopted by a previous Council and inherited by this Administration.

You would also recall, in relation to the Housing Delivery Action Plan that Mid Devon adopted in Spring this year, the Council resolved to exclude the Tidcombe Hall site from early release because of the harms considered arose from the partial control over the site that was available to the applicant, however the Inspector did not accept that those harms were sufficient to prevent development coming forward.

As you note, the only way to remove a particular site allocation or designation within an adopted Local Plan is by way of a plan review. As you would also know, the preparation of a new Local Plan is at a relatively early stage.



Before committing to the inclusion or exclusion of any sites or opportunities for development, the Council would need to consider at a strategic level how it intends to deliver the government's new housing numbers that will underpin the allocation of development across the district. Any Issues and Options document that we progress would be the subject of a wide public consultation which will enable the community of Mid Devon to make clear to the planning authority how they believe growth should be delivered in relation to both location and scale of development. Until we get to that stage however it would be inappropriate for officers or councillors to commit that individual allocations within the adopted Local Plan would be removed from future Plans for the district.

### **Nick Govier**

The subject of Anaerobic Digestion Plants in Mid Devon and the conflict between commercial greed, impacts on communities and the environment along with the still to be proven case of supporting net zero remains as strong as ever.

I support the motion being proposed with the development of greater transparency for the public, the consultees and applicants being seen as a positive step. Mid Devon carries a disproportionate share of Anaerobic Digestion Plants located in Devon with significant time being consumed by planning officers, Council Members and the public in becoming involved in such applications as a result of the aforementioned tensions.

Added to this is the recent involvement of this Council's Enforcement Officer in bringing enforcement action in the face of clear planning condition breaches at one high profile AD location. Again the pursuit of corporate greed ignoring the expected protection afforded to local communities which should have been delivered through this council's very own planning conditions.

In light of this position can I please ask this council when discussing the motion they expand the scope of the proposed document and agree:

In reaching any planning decision how appropriate and enforceable planning conditions would be, along with explaining the enforcement challenges to date:

In reaching any planning decision how important would the health and safety be of local residents (referred to as receptors). This reflecting the statutory guidance from the Government which profiles the need for such plants to be operating a minimum 200m from the nearest receptor. This has previously been profiled as a concern by the Mid Devon Health Officers

In reaching any planning decision what consideration is given to the significant investment in the Tiverton Eastern Urban Extension. A programme of housing development and road infrastructure improvements which included a core strategic objective to reduce traffic volumes to the east of Tiverton. Recent AD operations have ignored this objective

In reaching any planning decision how the applicant can deliver a complete view of the net zero impacts. This includes the need to demonstrate the full impacts of feedstock production including use of large areas of land, sprays and fertilisers,

harvesting, transportation of feedstock and digestate over long distances, fuel consumption and plant operation before reaching any energy production.

I hope these elements are considered appropriate and I ask these are added to the scope of the proposed document. By bringing understanding and transparency to these themes I believe they will simplify future decision making for AD plants and support the motion before the council this evening.

### **Response from the Cabinet Member for Planning and Economic Regeneration:**

Thank you, Mr Govier for your question and observations which I know was a central theme and concern for many Mid Devon Councillors. I am sure that these matters will be touched on through discussions this evening and I will also ensure that officers consider the points you raise in the context of any decision reached this evening and with a mind to national and local planning policy positions and requirements.

I should however just stress that any policy would necessarily need to consider Anaerobic Digester operations within the District as a whole, and not simply those contained within specific locations within the District.

### **Peter Drew**

In a decision dated 24 June 2025 the Planning Inspectorate allowed an appeal for 100 dwellings at Tidcombe Hall. Luke Taylor claims that the decision was a “consequence of the recent adjustment to housing targets”. However once again the Lib Dems distort fact from reality.

The fact is that the Council chose Tidcombe Hall as a contingency site for 100 dwellings in its adopted Local Plan. It then conceded in advance of the Inquiry that it did not have a 5-year housing land supply. That is exactly the scenario in which the contingency site was designed to be released. The Planning Inspectorate noted the housing land supply figure is expected to fall further as the higher targets take effect but that doesn’t alter the fact that the Council itself chose this as the only contingency site in its adopted Local Plan to be released where there was a shortfall in the housing land supply. The Council cannot therefore blame anyone but itself.

In granting planning permission the Inspector found the scheme would have negative effects on the Grand Western Canal Conservation Area. In reaching that view the Conservation Area and Management Plan [CAAMP], which the Council rushed to endorse ahead of the Inquiry, does not appear to have been mentioned in the decision letter; it certainly didn’t make any difference.

At the time of endorsing the CAAMP, Mr Keable could not answer a simple question about what had changed to lead the same Council to remove trees on my property and elsewhere from the Conservation Area when the statutory test had not changed. The Council claimed the CAAMP would protect the Canal Conservation Area. However this decision adds to the harm that the Council have caused to the canal by removing protection from tens of thousands of trees and failing to stop pollution, including effluent and silt, from entering the canal at Sampford Peverell.

In a recent survey 87% of people said that they trust politicians “not very much or not at all” and that comes as no surprise to me given the track record of this Council.

Having refused to issue a public apology even when the Local Government Ombudsman found maladministration by the Council.

**Question 1:**

Would the Council now like to apologise for its failings in these matters?

**Response from the Cabinet Member for Planning and Economic Regeneration:**

Thank you, Mr Drew. Talking of distorting fact from reality, let us set some facts straight with regard to your own statements when answering your questions:

1. The current Local Plan was adopted under a previous administration with a significantly different membership and based upon information and evidence available at that time. It therefore seems somewhat absurd to suggest that Members within this room should be “blamed” for such a decision.
2. The Council did have a robust housing land supply position which has unfortunately been undermined by slow build out rates, the age of the adopted plan and fundamentally by Government revisions to the Council’s housing target.
3. The Council undertook a thorough review of the GWC Conservation Area which, after a great deal of effort by many Councillors in this room this evening, produced a positive suite of documents with many stakeholders ultimately acknowledging the efforts that the Council had gone to in producing the document and in engaging key stakeholders in a positive and productive manner. And finally;
4. The Council did not refuse to issue an apology to you. Nor did the LGSCO Ombudsman find Maladministration. Rather, the Ombudsman found that delay had caused you frustration and asked that the Council provide you with a written apology. You received this written apology from the interim Development Management Manager in April and within days of the finding being issued.

**Paul Elstone**

**Question 1:**

Much is being made about the energy efficiency of the ZED PODS modules. In response to a Freedom of Information Request asking how many electric heaters are fitted at the ZED POD Shapland Place development. I was advised that four out of the eight properties have Secondary Electric Heaters installed.

The author of the response made an additional comment and in which they said these are “*redundant heaters*” also “*Given the thermal performance of these units they are rarely if ever used*”.

That was spin now the facts.

Are members aware that a report involving Bristol City Council, states that the residents of another ZED POD development not unlike Shapland Place were required to keep their electric ovens switched on this to keep them warm.

That the modules monitored in the report had (Quote) “*Potentials for unusually high usage of energy*” (Unquote) ?

**Question 2:**

The Energy Certificates prepared for Shapland Place classifies the development as Energy Rating ‘A’.

A certificate that makes absolutely no reference to Secondary Electric Heaters being fitted, and which it most certainly should. As a result, the electricity consumption and carbon emission calculations are substantially incorrect. Therefore, how can it be said these modules are truly nett zero?

**Question 3:**

It is noted that at least one other ZED POD development is the same. Examination reveals that ZED POD use the same assessor for all of their developments. Are members aware that landlords can be liable to legal action, fines and even compensations payments for false Energy Certificates?

**Question 4:**

Over 3 months ago I sent an email to the Cabinet Member for Planning amongst others.

An email that I believe provided irrefutable as built drawing evidence showing that the Shapland Place ZED POD Development does not comply with the Governments Minimum Described Space Standards. This on 3 separate points.

I was promised a response, but nothing has been forthcoming.

When can I expect a response, and a response that fully accepts the points I raised. Or if not debunks them and in detail and importantly on a point-by-point basis?

**Question 5:**

Over 3 months ago I also provide irrefutable evidence to the Enforcement Team showing that Shapland Place had been built in breach of 3 planning conditions.

A fourth breach has since been identified and related to overheating.

When can I expect a response to the planning breaches identified? This consistent with the Enforcement Policy. Especially important given its MDDC themselves who are in breach and with other similar projects ongoing?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

**Nick Quinn**

I am asking three questions on a matter that affects both the Council and residents.

A local news article reported that this Council has agreed to pay 'compensation' to tenants affected by the 2002 Housing Rent Error.

But the article suggested that the "compensation" would have strings attached and be limited to £500.

Yesterday morning, BBC Breakfast interviewed the oldest Postmistress affected by errors in the Post Office Horizon System. She still has not been given any recompense and their compensation scheme is offering less than half her losses.

Like the Post Office, this Council appears to be doing everything it can to avoid repaying the money it has overcharged; using “Lawyers Advice” to restrict outright repayments and touting “Compensation payments”.

Please remember that this error was made by the Council and resulted in some rents exceeding the maximum level set by the Government.

Also remember that the tenants had to pay their inflated rents - if they did not, they would have been evicted.

From public information, the overcharge on some properties has been calculated to be more than £14,000.

Whilst not all the overcharges are as large, there are a lot of them, totalling £7.5 Million.

But the Council is restricting repayments and compensation – only budgeting £1.8 Million.

So, this error will have “Unjustly Enriched” the Council by Five Million Pounds.

That is a Big Win for the Council and a Big Loss for the Tenants!

All this is all being done in your name, so I ask:

**Question 1:**

Have all Members seen the actual advice given by the Lawyer?

**Question 2:**

Do all Members realise that “Compensation” may be limited to £500?

**Question 3:**

Are all Members happy to accept that the good reputation of this Council will be tarnished by the failure to repay the full amount owed?

The Chair explained that as the questions had not been provided in writing in the required period in advance of the meeting that a written response would be provided in 10 working days.

### **3 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (25:14)**

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

None were declared under this item.

### **4 MINUTES (25:30)**

The minutes of the meeting held on 7 May 2025 were **AGREED** as a correct record and signed by the Chair.

### **5 CHAIR'S ANNOUNCEMENTS (26:10)**

The Chair had the following announcements to make:

- On the 8th May he had hosted the V E Day celebration and thanked those all that attended.
- On the 20th May he attended the Exeter Otters awards evening. This was an inspiring wheelchair basketball team.
- He attended the Great British Takeaway to say thank you for giving the Council a £50 fish and chip voucher (free) to give to the VE Day 80 poster competition winner.
- On the 27<sup>th</sup> May he attended the Friends of Tiverton Youth Centre. He met the team and saw the inspiring work they had done.
- On the 6<sup>th</sup> June he had attended the 'D' Day Anniversary Wreath Laying Ceremony in People's Park, Tiverton.
- On the 13<sup>th</sup> June he had attended an Exeter Policing awards ceremony.
- On the 23<sup>th</sup> June he had hosted the raising of the Armed Forces Day Flag.
- On the 26<sup>th</sup> June he had attended the Tiverton u3a AGM at Moorhayes Community Centre.
- On the 3<sup>rd</sup> July, the Vice Chair represented the Council at the historic Lammas Fair in Exeter.
- On the 4<sup>th</sup> July he attended Tiverton Primary School and gave a careers presentation.
- On the 5<sup>th</sup> July, he attended and took part in a litter pick in Tiverton, arranged by Allies. This had been a pleasant morning and many passers-by appreciated what was being done.

## 6 PETITIONS (30.47)

None received.

## 7 NOTICE OF MOTION (31:00)

### 1. Motion 608 (Cllr G Westcott)

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

### **Motion: Anaerobic Digester Plants**

#### **Council is asked to note that:**

- That the contribution of Anaerobic Digester Plants to reduction of greenhouse gas emissions is highly variable<sup>[11](#)</sup>;
- That while digestion of on farm wastes reduces escape of greenhouse gases from stored plant wastes, slurry pits etc, industrial scale AD processing requires considerable heavy vehicle transport of feedstock to the plant and digestate away from it for spreading on land;
- That heavy vehicle traffic movements constitute a considerable problem for local residents on single carriageway roads;
- That research shows that AD plants cannot necessarily be expected to contribute to the reduction of greenhouse gas emissions (only 1/3 of French



AD plants studied did so<sup>[2]</sup>) and so do not necessarily constitute sustainable development.

**Council is asked to support:**

Planning officers to prepare a Supplementary Planning document outlining the conditions under which any further applications for Anaerobic Digester plants, or the expansion of existing plants, would be acceptable and contribute to goals for climate change mitigation; and what planning conditions might be required to ensure that this contribution is realised.

[\[1\] Does anaerobic digestion really help to reduce greenhouse gas emissions? A nuanced case study based on 30 cogeneration plants in France – Science Direct](#)

[\[2\]](#) Ibid

Cllr G Westcott **MOVED** an **AMENDMENT** seconded by Councillor B Fish that the Motion be referred to the Planning, Environment and Sustainability Policy Development Group, for review before it came back to Full Council.

Consideration was given to:

- To complete an Equality Impact assessment.
- The districts wider audit of anaerobic digester plant and the target of net zero.
- The questions that were received from the member of public would be considered at the Planning, Environment and Sustainability Policy Development Group.

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

**8 APPOINTMENT OF THE CHAIR OF THE SCRUTINY COMMITTEE (38:22)**

Cllr A Cuddy nominated Cllr L Kennedy for election as Chair of Scrutiny. The nomination was seconded by Cllr B Holdman.

Upon a vote being taken, it was:

**RESOLVED** that Cllr L Kennedy be elected Chair of the Scrutiny Committee for the Municipal Year 2025/2026.

Those voting **AGAINST**: Councillors: M Binks, P Colthorpe and R Roberts.

Those **ABSTAINING** from voting Councillors: N Bradshaw, M Jenkins, H Tuffin and G Westcott.

**9 CABINET- REPORTS OF THE MINUTES HELD ON 17 JUNE 2025 AND 8 JULY 2025 ( 44:33)**

The Leader presented the reports of the meetings of the Cabinet held on 17 June and 8 July 2025.

**1. 2024/2025 Annual Treasury Management Review.**

The Leader **MOVED** and seconded by Cllr M Fletcher:

That the recommendation of Cabinet as set out in minute 6 be **APPROVED**.

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

Note: \* Report previously circulated.

**10 SCRUTINY COMMITTEE- REPORTS OF THE MINUTES OF THE MEETING HELD ON 14 APRIL 2025- 9 JUNE 2025 ( 46:30)**

The Vice Chair of the Scrutiny Committee presented the reports of the meetings held on 14 April and 9 June 2025.

**11 AUDIT COMMITTEE- REPORTS OF THE MINUTES OF THE MEETING HELD ON 24 JUNE 2025 (47:00)**

The Chair of the Audit Committee presented the report of the meeting held on the 24 June 2025.

**12 COMMUNITY, PEOPLE AND EQUALITIES POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 17 JUNE 2025 (47:30)**

The Chair of the Community, People and Equalities Policy Development Group presented the report of the meeting held on the 17 June 2025.

**13 ECONOMY AND ASSETS- POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 19 JUNE 2025 (47:54)**

The Chair of the Economy and Asset Policy Development Group presented the report of the meeting held on 19 June 2025.

**14 HOMES POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 3 JUNE 2025 ( 48:40)**

The Vice-Chair of the meeting of the Homes Policy Development Group presented the report of the meeting held on 3 June 2025.

**15 PLANNING, ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 10 JUNE 2025 (49:05)**

The Chair of the Planning, Environment and Sustainability Policy Development Group presented the report of the meeting held on 10 June 2025.



16 **SERVICE DELIVERY AND CONTINUOUS IMPROVEMENTS POLICY DEVELOPMENT GROUP - REPORTS OF THE MINUTES OF THE MEETING HELD ON 23 JUNE 2025 (49:28)**

The Chair of the Service Delivery and Continuous Improvement Policy Development Group presented the report of the meeting held on 23 June 2025.

17 **LICENSING COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 27 JUNE 2025 (49:52)**

The Chair of the Licensing Committee presented the report of the meeting held on 27 June 2025.

18 **REGULATORY COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 27 JUNE 2025 (50:15)**

The Chair of the Regulatory Committee presented the report of the meeting held on 27 June 2025.

19 **PLANNING COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 9 APRIL, 11 JUNE AND 2 JULY 2025 (50:40)**

The Chair of the Planning Committee presented the reports of the meeting held on 9 April, 11 June and 2 July 2025.

20 **STANDARDS COMMITTEE - REPORTS OF THE MINUTES OF THE MEETING HELD ON 18 JUNE 2025 (51:15)**

The Chair of the Standards Committee presented the report of the meeting held on the 18 June 2025.

**1. Advice to Elected Members who may be Victims of Crime.**

The Chair of the Standards Committee **MOVED**, seconded by Cllr L Taylor.

**THAT** the recommendation of the Standards Committee as set out in Minute 13 be **APPROVED**

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

Note: \* Report previously circulated.

21 **QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11 (52:20)**

There were no questions raised which were pursuant to Procedure Rule 11 and which had not already been dealt with during the relevant Committee reports.

22 **SPECIAL URGENCY DECISIONS (52:35)**

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

**23 QUESTIONS TO CABINET MEMBERS (52:38)**

The Chair informed the meeting that no were no questions to Cabinet Members.

**24 MEMBERS BUSINESS (53:03)**

The Chair informed the meeting that there were no Members Business.

(The meeting ended at 19:00pm)

**CHAIR**

**MINUTES** of a **MEETING** of the **CABINET** held on 5 August 2025 at 5.15 pm

**Present  
Councillors**

L Taylor, D Wulff , J M Downes,  
G Duchesne, M Fletcher, S Keable and J  
Lock

**Apologies  
Councillors**

N Bradshaw and J Wright

**Also Present  
Councillors**

E Buczkowski, J Buczkowski and S Clist

**Also Present  
Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Matthew Page (Head of People, Performance & Waste), Darren Beer (Operations Manager for Street Scene), Jason Ball (Climate and Sustainability Specialist) and Laura Woon (Democratic Services Manager)

**Councillors  
Online**

J Cairney, G Czapiewski, M Farrell, M Jenkins,  
L G J Kennedy and L Knight

**Officers Online**

Dean Emery (Head of Revenue, Benefits and Leisure) and  
Tristan Peat (Forward Planning Team Leader)

**26. APOLOGIES (05:27)**

Apologies were received from Councillors: N Bradshaw and J Wright.

**27. PUBLIC QUESTION TIME (05:30)**

None received.

**28. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (05:37)**

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

29. **MINUTES OF THE PREVIOUS MEETING (06:00)**

The minutes of the previous meeting held on 8 July 2025 were **APPROVED** as a correct record and **SIGNED** by the Leader.

30. **WASTE AND RECYCLING OPTION- POTS AND PANS TRIAL (06:25)**

Cabinet had before it a report \* from the Head of People, Performance and Waste and the Operations Manager for Street Scene and Open Spaces on the Waste and Recycling options.

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

- Following on from the recommendation that was made from the Service Delivery and Continuous Improvement Policy Development Group (PDG) in December 2024 and subsequent decision made by Cabinet in January 2025, a trial was conducted between 28 February 2025 and 23 May 2025 to assess both the feasibility of collecting unusable pots and pans (made of aluminium, stainless steel) and their subsequent collection rates from households as part of the Council's routine recycling collections.
- Two separate trials were conducted: one in an urban area (Willand) involving 453 properties and one in a rural area (Uffculme) involving 346 properties.
- The results of the trial were presented in section 2 with preliminary analysis and conclusions drawn together in section 3.
- The results of the trial confirmed that collecting unusable pots and pans via household recycling routes was operationally feasible and added strategic value to the Council's services. While engagement was limited, especially over time, small volumes were collected efficiently. This initiative, if permanently introduced as a collection service, could further enhance the Council's recycling capabilities and environmental reputation; however there would be a minimal effect on the recycling rate if the low tonnage collected during the trial was to continue.
- The trial was useful to understand potential participation rates across the district. It had shown that residents initially used the service actively, primarily to dispose of old items. However, usage dropped significantly after the first few collections. This suggested that long-term use may be lower than the initial uptake, making it difficult to predict future usage levels across the district. This also highlighted the importance of communication and the need to regularly remind residents of the services and how they could use those services.
- It was important to emphasise that, in line with the waste hierarchy, residents were encouraged to consider what materials they reused and reduced as well as recycled. However, given the ease with which the additional pots and pans could be collected during the trial, the Street Scene Service could collect residents' pots and pans as an additional collection service if required with very limited or minimal extra associated cost to the Council.
- The trial had given useful operational insight and demonstrated that there was not a consistent demand pattern for the collection of unusable pots and pans

across the district. Therefore, it was envisaged that rolling out this provision should be delivered within the current capacity and budget. However, future additional collection materials would need to be appraised based on the understanding that adding pots and pans into the recycling activity would place slight additional pressure on the operation.

- To recommend an additional waste collection material into an already highly effective recycling programme and to look forward to further exploring other additional material over the coming months.

Discussion took place with regards to:

- The specific start date for the permanent future collection of pots and pans to commence. It was suggested that we look to start the collection during the autumn of 2025 (October) to allow the necessary communication and awareness to be carried out in September.
- Whether metal stainless steel mixing bowls without handles would be included within the collection? This would be clarified in the pre-launch communication.
- Similarly, the pre-launch communication would also clarify whether different types of pots and pans e.g. those with non-stick coating would be collected.
- The communication would also stipulate that Teflon pots and pans would not be collected.

**RESOLVED** that:

1. The contents of this report was reviewed and **NOTED**.
2. The permanent future collection of unwanted metal pots and pans across the district from a specific date in October supported by an effective communications plan and resident correspondence as recommended by the Service Delivery and Continuous Improvement Policy Development Group (PDG) be **APPROVED**.

(Proposed by Cllr L Taylor and seconded Cllr S Keable)

**Reason for Decision:**

Based on the findings of the trial, pots and pans being included in the portfolio of materials collected at the kerbside would not incur additional operational costs. There would be minimal financial gain in the form of recycling credits or sales income due to the low tonnage collected.

Note: \* report previously circulated.

**31. 2025/26 QUARTER 1 BUDGET MONITORING (16:00)**

The Cabinet had before it and **NOTED** a report \* from the Deputy Chief Executive (S151) Officer and the Head of Finance, Property and Climate Resilience on the 2025/2026 Quarter 1 Budget Monitoring.

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

- The report presented the first Budget Monitoring for the year 2025/26 covering the period April – June 2025. This gave a forecast of the potential year end position.
- Based on Quarter 1 data the projected outturn position for the General Fund was a £232k over-spend. This was in-line with the previous year's trend where initial forecasts indicated an over-spend. However the position had improved during the remainder of the previous year and it was expected that this would be the case again this year. The main cause for the over-spend was the need for specialist agency staff which had exceeded the vacancy saving.
- It was worth highlighting that the current assumption was to earmark the significant increase in the Extended Producer Responsibility (EPR) grant recently announced (£450k), which if recognised would mean the Council had a small financial surplus. However, it was more prudent to earmark it at this point in the year and to continually assess this action throughout the remainder of the financial year as greater clarity on the likely year-end position became known.
- The Housing Revenue Accounts (HRA) forecast was for a £118k under-spend, which although a little lower, was again similar to the previous year's initial forecasts. Salary underspends were the main driver of this under-spend. The Capital Programme forecast a variance of £16.7m against the 2025/26 Deliverable Budget. This was largely due to the slippage of £15.2m, of which £4m related to the Cullompton Town centre Relief Road although the project was now well underway. There were other notable slippage variances in relation to 4 specific HRA development projects. There were a few forecasted over-spends where projects had broadened, for example with leisure and waste. This was more than offset by under-spends, particularly the Waste Depot Remodelling Project which was recently approved by the Cabinet. Finally, there was a small amount of expenditure no longer required as it had been encompassed into the larger Waste Depot Project.
- Also included within the report were sections that provided updates on the latest Treasury Management position, Collection Fund forecast and Procurement.
- The fundamental changes in funding mechanisms had been mooted for a while and were seeing hints of what this might mean for the Council. Specifically as this Council appeared to belong to a small group of less than 50 councils who were targeted for larger funding reductions. While most of the 300+ Councils were likely to have a cash freeze, it was indicated that the Council would receive a cut of between -5% to -7%.
- However, the real concern was the impact of resetting the business rates, with the loss of all of the growth generated since the scheme was implemented in 2013/14. If there was no transitional relief, this would have a significant impact on the Council's finances (£2m+).
- This Council would continue to challenge the rationale for being treated differently and lobby for effective transitional support and early notification of the final position.

Discussion took place with regards to:

- For the Business Rates was this just affecting this Council, Districts or other Local authorities? It was explained that it affects all Council's.

- The shortage with regards to the Housing Revenue Accounts (HRA) that was a significant amount, what were the reasons for this? There were a number of factors that contributed to the shortage.
- Who or what was (DMO) and did they borrow money for three days? It was explained that it was the Debt Management Office who we lent money to at an interest rate on a short term let.

**RESOLVED** that:

1. The financial monitoring information for the income and expenditure for the 3 months to 30 June 2025 and the projected outturn position be **NOTED**;
2. The use of Waivers and Direct Awards for the procurement of goods and services as included in Section 8 be **NOTED**;
3. The update on future funding given in paragraphs 9.2 and 9.3 be **NOTED**.

(Proposed by Cllr J Downes and seconded by Cllr J Lock)

**Reason for Decision:**

Good financial management and administration underpin the entire document. A surplus or deficit on the Revenue Budget would impact on the Council's General Fund balances. The Council's financial position was constantly reviewed to ensure its continued financial health.

Note: \* report previously circulated.

**32. ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC (27:30)**

The Leader indicated that discussion with regard to the following items, may require the Cabinet to pass the following resolution to exclude the press and public having reflected on Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption interest in disclosing the information, outweighed the public interest in disclosing the information.

It was **RESOLVED** that the meeting remain in Part 1 and therefore open to the press and public.

**33. LOCAL NATURE RECOVERY STRATEGY (28:10)**

Cabinet had before it a report \* from the Director of Place and Economy and the Climate and Sustainability Specialist on the Devon Local Nature Recovery Strategy.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- The Devon Local Nature Recovery Strategy (LNRS) would inform nature recovery at a local level, by mapping habitats, features and key species to



identify opportunities, priorities and actions to boost ecological connectivity, diversity and abundance.

- The Strategy would take the form of a formidable online resource, a website and a mapping viewer that aimed to help everyone to play a role, by being easy to explore and use.
- Devon County Council (DCC) was the Responsible Authority for the Devon LNRS.
- DCC had been developing the Strategy through the Devon Local Nature Partnership, which involved a broad array of stakeholders such as farmers and this Council had been consulted as part of that.
- This Council was a supporting Authority for the Devon LNRS, along with other local authorities and Natural England.
- All public authorities had a duty to conserve and enhance biodiversity and must have regard to the relevant LNRS.
- The wider co-benefits to nature recovery included: climate change adaptation and mitigation, water quality, natural capital and ecosystem services and wellbeing.
- The Strategy Team aimed to complete the Strategy and put it out to public consultation in September 2025.

The Climate and Sustainability Specialist outlined the contents of the presentation with particular reference to the following:

- The website was interactive, exciting, interesting and offered inspiration. It provided information such as: Important species and approximate areas where you could locate them such as dragonflies etc.
- The location of schools and the local community centres showing 500-metre zones, to help illustrate where the nearest area of nature or green space would be accessible to communities.
- Different layers of information that could be used depending on need and perspective.
- Powerful tools and resources for the viewer to use.
- Funding decisions and the direction and prioritization of funding would be influenced by the LNRS.

Discussion took place with regards to:

- Whether some of the creatures would look different in real life.
- Could the website be used in a negative way such as a tracking tool and put the protected species and or habitats at risk of being hunted?
- Concerns with regard to the decline in the level of nature in England.
- Would there be a grant of permissions through the “search me” engine on the website. For example the “search near me” would the information returned show that information?
- What were the next steps and when would the website go live?
- The website had specific areas to view and it would be a crucial tool.
- The work that landowners had contributed for years to help towards preserving nature.
- On the Government website stated that they had a goal to raise at least £500 million per year of private finance for nature recovery by 2027 and more than £1 billion by 2030. Concerns were raised around the term ‘Private Finance’.



- The term wildlife and hedgerow, did the website indicate when to cut hedgerows?

**RESOLVED** that:

1. Approval be given to Devon County Council (DCC) that the draft Devon Local Nature Recovery Strategy (LNRS) be published and that it goes out for public consultation.
2. That delegated authority be given to the Director of Place and Economy, in conjunction with the Cabinet Member for Planning and Economic Regeneration, and the Cabinet Member for Environment and Climate Change, to make or approve any minor amendments to the consultation materials.

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

**Reason for Decision:**

The purpose of the Devon Local Nature Recovery Strategy was to inform and support nature recovery, and relevant co-benefits included: actions for climate change adaptation (e.g. natural flood management) and mitigation (e.g. restoration of habitats that are important for carbon storage and sequestration).

Note: \* report previously circulated.

**34. NOTIFICATION OF KEY DECISIONS (50:52)**

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

This included the following:

- The purchase of waste bins and containers had been removed from September 2025- as this would be included as part of the Budget Report.

Note: \* Key Decision report previously circulated.

(The meeting ended at Time Not Specified)

**CHAIRMAN**

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**MINUTES** of a **MEETING** of the **CABINET** held on 2 September 2025 at 5.15 pm

**Present**

**Councillors**

L Taylor, D Wulff, J M Downes,  
G Duchesne, M Fletcher, S Keable, J Lock  
and J Wright

**Apology**

**Councillor**

N Bradshaw (online)

**Also Present**

**Councillor(s)**

S Robinson

**Also Present**

**Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Simon Newcombe (Head of Housing & Health), Lisa Lewis (Head of Digital Transformation & Customer Engagement), Christie McCombe (Area Planning Officer) and Laura Woon (Democratic Services Manager)

**Councillors**

**Online**

J Buczkowski, J Cairney, G Czapiewski, M Farrell and  
L G J Kennedy

**35. APOLOGIES**

Apologies were received from Councillor N Bradshaw; she was in attendance online.

**36. PUBLIC QUESTION TIME**

**Barry Warren**

**Question 1:**

Due to time constraints placed upon me I have forwarded to you, prior to this meeting, three documents which are self-explanatory and relevant to the amended Policy you are considering. I hope they provide background in order that you can understand the motivation for my questions.

Do Cabinet consider that the revised policy before you sufficiently puts in place policy and procedures which will prevent the delays and other issues which have been the

subject of criticism and comment by the Information Commissioner against this Council?

**Question 2:**

Under Clause 4 Legal obligations under the Acts in the third paragraph of page 45 of your papers it states: Compliance with this policy is compulsory for all staff employed by MDDC. A member of staff who fails to comply with the policy may be subject to disciplinary action under MDDC's disciplinary policy.

In the past 10 years how many staff have been disciplined for failure to comply with the policy?

**Question 3:**

Under Clause 12 Complaints procedure, in the second paragraph of page 48 of your papers it states: A review is undertaken by the Senior Information Officer (SIO) or their nominated representative in consultation with other relevant Officers / departments as appropriate.

The response comes from Information Management, after information has been obtained from relevant departments or officers, then it appears that this policy is permitting the same officers to carry out the review.

Is this good practice and does it prevent unnecessary delay, which has been the subject of adverse comment on more than one occasion by the Information Commissioner?

**Question 4:**

Under Clause 15 Training and awareness in the second paragraph it states: The Senior Information Officer will ensure that there is a training plan to raise awareness of FOI and EIR across MDDC.

Has the Training Plan been produced and if so where and when is it Scrutinised by elected members?

**Question 5:**

Last Friday, I received the reply to an FOI request, which did not answer the questions asked. This type of reply has been received in the past and has led to review requests and then the involvement of the ICO. A lot of time could be saved by the right answer being provided in the first place.

How is this policy going to prevent repetitions of these experiences?

The Leader stated the reason that the Council ask for questions in advance of the meeting were so that the committees could consider the points that were raised at public question time. He acknowledged Mr Warren's claim that he had experienced delay in gathering information.

**Paul Elstone**

**Question 1:**

Paragraph 1.3 of the report states that this Council is one of a number that have been targeted for real term funding cuts for year 2026/27 and beyond. This as part of the Fairer Funding Reforms.

Exactly what reasons have been given to this Council as to why they are being targeted?

**Question 2:**

Which other Councils in Devon have been similarly targeted?

**Question 3:**

I have made Freedom of Information requests in respect of the social housing developments of four (4) different councils.

The requests required the minimum of research.

Two Councils responded to my request within two working days providing complete and detailed answers.

One other Council responded to me within 7 days even apologising for the delay and with their Senior Housing Development Officer phoning me this to ensure they were providing me with the full information I requested.

MDDC were the fourth Council contacted.

I requested a copy of the Shapland Place overheating assessment (a document that is freely posted on other Councils planning websites, as part of the planning application submission, since it is a document that should be signed off before and not after the modules are built).

15 days later I received a response from this Councils FOI Team, which said amongst other things, and I quote "*The Council cannot therefore provide a response to this request*".

I requested a review and received a response after 20 working days stating that MDDC "did not hold a copy of the document requested" a response that seriously conflicts with the written answer given to a public question which said, and I quote "*That the report had been provided to the Council*".

I submit this as one of many examples as to why this Council's FOI system lacks openness, transparency and even integrity.

Will this Cabinet request that Scrutiny implement a full review into how the Freedom of Information system is really functioning this especially as Members of this Council are now having their integrity and reputation challenged when their responses to public questions are found to be incorrect?

The Leader stated that rural Councils in particular were targeted under the settlement in relation to item 5 on the agenda. He acknowledged the speed of responses from other Councils on Freedom of Information requests as this Council works closely with them. This Council received a lot of Freedom of Information requests and the response time was within the appropriate timeframes.

The Leader thanked Mr Warren and Mr Elstone and said that they would receive a written response to their questions. The Leader noted that the Cabinet had received and read the email from Mr Warren in regards to the Freedom of Information and Environmental Information Regulation Policy item on the agenda.

### 37. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

All Cabinet Members referred to item 6, Freedom of Information (FOI) and Environmental Information Regulations (EIR) Policy and declared that they had received correspondence from a member of the public in relation to this item.

### 38. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 5 August 2025 were **APPROVED** as a correct record and **SIGNED** by the Leader.

### 39. **MEDIUM TERM FINANCIAL PLAN (MTFP)**

The Cabinet had before it a report \* from the Deputy Chief Executive (S151) Officer and the Head of Finance, Property and Climate Resilience on the Medium Term Financial Plan (MTFP).

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

- The Medium Term Financial Plan (MTFP) for the General Fund and Housing Revenue Account. The report was a little different to that provided in previous years, due to the raft of changes expected from 2026/27 and the longer term restrictions placed upon this Council by Local Government Reorganisation (LGR).
- The report did not give a forecast shortfall to be addressed. Instead it highlighted the unprecedented level of uncertainty faced by all councils in respect of funding from 2026/27 onwards and estimated a range that the shortfall could fall within.
- It was extremely unlikely that this position would gain any clarity until the late autumn, starting with headline information within the Chancellor's Autumn Statement (expected late October 2025), culminating in indicative funding allocations at an authority level within the financial settlement (expected earlier than normal in November 2025).
- There was so much uncertainty until later in the autumn, the focus remained on the delivery of high quality services and was continuing with the budget process and savings options and that would be considered by the next round of Policy Development Groups (PDGs) meetings in anticipation of the funding announcements.
- When further information was received an update would be provided on the position and the approach to setting the budget in February 2026.

The Deputy Chief Executive (S151) Officer highlighted the following:

- Due to this Council's reasonably high levels of business rate growth over the last decade and levels of reserves, the Council would be targeted for more significant funding reductions moving forward.
- The Government were planning changes to all councils' major funding streams, it was planning revisions to Council Tax collection methods and major changes to Business Rates.
- There were also significant changes to the funding of refuse and recycling and there were relatively smaller changes to other areas of the Council.
- A detailed response had been provided to the Government consultation on the funding changes and the impact they would have on this Council.
- This Council would continue to deliver high quality business and usual services over the coming years as the move towards Local Government Reorganisation (LGR) continued.

Discussion took place with regard to:

- Clarification around the weekly food collection scheme and the funding in the future, as this Council was already delivering this scheme, they were not eligible, had the position changed to provide all councils with funding? It was confirmed that there would be a financial contribution to all councils to the running costs, but further details are not yet known.
- The Leader would write to the three local MP's over the funding settlement and the detrimental negative impact on the financial position.

**RESOLVED** that:

1. The updated MTFPs for the General Fund covering the years 2026/27 to 2028/29 be **NOTED**;
2. The principles set out in Section 4 be applied where possible and the approach to balancing the General Fund Revenue Budget outlined in paragraph 7.2 be **APPROVED**.
3. Recommendations from the Policy Development Groups on the Budget Proposals identified by senior managers and their views be garnered on where savings should be sought and to what level.

(Proposed by Cllr J Downes and seconded by Cllr S Keable)

**Reason for Decision:**

By undertaking regular reviews of the MTFP the Council could ensure that its Corporate Plan priorities were affordable. Many areas required greater clarity, particularly around national funding and possible changes to Government policy.

Note: \*Report previously circulated

40. **FREEDOM OF INFORMATION (FOI) & ENVIRONMENTAL INFORMATION REGULATIONS (EIR) POLICY**

The Cabinet had before it a report \* from the Head of Digital Transformation and Customer Engagement to review the Freedom of Information (FOI) and

Environmental Information Regulations (EIR) Policy to ensure compliance with legislation and regulations.

The Cabinet Member for Quality of Living, Equalities and Public Health outlined the contents of the report with particular reference to the following:

- This Council's commitment to both the FOI Act and the EIR Regulations, it provided clear guidance for officers and Members on how the Council met compliance obligations.
- The scope of the policy covered all recorded information held by this Council, or held on their behalf.
- The existing policy was based on best practice. There had been no legislative or guidance amendments identified as being necessary since the review of the policy in 2022. There had been a small number of additions or amendments to the policy that provided further clarification around related legislation, the review panel practices, and the requirements around open Government Licensing under the Re-Use of Public Sector Regulations. These changes were highlighted in yellow on the policy draft.
- They reflected three areas of change: Section 3 – Relevant Legislation, brought all references fully up to date. Section 12 – Complaints Procedure, which outlined the Senior Information Officer review process. Whilst FOI reviews were not a statutory requirement it was the Council's policy position to undertake a review within 20 working days. (EIR reviews must be completed with 40 days.) Section 14 – set out in detail how the handling of enforcement, disclosure, refusals would be handled, and the costs regime under the Re-Use of Public Sector Regulations.
- It was important to note that disclosure was the default position. Information was only withheld where a legal exemption or exception applied, and in those cases written justification must always be provided. Requests were logged, performance was reported quarterly, and datasets were published in line with the Transparency Code to allow public monitoring.
- The Scrutiny Committee were now receiving more regular updates on the Council's performance, and their engagement had led to some improvements that were made to the webpages to provide improved visibility of requests and responses in June this year. Those could be found by searching the website for disclosure logs.
- The policy also made it clear that FOI would not give access to an individual's own personal data that was handled separately under data protection law.
- There had been ongoing public comments about the Council's handling of information requests. FOI and EIR regulations were designed to facilitate access, but did not grant unrestricted access to all information. Interpretations about exemptions could vary, and it was the role of the Information Commissioner's Office (ICO) to assess each case individually. That process could sometimes be complex and, importantly, the time taken to resolve disputes was determined by the ICO's own capacity, not by this Council.
- Finally, the policy would be reviewed at least every three years with the next review due by August 2028.

**RESOLVED** that:

1. The revised Freedom of Information and Environmental Information Regulations Policy be **APPROVED**.



2. Delegation of the FOI/EIR Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board to ensure that the policy remained current and reflected any changes in legislative or regulatory guidance be **APPROVED**.

(Proposed by Cllr D Wulff and Seconded by Cllr M Fletcher)

**Reason for Decision:**

Not complying with Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) would expose MDDC to the potential for Enforcement action by the Information Commissioners Office (ICO).

Note:\* Report previously circulated.

#### 41. **DATA PROTECTION POLICY**

The Cabinet had before it a report \* from the Head of Digital Transformation and Customer Engagement to review the existing policy to ensure compliance with the Data Protection Act (DPA) 2018, the General Data Protection Regulations and the impact of the new Data Use and Access Act 2025 (DUAA) which gained Royal Assent in June 2025.

The Cabinet Member for Quality of Living, Equalities and Public Health outlined the contents of the report with particular reference to the following:

- The DUAA introduced phased changes between now and June 2026, designed to promote innovation and economic growth which would make things easier for organisations.
- Not all provisions were yet in force, but the policy had been updated in anticipation. From August 2025, the ICO's would also be reconstituted as the Information Commission, with expanded enforcement powers.
- There were a few immediate changes that affected this Council directly: Data Subject Access Requests must now be handled on the basis of reasonable and proportionate searches, and this applied retrospectively to requests since January 2024. A new "stop-the-clock" mechanism would also apply where clarification was needed. Since August 2025, the ICO had stronger powers, including interview notices, compulsory document requests, and penalties for non-cooperation.
- Looking ahead, the Council must also implement a clear complaints system for data subjects, acknowledging receipt within 30 days and responding appropriately. Officer and Member training would be updated this autumn to ensure awareness of the new obligations.

Discussion took place with regard to:

- The use of Artificial Intelligence (AI) and protecting data, would that be covered by these policies?
- Would Members be receiving more information on the R.A.C.I model? It was confirmed that this would be circulated to Members.

**RESOLVED** that:

1. The revised Data Protection Policy be **APPROVED**.
2. Delegation of the Data Protection Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board and Legal Services to ensure that the policy remained current and reflected any legislative changes or regulatory guidance be **APPROVED**.

(Proposed by Cllr D Wulff and seconded by Cllr J Lock)

**Reason for Decision:**

Not complying with the Data Protection Act 2018 and GDPR would expose MDDC to enforcement action by the Information Commissioner's Office (ICO).

Note:\* Report previously circulated

**42. AWARD OF CONTRACT FOR THE AIR SOURCE HEAT PUMP (ASHP) UPGRADES 2025/28**

Cabinet had before it a report \* from the Head of Housing and Health on the tendering of the Upgrading of Air Source Heat Pump (ASHP) Systems Contract 2025 - 2028 for Housing Revenue Account (HRA) properties to confirm the award of the contract.

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

- The report was to advise Cabinet on the outcome of the procurement process to award a contract to maintain and upgrade air source heat pumps systems within the Councils housing stock.
- This Council was an early adopter of ASHP systems with a number installed across stock as a part of a rolling commitment to replace end of life existing traditional heating systems and to reduce the Council's carbon footprint.
- Some of these systems had been installed for over 10 years and in common with all heating systems, required regular maintenance and updating.
- The proposed contract was for two and a half years with a possible one year extension to be delivered by specialist provider PH Jones Limited.
- The contract had been secured through a direct framework award under the approved Public Sector Housing Purchasing Consortium (PFH).
- As such, PH Jones Limited were publicly named on the framework. Any commercially sensitive information and tender evaluation data was held by PFH. There was no requirement for a Part 2 element to this report and it could name the proposed framework contractor at this stage.

Discussion took place with regard to:

- Could this service be provided in-house with suitable training for council staff or was this more specialist work? It was confirmed it was a specialist role.

- Were records kept for information on the efficiency of ASHP over time and also the possible increase in maintenance compared with conventional systems and were there any statistics of such care?
- Was PH Jones a privately owned company or a national group? It was confirmed it was a large national company and could provide more details.
- Could this Council access the same grant as individuals to install one of these pumps which quite commonly came with a 15 year warranty? The Council work closely with Exeter Community Energy and other providers, many grants were not available for Social Housing landlords.

**RESOLVED** that:

1. The Upgrading of Air Source Heat Pump Systems Contract 2025 - 2028 with the option to extend to 2029, be awarded to PH Jones Ltd.
2. Delegated authority to the S151 Officer (in consultation with the Cabinet Member for Housing, Assets and Property) to complete the associated Upgrading Air Source Heat Pump Systems Contract 2025 – 2028 for HRA properties with the option to extend to 2029 be **APPROVED**.

(Proposed by Cllr J Lock and seconded by Cllr J Downes)

**Reason for Decision:**

The Housing Revenue Accounts (HRA) budget for the works was £300,000.00 per annum. Each upgrade and relevant works would be surveyed and fully costed prior to a works order being issued.

Note:\* Report previously circulated.

**43. TIVERTON EUE. AREA B MASTERPLAN**

Cabinet had before it and **NOTED** a report \* from the Director of Place and Economy on the Tiverton EUE Area B Masterplan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report with particular reference to the following:

- This report sought to note the Tiverton draft Area B Master Plan, Officers were not advising that it was to be adopted. Adopted Local Plan Policy required a public master planning exercise on Area B.
- Since the November 2024 public consultation there had been considerable Member involvement with consideration through an all Member briefing on 27 March 2025 and through the Planning Policy Advisory Group (PPAG), whose role was to consider and a debate detail for officers to then prepare Cabinet reports.
- The Area B Masterplan was in appendix 1 and was attached to the report. Area B was the final part of the Tiverton Eastern Urban Extension (EUE) that needed master planning.
- Consultation on Area B had been extensive, including through the adoption of the Tiverton EUE Master Plan, SPD, the Tiverton EUE Design Guide and Stage One and two public consultations specifically on Area B back in 2020.

- During 2023 a developer got involved in Area B and started to proactively work with land owners and this Council.
- In collaboration with this Council, a Stage one public consultation was undertaken between November of last year and January 2025 on the Master Plan for Area B. The results of that consultation were reported to Cabinet on 17 June 2025 who considered the comments received.
- Any developments on Area B would still be bound to the adopted Tiverton EUE Master Plan SPD has weight in planning decisions and by the policies of the Local Plan Review which were the starting point of any planning application or decision.
- The draft Area B Master Plan was presented to PPAG on 19 August 2025 where after detailed consideration it was recommended to this Cabinet.
- The main points that arose out of that PPAG meeting were as follows:
  - Affordable housing - there was a discussion around policy TIV 1 and the amount of affordable housing that was delivered at detailed planning application stage. Officers gave advice on the viability.
  - Post Hill- point of access, Members of PPAG were pleased that the comments received through the public consultation had been acknowledged and that the new junction into Area B from Post Hill was being redesigned.
  - Allotments- there was a question around there appearing to be a net loss of allotments across the EUE and how the allotments proposed on Area B might be managed.
  - Nursing home- there was a question around alternative uses for the site identified for a nursing home on Area B, should there be an over delivery of nursing homes when one was proposed on Area A and others elsewhere within the town.
  - Vehicular access from Mayfair into Area B- there was a detailed debate around Mayfair being used as a public point of access to a restricted number of dwellings on Area B.
- The overall design of the Master Plan was based around a series of design principles that were to seek to create a new garden neighbourhood with a character and appearance inspired by the defining characteristics of Tiverton and the immediate surroundings and that were reminiscent of a Garden City environment these included.
  - Planning for modern requirements and standards, including making efficient use of land, land for the provision of new homes and took account of sustainability objectives.
  - Establishing a firm foundation for a place that was green and leafy, with generous private gardens, making the most of sunlight and natural daylight and creating opportunities for community recycling and food production.
  - The Area Master Plan considered a range of nearby settlements, in order to understand the typical settlement structure across Mid Devon. The settlement studies included Bradninch, Thorverton and Silverton.

Discussion took place with regard to:

- Clarification and reassurance that the Council and the Director of Place and Economy would consider any changes happening in Parliament, as MP's were pursuing that all new housing development needs were to include solar panel or other renewable energy installation.

- That Devon County Council highways team were aware of the concerns around the roads and junctions that were discussed at PPAG.
- The requirement for fire suppressant to be installed in all new builds would that be looked into with this Council? It was confirmed that this may be a building control and building regulation matter.

**RESOLVED** that:

1. The Draft Masterplan (Appendix 1) be **NOTED**.
2. The Masterplan for Area B of the Tiverton Eastern Urban Extension be **NOTED**;
3. Delegated authority to the Director of Place & Economy in consultation with the Cabinet Member for Planning and Economic Regeneration prior to publication to make any typographical, grammatical and formatting changes to the Masterplan for Area B of the Tiverton Eastern urban Extension be **APPROVED**.

(Proposed by Cllr S Keable and Seconded by Cllr J Wright)

**Reason for Decision:**

The process for preparing the Draft Masterplan would be in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Planning policy required the completion of a master planning exercise.

Note:\* Report previously circulated.

#### 44. **NOTIFICATION OF KEY DECISIONS**

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

This included the following:

- The Destination Management Plan had moved from October to the meeting in December 2025.
- The Economic Strategy 2024/2029 had moved from October to the meeting in December 2025.
- Asset Management Plan had moved from October to the meeting in January 2026.

Note: \* Key Decisions Report previously circulated.

(The meeting ended at 18.16)

**LEADER**

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**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 July 2025 at 5.00pm

**Present  
Councillors**

G Westcott (Vice-Chair), C Adcock,  
D Broom, E Buczkowski, A Cuddy,  
G Czapiewski, M Farrell, C Harrower,  
L G J Kennedy, J Poynton and R Roberts

**Apologies  
Councillors**

S Robinson and L Knight

**Also Present  
Councillor**

L Taylor (Leader of the Council)

**Also Present  
Officers:**

Stephen Walford (Chief Executive), Matthew Page (Head of People, Governance & Waste) and David Parker (Democratic Services & Policy Research Officer)

**Councillors  
Online**

M Fletcher, S Keable, J Lock and D Wulff

**Officers Online**

Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh ( Director of Place and Economy), Dean Emery (Head of Revenues and Benefits), Paul Deal (Head of Finance, Property and Climate Resilience), Dr Stephen Carr (Corporate Performance and Improvement Manager), and Laura Woon (Democratic Services Manager).

## 13 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs S Robinson and L Knight. L Knight was substituted by Cllr L G J Kennedy .

## 14 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

No declarations were declared under this item.

At Item 3 (Public Questions) Cllr L G J Kennedy declared an interest that he was a Director of the Devon Association of Local Councils (DALC).



## 15 PUBLIC QUESTION TIME (0:05:00)

### **Councillor Barry Warren – Chairman of Willand Parish Council:**

It is appreciated that this is all at a very early stage but whatever the final decision is it would appear that Town and Parish Councils will still have a function and need some guidance please. There must be some models or guidance from such proposed unitary authorities which are already in place.

**Question 1:** What information is available as to the future of Town and Parish Councils after the new authorities are formed?

*Response from the Chief Executive:*

The process of local government reorganisation (LGR) refers to the intent, by government, to change the structure of principal councils in two-tier areas to remove county and district/city/borough councils, through the process known as unitarisation. This process does not impact on the existence of current town or parish councils, though clearly their relationship with their principal council in future will be with a different entity to those as present.

**Question 2:** What is the expected time scale for any changes to be implemented?

*Response from the Chief Executive:*

Government expects the new unitary councils in non-priority areas to be created to take effect from 1 April 2028, though clearly this will be subject to future statutory processes being achieved to enable such a timeline.

Currently Willand Parish Council lease a number of open spaces/play areas from MDDC. Plans are in place for their maintenance, refurbishment and replacement equipment as existing comes to end of life. Contingency funds are set aside for this.

**Question 3:** Is there any idea as to what will happen to the Leases?

- (a) Will they continue for the full term?
- (b) Should either side cancel the Leases now to stabilise the position?
- (c) What is likely to happen to Land wholly owned by the Parish Council?
- (d) Will District Council 'gift' or sell land to Town or Parish Councils for a nominal sum?

*Response from the Chief Executive:*

All existing contracts entered into by current councils will be automatically transferred to the new council, through a process known as contract novation. Local authorities often have long-term contracts for the provision of services (sometimes running to decades), and it is not the case that existing leases should be cancelled to provide stability – stability of continuance is the default position during any change, although clearly once the new councils are in existence, any contract negotiation at that point



onwards would be with the new council. Land wholly owned by the parish council will continue to be wholly owned by the parish council. Any decisions on assets made before the change order is implemented, will continue to be a decision of the pre-existing asset holder (the District Council), and policy decisions will be taken by councils in the normal way.

Currently Willand Parish Council cut all the roadside verges within the Parish and they receive a financial grant which covers a good proportion of the cost from Devon County Council.

**Question 4:** Will such arrangements continue?

*Response from the Chief Executive:*

There is no reason why this would not continue assuming multi-year agreements are in place. However, as outlined in a previous response, any negotiations with 'the highway authority' after the commencement date (expected on 1 April 2028) will be with the successor council as the county council will no longer exist.

**Question 5:** Is there any advice or indications which can be conveyed to Town and Parish Councils to assist with their planning for the practicalities of the future?

*Response from the Chief Executive:*

It is suggested that town and parish councils continue to liaise with their representatives in the Devon Association of Local Councils (DALC) and make the most of opportunities to engage in the process through the current survey and particularly through the statutory period of consultation, likely due springtime of 2026, where all viable proposals will be formally consulted upon. One inevitable outcome from this LGR process is that towns and parishes will be dealing with much larger councils than that of today. How the new councils support their towns and parishes to deliver at neighbourhood level and to thrive with, and for, their communities, will be a challenge that has to be met in order that residents see positive outcomes of this desired shift to larger, single-tier units of local government.

## 16 MINUTES OF THE PREVIOUS MEETING (0:15:13)

There was an amendment to Item 5, Chair's Announcements, fourth bullet point where the words " , until the Unitary Authority was in existence." were added so that it read 'Tasks that now resided with the County Council would need to be appropriately shared between Unitary Authorities that were to be created – whilst still ensuring that the existing District Council carried out their duties to the best of their abilities, until the Unitary Authority was in existence.'

Following the addition of the amendment, the minutes of the last meeting held on Monday 9 June 2025 were approved as a correct record and **SIGNED** by the Chair.

Under Item 11 of the minutes of the meeting held on 9 June 2025 'Value for Money and Best Practice in Mid Devon Housing Modular Social Housing and Delivery

Report', Councillor G Czapiewski wanted it noted that he had made the point that using prisoner effort in the construction of Modern Methods of Construction in Modular Homes, added social value nationally and that it and other value adds, quantified in grants awarded, needed to be explicit and referred to directly in proposals to councillors as they aided in decision making.

## 17 CHAIR'S ANNOUNCEMENTS

The Chair had no announcements to make.

## 18 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet at its meetings on 17 June 2025 and 8 July 2025 had been called in.

## 19 ANNUAL CORPORATE PERFORMANCE REPORT 2024/25 (0:20:56)

The Committee received and scrutinised the performance indicators and information received in the \*Annual Corporate Performance Report 2024/25.

The following was highlighted:

- The report provided performance information for the 2024/25 financial year. The report and the accompanying appendices were structured according to the five themes in the Corporate Plan.
- Section 2 of the covering report provided performance analysis on a theme by theme basis, with the focus on the Corporate Plan performance indicators.
- Further information on performance against the Aims and Objectives detailed in the Corporate Plan was provided in Appendix 1 to 5.
- Appendix 6 contained the performance dashboards for quarter 4. These contained 100 measures highlighting how services were performing across the Council. Those indicators that were part of the Corporate Plan were highlighted in yellow text.
- The Performance Dashboards had also been reviewed by the relevant Policy Development Groups (PDGs) and the Planning Committee.

Discussion took place regarding:

- The Community Risk Register was under development and not yet published. The final draft had been completed and was circulating to the service specific leads to identify what mitigating actions the Council could take.
- The Council were represented by its Resilience Officer on a regional working group on Emergency Hubs which was led by the Devon Cornwall and the Isles of Scilly Local Resilience Forum. The region were aiming to follow a consistent approach that met the needs of the responder agencies and provided the whole society resilience that was intended by creating an Emergency Hub. Locally, little had happened regarding Emergency Hubs as the Council were waiting for the common operating procedure before introducing the plan to communities.
- Householder Planning Applications, where the target was 70% of applications determined within 8 weeks in line with the Government threshold. A local

target had been considered but had not been changed for the consistency of reporting.

- Capital slippage 22%, target 0% - this was because two of the nine projects had slipped. One was the Building Management System at Phoenix House was currently being scoped and the other one was the Cullompton Relief Road, which was now well underway after securing funding.
- As part of the budget process, an aspirational £0 budget was set for the use of agency staff in Corporate Services. In 2024/25 it had been challenging to recruit in key areas such as Finance and Legal which therefore required agency staff to fill those critical roles costing £200k.
- In the drive towards Net Zero how much attention were the procurement team giving to the Council's own anti-slavery requirements? Should the spend be brought within the UK to ensure that slaves were not used in the supply chain? The Council focussed on modern slavery but the slavery outlined could be tackled through the Council's procurement processes. An answer would be provided to the Councillor asking the question following the meeting.
- The Homes Dashboard showed a figure for unoccupied and unfurnished empty homes across the district including those in the private sector to explain the implications it had for pressures on housing in the district and by extension the Council's homelessness team. The Homes PDG Performance Dashboard (HRA) had a measure entitled 'MDH Housing stock occupancy rate' which showed 97.5% and therefore 2.5% voids. – That meant that out of 3000 homes, approximately 75 were voids.
- National Non-Domestic Rates were otherwise known as Business Rates and 99.83% of those rates due were collected. The Economic Development team were aware of the empty properties that would attract a Business Rate. A large proportion of those properties were listed buildings where the owners received 100% relief and so there was no incentive (in the way of business rates) for the business to expand.
- The Council set its own target for the collection of business rates. Of the rates collected, 50% went to Central Government, 40% to the Council, 9% to the County Council and 1% to the Fire Service. However, the Council were a tariff authority, which meant that they had to pay further monies back to the Government which left the Council with a comparatively small amount of money.

Note: Report previously circulated.

## 20 LEADER OF THE COUNCIL'S ANNUAL REPORT (0:44:20)

The Committee received and **NOTED** a verbal Annual Report from the Leader of the Council.

The following was highlighted:

- Over the past two years (2023/24 and 2024/25) the Council had seen the satisfaction of their residents increase, up to 52% in the most recent survey - an increase of 11% on that recorded in 2023/24, and residents who felt well informed about the Council was up to 60% - an increase of 15%.

- The Council was trying new ways to work with their communities – such as through the ‘Let’s Talk Mid Devon’ platform, and working closer with their town and parish councils –through initiatives such as the State of the District debate, creating a new Cabinet position with responsibilities for Parish and Community Engagement, and developing community resilience plans in partnership with the towns and parishes.
- The Council had supported all 1,573 households who came to them experiencing homelessness in the past two years.
- Tenant satisfaction was strong and improving. Overall tenant satisfaction was up to 70%. 79% of tenants were satisfied that their homes were safe, and 72% of tenants were satisfied with the overall repairs service.
- The Council were building award winning, affordable, and energy efficient homes – helping to tackle the challenges of the housing crisis and the climate crisis
- The Council had advanced towards the top 5% of national performance for their recycling rate and reduction in residual tonnage (their 57.9% recycling rate put the Council 11<sup>th</sup> out of 197 District authorities and they were 9<sup>th</sup> for residual tonnage reduction). The Council was recognised nationally by The Office for Local Government for having one of the fastest increases in recycling rates nationally and were shortlisted for the National Local Government Chronical award for Environmental Services. Further options for additional recycling streams would be considered in the autumn following the successful Pots and Pans trial and the planned trial for recycling nappies and sanitary products.
- A £33.5 million funding package was signed, for the Cullompton Relief Road, in February 2025, with works due to start in 2026. This vital piece of long awaited infrastructure would be key to unlocking future development for the town. This, coupled with the recent announcement on the railway station, highlighted the hard work of Members and officers in bringing both of those initiatives forward.
- Over £1.8 million in funding had been secured over the past 2 years to support economic projects in the district, such as the delivery of the Tiverton Work Hub.
- Decision making on planning applications within Mid Devon continued to significantly exceed national targets, whilst the Council’s record of defending appeals against their decision making remained high reflecting sound justified decision making.
- The Council were 11<sup>th</sup> nationally in 2023/24, and up to 2<sup>nd</sup> in 2024/25 (99.83%) for the collection of Business Rates.
- The Council supported the vulnerable in the community, with around £550,000 paid out in food vouchers and energy vouchers via the Housing Support Fund.
- The Council’s Leisure service had undergone a full rebrand to Active Mid Devon. It had reduced its operating costs by circa £560,000, and they now had memberships at an all-time high, at around 7,000 members.
- The Council was supporting care leavers, carers, and low-income households with free and discounted memberships The efficiency of the Council’s leisure centres had been further improved (through winning further grant funding), whilst improving the interior of the sites too, with accessible toilets installed and major energy efficient upgrades.

- The Council continued to expand their network of EV chargers to support the transition to electric vehicles in the district, whilst also planting trees and increasing the biodiversity of the district.
- The Council had reduced agency spend, and seen staff turnover and sickness rates both decrease.
- All of this, and more, had been done whilst setting balanced budgets without the need to draw on reserves.
- The recent issues with travellers at Cullompton causing the extended leisure centre closure caused understandable concern. However, the Council were working closely with Devon County Council to find solutions and they were reviewing how they could protect their sports centres and car parks for the future.
- The Council was pressing the Department for Transport for clarity with regard to Junction 28 improvements.
- The Government's decision to raise the District's housing targets by over 60% had fundamentally changed the landscape for this and most local planning authorities in England. As a result, the Council was working on a new Local Plan to meet the new targets.
- There were ongoing discussions around the local government review, the Council continued to work collaboratively with other Councils across Devon toward the 4-5-1 proposal.
- The State of the District Debate was successful last year and this year's debate on Wednesday 17 September 2025 would focus on Local Government Reorganisation.

Discussion took place regarding:

- Whether funding would arrive to allow students to be able to study A-levels within the District rather than having to travel outside of it for their education.
- The three Councils across the County that were not supporting the 4-5-1 proposal, were Exeter City, Plymouth Unitary Authority and Devon County Council. Over the next few days Devon County Council were considering their position following the recent elections.

## 21 **LOCAL GOVERNMENT REORGANISATION AND DEVOLUTION (0:58:27)**

The Committee received and **NOTED** an \*update from the Chief Executive on Local Government Reorganisation (LGR) and Devolution.

The following was highlighted:

- The report set out the how the process started and the background context and the progress that had been made since the initial plan was submitted to the Government.
- The report covered some of the policy positions and the practicalities while a lot of the pieces were still in flux.
- Clarity was being sought by Town and Parish Councils regarding the impact of LGR.

- Whilst some councils were working collaboratively, some were not because this was a competitive process. This made partnership working more challenging than normal.
- The Government had made it clear that they would not revise the deadline and that it was their intent to make sure that LGR happened everywhere in England.

Discussion took place regarding:

- The final proposal had to be submitted by the end of November 2025. The Government would then reflect upon the responses it received and go out to consultation in spring 2026. The indicative timetable that had been received was that the Government would make a decision in summer/autumn 2026. In recent times the Government had suspended local elections, however, elections would need to be held in 2027 for the new shadow authority.
- Having a majority in favour of one proposal would hold minimal weight with the Government. However, it was expected that the majority would coalesce around the proposal that was most compelling and credible, showing how the proposed authorities would exist and deliver better outcomes in future, for the grouping that the league described.
- In relation to Towns and Parishes, would their model need to change? (Would they need more time commitment, allowances, payment and certified training?) There was likely to be an opportunity for those Town and Parish Councils who wanted to take on more and become more involved. All of the proposals were going to have to give some constructive thought as to how they engaged with the community at local level. Clearly, existing towns and parishes were going to be a really good way to start that conversation and continue it going forward.
- LGR had different phases; the current report explained what had happened and where the County was at present with a view to giving some reassurance and confidence that the Council were on track to achieve what the Council voted for, which was to get the proposal submitted. The role of scrutiny at the moment was to ask was the Council on track to get this done?
- The risk log at the moment was concentrating on, 'Were the Council going to get this done and submitted now?'  
There was a wider risk log around capturing the risks of implementation, which was a secondary phase because the Council were having to make those changes incrementally.
- Collaborative Data Sharing had been difficult both in terms of the sheer quantity of information and data that councils held. Plymouth had agreed to host a data repository and the steering group had scoped out all the data streams that were going to be required from all 11 councils. The league were in the process of populating the repository, there was a commitment to get all that data in place by the end of July.
- The Scrutiny Committee may wish to consider forming a working group, particularly as the project moved to the stage where those involved were talking about what implementation looked like. Scrutiny Committee would be there to scrutinise the process as the Council transitioned through the next phase.



- With regard to convergence of systems. The focus for day one would be, was it safe and legal? Was the Authority a legal entity and had the Authority stood up the things that needed to be stood up in advance to continue to maintain and operate safe functions on that day.  
Having transitioned from one set of organisations to another, the process of convergence was one that came after vesting day and continued sometimes for years. IT systems were a challenge to converge, but there were plenty of reports that actually cultural convergence was just as challenging. The group were sighted on these things. What the group were doing at the moment was collaborating across councils. They would be utilising the funds that Government had made available and getting the proposal submitted. When it came to the implementation phase there would be a complete project team. By that point in time, the group of councils would no longer be competing against different proposals, the Secretary of State and Government would have made a decision. Therefore the task then, would be to come together as the 11 Councils and make it happen.
- **Learning from others' past experiences of LGR:** Firstly, the group were utilising national case studies as developed by their professional groupings, the District Council's network, had helped on a few areas of best practice. The Local Government Association were hosting a local government reorganisation information and best practise repository which detailed a lot of experiences to learn from.
- **There was** the clear political intent of this government to see LGR through.
- With regard to the size and scale of the proposed Unitary Authorities, there were ways of mitigating the geographical dispersal of an area by the use of area boards in a large unitary. At present, Councillors were required to be present to vote and the commuting time could well be over three hours, was that the best use of Councillor's time? The 4-5-1 proposal had been voted on at Full Council and it was not envisaged to take that decision back to Full Council again. Had thought been given to the allowance of remote attendance being a condition for the participation of Councillors? Nearly every area in the country had pushed back against the Government saying that they were a special case. Ultimately the decision as to the make-up of the new Authority would be a decision for the Secretary of State. The longer travel times were of concern to Councillors and members of the public who had expressed concerns around the accessibility of democracy. No consideration had been given at present to where the various Council functions would be based. All proposals would need to demonstrate how they could be responsive to local community need. There was no one perfect way to do that, but one could pretty much guarantee that all proposals would be trying to find ways to demonstrate that the advantages of economies of scale could be balanced off with local provision in some way, shape or form, whether that was through; community boards, area committees or clustering of parish councils into neighbourhood areas.
- A new Unitary Authority was unlikely to take all of the services that were currently provided by some of the districts, especially a lot of the discretionary services.

- The distance to travel would probably necessitate the new Authority having to have its meetings in the day time which would then exclude a significant number of people putting themselves forward to be Councillors.
- LGR was likely to take away a lot of representation from our community.
- A much smaller Unitary Authority, particularly in an area of rural deprivation, was likely to run into financial difficulties.
- There was funding made available from Central Government of £7.6million to support councils across England in developing these proposals, however, that money was to be divided between 21 areas, each with a number of districts alongside the County Council and with some smaller Unitaries in that space. In Devon there were 11 Councils which would split the amount allocated to Devon equally which meant that Mid Devon would receive £34,000 to develop the proposals. When reports were needed, the local councils would work together to commission those reports in order to achieve economies of scale and save costs. It was the intention of the Chief Executive and the Leader that only the funds made available from Central Government be used for this exercise. The £34,000 received from Central Government was just for this phase to support the production of the proposals to get submitted by 28 November 2025.

The costs of implementation were of a completely different order of magnitude. The firm expectation was that councils would have to fund all of the transition themselves.

- The role of the local Members of Parliament was to use their 'soft power' and influence, and speak in support of the local councils when questioned.
- Following the move to Unitary authorities would more money and resources be available for Special Educational Needs and Disabilities (SEND) provision? It would be the task of the current councils to make sure that the successor councils were safe and legal on day one. Obviously there were services that were delivered in a certain way at the moment and some of those services were delivered really well, while some of them were delivered in ways that could be improved. All such proposals that would come forward would no doubt be seeking to convince Government that if they agreed to that proposal, that, that would be the way to improve local services.

Note: \*Update previously circulated.



## 22 **WORK PROGRAMME**

The Committee had before it and **NOTED** the \*Forward Plan and the \*Scrutiny Committee Work Programme.

The changes to the work programme for the meetings in September were explained to the Committee.

Two work proposals were considered:

- National Planning Policy Framework and the Council's 5 Year Housing Plan was included in the work plan for after the summer.
- Extending / Enriching Apprenticeship Opportunities at the Council would be included in the Establishment Report that would be coming to the Scrutiny Committee on 8 September 2025.

Note: \*Forward Plan and the \*Scrutiny Committee Work Programme were previously circulated.

(The meeting ended at 7.03 pm)

**CHAIR**

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**MINUTES of a MEETING of the PLANNING, ENVIRONMENT & SUSTAINABILITY POLICY DEVELOPMENT GROUP held on 29 July 2025 at 5.30 pm**

**Present**

**Councillors**

B Fish (Chair)  
G Cochran (Vice-Chair), C Adcock,  
A Glover, A Stirling and G Westcott

**Apologies**

**Councillors**

G Czapiewski and C Harrower

**Also Present**

**Officers**

Richard Marsh (Director of Place & Economy), Jason Ball  
(Climate and Sustainability Specialist) and Angie Howell  
(Democratic Services Officer)

**Councillors**

**Online**

E Buczkowski, J Buczkowski, G Duchesne, S Keable,  
L G J Kennedy and L Taylor

**Officers Online**

Tristan Peat (Forward Planning Team Leader) and Laura  
Woon (Democratic Services Manager)

**15 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr G Czapiewski.

**16 PUBLIC QUESTION TIME**

There were no public questions.

**17 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 10 June 2025 were approved as a correct record of the meeting and **SIGNED** by the Chair.

**18 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

No interests were declared under this item.

## 19 CHAIR'S ANNOUNCEMENTS

The Chair reminded the Group that the draft Devon Local Nature Recovery Strategy (LNRS) had not been published and asked Members to ensure that discussions previously made at the Planning Policy Development Group were not disclosed as the Strategy was not yet in the public domain.

## 20 DRAFT DEVON LOCAL NATURE RECOVERY STRATEGY

The Group had before it a report \* from the Director of Place and Economy considering the draft Devon Local Nature Recovery Strategy which was presented by the Climate and Sustainability Specialist.

The following was highlighted within the report:-

- The draft Devon Local Nature Recovery Strategy was a work in progress and was not the final version.
- The role of the Strategy was to inform nature recovery at a local level. It mapped out habitats, featured key species and enabled opportunities and priorities in nature recovery to be identified.
- The resources would help people such as farmers, landowners, planning officers and members of the public to understand how to boost nature and ecological connectivity.
- All Local Authorities had a duty to conserve and enhance biodiversity and must have a regard to their Local Nature Recovery Strategy.
- The Strategy had been produced by Devon County Council (DCC) with Mid Devon District Council being a supporting Authority. DCC were aiming for a public consultation in September 2025.
- Additional benefits included wider topics such as climate change adaptation and mitigation, water quality, natural capital ecosystem services and wellbeing.
- The Strategy would comprise a website with interactive mapping to enable access to local data and give information relevant to individuals and provided an overview of the importance of Devon's wildlife. It provided explanations of priorities and actions required to conserve and enhance wildlife.
- The website was interactive, exciting, interesting and offered inspiration – it provided information such as:-
  - Important species and approximate areas where you could locate them such as dragonflies etc.
  - The location of schools and community centres showing 500-metre zones, to help illustrate where the nearest area of nature or green space would be accessible to communities.
  - Different layers of information that could be used depending on need and perspective.
  - Powerful tools and resources for the viewer to use.
  - Funding decisions and the direction and prioritization of funding would be influenced by the LNRS.
- Copywriting specialists had been employed to ensure the website was written in such a way that would be easily understood.

Discussion took place regarding:-

- Whether the website would accommodate the reporting of beavers or other species moving about in the District? It was explained that it would not be a data gathering website as once it was published it would remain static until a new version would be approved as part of a Statutory Review.
- Wildlife corridors, the relationship between producing food and biodiversity and protecting nature.
- Water quality in rivers and seas.
- Whether the website afforded additional protection to certain sites recorded on the database – it was explained that this would not be the case as the Strategy was not legislation.
- Whether the website could be utilized for Planning – it was explained that every Planning Authority would need to have a regard for the Strategy when making planning decisions and in development of their Local Plan. Developers would also be required to undertake their own specific surveys although the Strategy would be useful for highlighting potential issues and opportunities.

The Chair advised the Group that the wording to the first recommendation would slightly differ to that in the report. It would read as follows:-

**RECOMMENDED** to the Cabinet that:-

1. Approval is given to Devon County Council that the draft Devon Local Nature Recovery Strategy is published and that it should go out for public consultation.
2. Delegated authority is given to the Director of Place and Economy, in conjunction with the Cabinet Member for Planning and Economic Regeneration and the Cabinet Member for Environment and Climate Change, to make or approve any minor amendments to the consultation materials.

(Proposed by Cllr A Glover and seconded by Cllr G Cochran)

Reason for the decision

As set out in the report.

Note \*Report previously circulated.

(The meeting ended at 6.11 pm)

**CHAIR**

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**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 30 July 2025 at 2.15 pm

**Present**

**Councillors:** L J Cruwys (Chair)  
G Cochran (Vice-Chair), F J Colthorpe,  
G Czapiewski, G Duchesne, C Harrower,  
B Holdman, L G J Kennedy, N Letch and  
M Jenkins

**Apologies**

**Councillors:** S J Clist and S Robinson

**Also Present**

**Councillors:** S Keable and R Roberts

**Also Present**

**Officers:** Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), John Hammond (Development Management Manager), John Millar (Area Team Leader), Adrian Devereaux (Area Team Leader), Angie Howell (Democratic Services Officer), Sam Barnett (Housing Initiatives Officer) and Simon Newcombe (Head of Housing & Health) and Angie Howell (Democratic Services Officer)

**Councillor**

**Online:** E Buczkowski

**Also in**

**attendance:** Andrew Howard (Building Control Manager, North and Mid Devon Building Control) - online

**24 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:19)**

Apologies were received from:

- Cllr S Clist who was substituted by Cllr L G J Kennedy
- Cllr S Robinson

**25 PUBLIC QUESTION TIME (01:04:44)**

There were no public questions however Mr Micheal James made a statement with reference to Plan 1 - 25/00541/FULL - Demolition of Cross Hotel main building at Cross Hotel, Copplestone, Crediton.

**26 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:12:06)**

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

Cllr N Letch made a declaration of interest regarding planning application number 25/00541/FULL - Demolition of Cross Hotel main building at Cross Hotel, Copplestone, Crediton as she had been heavily involved with the application and would therefore abstain from voting on this item.

**27 MINUTES OF THE PREVIOUS MEETING (00:13:08)**

The minutes of the previous meeting held on 2 July 2025 were agreed as a true record and **SIGNED** by the Chair.

**28 CHAIR'S ANNOUNCEMENTS (00:13:30)**

The Chair made the following announcements:-

- Angharad Williams, Development Management Manager would be leaving Mid Devon District Council. Her last day in the office would be 10 September.
- He reminded Planning Committee Members of the training dates to be held on 6 August at 2.15pm and 10 September at 10am.

**29 WITHDRAWALS FROM THE AGENDA (00:14:39)**

There were no withdrawals from the Agenda.

**30 THE PLANS LIST (00:14:42)**

The Committee considered the applications in the \*Plans List.

1. 25/00541/FULL - Demolition of Cross Hotel main building at Cross Hotel, Copplestone, Crediton.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- There had been an update with regard to Condition 3 in that a demolition method statement and supporting information had been received from the applicant which had been accepted by the Local Highway Authority and was recommended to become a compliance condition.
- Clarity with regard to Condition 4 which had been recommended by the Council's Conservation Officer stated that there should not be any demolition to the footings due to potential archaeological interest and that it



would only be demolition by hand within 2 metres of the adjoining neighbouring property.

- There had been 2 additional representations made from:
  - (a) Historic England stating that they had no further comments other than to refer the matter to the Council's Conservation Officer.
  - (b) A neighbour outlining concerns with the development and the potential lack of information online.
- The reason for the planning application was due to there being no permitted development rights as it related to a drinking establishment.
- Building Control and the local Highway Authority had been involved in the works undertaken which had resulted in a road closure, with a diversion in place, as scaffolding had to be erected to ensure the building was stable.
- The main issues raised were:-
  - (a) Policy/Principle and procedure
  - (b) Loss of the community facility
  - (c) Highways issues
  - (d) Impact upon setting of listed buildings/structures
  - (e) Impact on amenity
  - (f) Impact on ecology/biodiversity
  - (g) Land drainage/flood risk
- Following a site inspection and professional advice from structural engineers, Building Control concluded that it would be unsafe to attempt to repair the building, and that demolition would be the only safe and viable option.
- Demolition would allow the re-opening of the road and work could commence the beginning of next week.
- With regard to the impact upon the setting of listed buildings the Conservation Officer noted that this was outweighed by public safety.

Discussion took place regarding:-

- Why the building had not been maintained by the Council. It was explained that this was not a listed building and that it was not the Council's responsibility for the protection of all buildings within the District.
- Whether there was a Neighbourhood Plan for the area. It was confirmed there was not a Neighbourhood Plan.
- Whether there was any control with regard to the replacement of the building. It was confirmed that Policy DM2 would not apply in this instance, given that this was an application only for demolition and policy wording did not cover the need for a replacement building following this type of situation.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr G Cochran and seconded by Cllr G Duchesne)

Notes:-

- (i) Cllr N Letch abstained from voting
- (ii) Olivia Ambrose spoke as the Applicant
- (iii) Cllr N Letch spoke as the Ward Member

2. 24/01571/FULL - Change of use of 6 bed house in multiple occupancy (Class C4) to 7 bed house in multiple occupancy (Sui Generis) and associated works at 5 St Paul Street, Tiverton, Devon.

The Chair asked the Area Team Leader to explain the meaning of “Sui Generis”. It was explained that it was used when an application did not fall within a planning “used class”.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The property was a Grade 2 listed building and currently had permission for a multiple occupation house up to 6 bedrooms.
- The application was to change the use of the property to a 7 bed roomed house with multiple occupation to provide temporary accommodation for homeless people.
- The application was to consider the proposed external works and the change of use to the listed building.
- The main issues raised were:-
  - (a) Principle of development (change of use)
  - (b) Design and impact on surroundings
  - (c) Heritage impact
  - (d) Highways and parking
  - (e) Flood risk
- Heritage impact was the key issue due to the installation of vents and extractors.
- With regard to flood risk there was a flood risk evacuation plan provided and residents would be made aware of how to evacuate effectively. There would be no additional housing proposed on the ground floor.
- The Council’s Conservation Officer had raised objections to the proposal mainly on the basis that the works included the introduction of en-suite bathrooms which would cause damage to the historic fabric of the building and also the plan form.
- The application had since been amended to include bathrooms on the ground floor only with bathroom pods being inserted on the first floor.
- The building was currently in a dilapidated state however it retained its original plan form in terms of the openness of the rooms and the layout of the property.
- With regard to preserving the listed building, its setting and features of special architectural or historical interest, the Area Team Leader noted that this was outweighed by the public benefit of the proposal.

Discussion took place regarding:-

- The amount of bedrooms that the accommodation could offer.
- Whether the toilets and showers met the development standards. It was confirmed that they did comply with the national space standards.
- The support offered to tenants with regard to their mental health and safety.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr L G J Kennedy and seconded by Cllr C Harrower)

Notes:-

- (i) Cllr N Letch and Cllr G DuChesne voted against the application
- (ii) Sam Barnett, Mid Devon District Council spoke as the Applicant
- (iii) Cllr C Harrower spoke as the Ward Member.

3. 24/01572/LBC - Listed Building Consent for alterations to ground floor, first floor and second floor layouts, replacement of sill/rail and glazing bars on 4 windows, replacement of dormer windows with associated external alterations at 5 St Paul Street, Tiverton, Devon.

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- The property was a Grade 2 listed building.
- The application focussed on the alterations to the property which included:-
  - (a) Layout of the bedrooms
  - (b) Replacement of the seal and rail on existing windows
  - (c) The glazing bars on 4 windows and the replacement of the front door window
  - (d) External alterations
- The main issue raised was the heritage impact.
- Whilst there was harm to the historic fabric of the building and the significance of the heritage asset, this was outweighed by the public benefit of the proposal.

There being no discussion it was **RESOLVED** that listed building consent be granted subject to conditions.

(Proposed by Cllr F J Colthorpe and seconded by Cllr C Harrower)

Notes:-

- (i) Cllr N Letch abstained from voting.
- (ii) Cllr G DuChesne voted against the application.
- (iii) Sam Barnett, Mid Devon District Council spoke as the Applicant.
- (iv) Cllr C Harrower spoke as the Ward Member.

\*List and report previously circulated.

### 31 **MAJOR APPLICATIONS WITH NO DECISION (02:14:56)**

The Committee had before it, and **NOTED**, a list \*of major applications with no decision.

The Committee agreed the following:-

1. 25/00954/MFUL - Erection of factory building with integrated office space, associated parking, service yard, landscaping, drainage infrastructure and alterations to site access to remain delegated as per the report.

Note: \*List previously circulated.

## 32 **APPEAL DECISIONS (02:15:21)**

The Committee had before it, and **NOTED**, a \*list of appeal decisions.

Note: \*List previously circulated.

(The meeting ended at 16:31)

**CHAIR**

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 20 August 2025  
at 2.15 pm

**Present**

**Councillors:** L J Cruwys (Chair)  
S J Clist, G Cochran (Vice-Chair),  
F J Colthorpe, G Czapiewski, C Harrower,  
B Holdman, L G J Kennedy, L Knight,  
M Jenkins and S Robinson

**Apologies**

**Councillors:** G Duchesne and N Letch

**Also Present**

**Councillor:** S Keable

**Also Present**

**Officers:** Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), John Hammond (Development Management Manager), Adrian Devereaux (Area Team Leader), John Millar (Area Team Leader), Jake Choules (Planning Officer), Milad Ghaderi (Planning Officer) and Angie Howell (Democratic Services Officer)

**Councillor**

**Online:** D Wulff

**33 APOLOGIES AND SUBSTITUTE MEMBERS (00:03:58)**

Apologies were received from:

- Cllr G DuChesne who was substituted by Cllr L G J Kennedy.
- Cllr N Letch who was substituted by Cllr L Knight.

**34 PUBLIC QUESTION TIME (00:04:34)**

Councillor David Parker objecting to application 25/00356/FULL - Crediton Hamlets Parish Council spoke on behalf of Crediton Hamlets Parish Council as he was unable to address the Committee when the application was being considered under the "Plans List"

Marthe Gomer referred to Application No 25/00356/FULL.

The applicant, and their agent, ecologist, drainage experts, land surveyor, the St Francis Trust, the Parish Council and finally the people who live at Posbury all agree that the application site is a green field site, sometimes referred to by the applicant's team as: "a grass land field". This is the one thing we all agree on.

There are only four exceptions to building a house on a green field site. These are:

- 1\* Re use of a heritage site.
- 2\* Re use of a redundant farm building.
- 3\* Construction of an agriculturally tied dwelling.
- 4\* The design of the dwelling is so exceptional and unique as to be given consideration.

The application fails on all four counts.

Question 1: Why has this come before the Committee when it clearly should have been stopped in its tracks by the Planning Officer months ago?"

I appreciate there is always a presumption of approval for applications but this is not bending the rules to allow a house to be built in the middle of a field - it's disregarding them entirely. This field was used as a landfill site for two years by the applicant to dispose of builder's rubble including toxic and hazardous waste, in particular large quantities of asbestos are buried in huge pits all over the site.

Question 2: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Beverley Seal referred to Application No. 25/00356/FULL

My husband and I bought and converted the Old Chapel. We live immediately next to Nazareth and support its demolition.

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the local plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Chris Howard referred to Application Number 254/00752/FULL

I am objecting to 25/00752/FULL. I would really like the opportunity to object to the discharge of a condition of 19/00914/FULL that approved a plan to run sewage pipes across our gardens and along two elevations of our and our neighbour's houses. However, this opportunity was not forthcoming, which I believe is a staggeringly unreasonable omission in planning process. However, as the two developments are working collaboratively, I wonder if the financial viability of one development is dependent on the other.

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: 'Involving and engaging with our communities, ensuring everyone is treated with equity...'

'The organisation...is run for the benefit of the people of Mid Devon.'  
Section 2.6 on page 9 of the officer's report states that '...the tank will be managed by a management company funded by the occupiers of the development.'

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Question 3: Condition 8 states that the development must be strictly in accordance with the requirements of the ecological survey dated 8th July 2022. However, Section 1.3 of this report states clearly that the results of the ecological survey only remain valid for 12 months.

Do members agree that a renewed ecological survey is needed if the 'strict accordance' of condition 8 is to be met?

Stephanie Howard referred to Application Number 24/00752/FULL

I have read the documents on the portal with technical explanations for why conditions may have been met. Two key issues remain

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Question 2: One is the destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing three hedges including one which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only yesterday. Do the Council believe this is justified?

The detrimental effect on local amenities and the mental health of local residents remains the same. In order for the developer to use a cheaper option of digging drains through our land, it will mean that an easement the length of approximately 60 meters long and three metres wide would need to be dug through the drives belonging to us and our neighbour. This is causing extreme anxiety to us and our 82 year old neighbour Mrs Disney. She is unable to be here today but has raised her objections via the planning portal. There will be the stress and disruption while pipes are being laid and concern re how our properties will be affected and support these long term. Our properties will be changed forever.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Chris and I have spent hours trying to work with authorities and trying to understand how two small developments at the back of our house may be allowed to lead to the destruction of parts of our home. South West Water have told us this is a planning issue, but Mid Devon District Council have told us that it is an issue to be taken up with South West Water. Although one development has been given permission through conditions not needing public consultation, it has been stated in reports that the two developers are working together on issues such a drainage. What we do now know is that by Mid Devon District Council passing this plan it allows developers to approach South West Water to requisition land to allow these works to take place.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy?

### 35 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:20:30)**

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

There were no declarations of interest.

### 36 **MINUTES OF THE PREVIOUS MEETING (00:20:49)**

The minutes of the previous meeting held on 30 July 2025 were agreed as a true record and **SIGNED** by the Chair. This included the agreed removal of the words "Conservation Officer" and addition of "Area Team Leader" in its place in minute 30.

### 37 **CHAIR'S ANNOUNCEMENTS (00:22:07)**

The Chair reminded Members of the Planning Committee that training would take place on Wednesday 10 September at 10.00am. The Planning Committee would follow at 2.15pm.

### 38 **WITHDRAWALS FROM THE AGENDA (00:22:24)**

There were no withdrawals from the Agenda.

### 39 **THE PLANS LIST (00:22:30)**

The Committee considered the applications in the \*Plans List.



1. 25/00752/FULL - Variation of Condition 3 of planning permission 22/00432/FULL (Erection of 5 dwellings) to allow substitute plans relating drainage at Land at NGR 306758 113093, (South of Allotment Gardens), Clay Lane, Uffculme.

The Principal Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The site had extant planning permission for 5 dwellings as did the adjacent site to the east. The sites were not in the same ownership but developers were working collaboratively on some matters which included drainage.
- An application to vary the drainage scheme had previously been refused by the Committee. This application sought to address the Committee's refusal reasons which related to a lack of information for the foul water scheme and insufficient infiltration testing.
- The applicant engaged a planning agent who had provided more information in relation to the proposals and additional infiltration testing had been carried out which included 5 additional trial pits.
- The previously approved drainage scheme was for infiltration however that approach was not feasible due to the clay-like surface with water levels not dropping sufficiently at testing stage.
- The next option was connection to a waterbody with the River Culm however this was not a suitable option.
- Connection to a surface water sewer was required and as this had been approved as part of the adjacent site application, it was logical for this development to use the same drain.
- Whilst it was unfortunate the scheme would result in some works on third party land, those works would be taking place as part of the adjacent development. In addition, South West Water (SWW) had requisition powers to undertake those works. Permitted development rights required SWW to restore the land to its previous condition as soon as was reasonably practicable.
- With regard to foul drainage, the previous refusal reason referred to a lack of information as to why the specific connection point was chosen. It had since been clarified that the previously approved connection at Clay Lane would result in significant road closures on a 90 metre stretch of road. The approach proposed for this application was designed by professional engineers and was considered safe and policy compliant with no objections from professional consultees. The lack of road closure was considered to be a betterment compared with the previously approved approach.

In response to public questions the Principal Planning Officer answered as follows:-

Chris Howard

Question 1: Do Members feel that the values and priorities of Mid Devon District Council's Corporate Plan are being upheld within this planning process? For example: Involving and engaging with our communities, ensuring everyone is treated with equity.

Answer 1: Consultation requirements are generally set nationally and there is no requirement to consult on discharge of condition applications.

Question 2: Should these plans go ahead, do Members agree that third parties who will have land requisitioned to lay pipes from this tank, should be actively informed of the nature of this management company, and have access to the maintenance schedules when requested?

Answer 2: This is not something ordinarily secured at application stage, particularly for a variation of condition application.

Question 3: Re Condition 8 of the Ecology Survey dated 8/7/22 – as only valid for 12 months that expired in July 23 – is another ecology report required?

Answer 3: There is no requirement for an Ecology Survey for a variation of condition application and officers feel biodiversity and ecology is protected by existing conditions. It is not considered that the proposal for a revised drainage scheme will destroy nature as suggested.

#### Stephanie Howard

Question 1: I would like to ask Members if they feel the following consequences of this development are fair, in order for developers to build houses via a cheaper option than a possible alternative?

Answer 1: Whilst it is unfortunate that the scheme will pass through third party land and I do have sympathy with this, Members are reminded that these works will be happening anyway as a result of the other application and SWW have a requirement to make good any works.

Question 2: The destruction of local nature - the laying of pipes through the properties of our neighbour and ourselves will involve crossing 3 hedges including 1 which is a traditional Devon bank. It will also involve the destruction of established plants and shrubs, and reducing habitats for the wildlife within including bats and butterflies that I have observed only today. Do the Council believe this is justified?

Answer 2: As per answer 3 above.

Question 3: Do Members believe that the current drainage plan for these houses justifies the stress and anxiety this will cause other residents?

Answer 3: As per answer 1 above.

Question 4: I would like to ask Councillors if this is fair to local residents and a gain for local democracy.

Answer 4: As per answer 1 above.

Discussion took place regarding:-

- The time it would take for South West Water (SWW) to restore the land to its previous condition. It was explained that SWW were obliged to ensure they met the permitted development rights within 6 months of the completion of survey works whereby they must remove machinery and restore the land back to its former condition. However, if SWW did not comply then this would be referred to Enforcement to investigate.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by the Chair)

Notes:-

- (i) Chris Howard spoke as the objector
- (ii) Simon Collier, Collier Planning (online) spoke as the applicant
- (iii) Gemma Cole, Clerk Uffculme Parish Council
- (iv) Cllrs S Clist, C Harrower and L G J Kennedy voted against the application.
- (v) Cllr B Holdman abstained from voting.

2. 25/00825/HOUSE - Erection of replacement single storey extension to include external access ramps to improve accessibility at 50 Francis Crescent, Tiverton.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The purpose of the scheme was to improve accessibility for the occupant.
- The applicant was a member of Mid Devon District Council's staff which was why the application was presented to Committee.
- The proposed plan showed the replacement of the conservatory with a larger single-story extension which provided a more open-plan living and dining area, a new bedroom and level access throughout the property.
- Ramps were also proposed to the front and rear entrances of the property.
- The new extension would be finished in brick to match the host dwelling with a dark fascia to the flat roof.
- The main issues raised were: design and scale; heritage; accessibility; highway and parking; ecology and neighbour impact.
- The Conservation Officer supported the amended materials and the scheme was considered to preserve the setting of the conservation area.
- The Highway Authority had no objections.
- A bat box would be installed as an enhancement.
- No objections had been received from neighbours.

There being no discussion, it was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr S Robinson)

Note: Cllr L G J Kennedy made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters stating that he lived just across the canal from the property but had no interest in the property and did not know the residents

3. 25/00356/FULL - Demolition of former accommodation block known as "Nazareth" and erection of 1 dwelling and detached garage at Land at NGR 281381 97496, Former Posbury St Francis, Posbury

The Area Team Leader outlined the contents of the report by way of a presentation and highlighted the following:-

- There had been a mistake made in Condition 8 on page 51 as it stated "within 9 months of commencement of development, a landscaping scheme including a detached planting specification for a hedge along the eastern boundary" – it should read as "detailed" rather than "detached".
- The application had been called in by the Ward Member for the Committee to consider the policy implications.
- There was access to the side of the application site which led to a private graveyard for the convent which was located to the rear in the wooded area.
- There was also a public right of way which led from the access road down to the side which was known as Crediton Hamlets Footpath 16.
- The main issues raised were: policy and principle of development; design and appearance of development and visual impact on landscape; impact on heritage assets; impact on the amenity of nearby residential properties; drainage/flood risk; ecology/biodiversity net gain; highway, access and parking.
- The Conservation Officer had noted a betterment for the removal of Nazareth House in regard to an improved setting for the non-designated heritage.
- Policies were in place for a landscaping plan to be agreed and there was also a requirement for biodiversity net gain as part of the proposal.
- The proposed plans were to secure removal of Nazareth House through a Section 106 agreement and to prevent any further development on the Nazareth House site.
- The fall-back position was considered to be realistic, with a proposed development representing betterment and would not result in significant harm to the character and appearance of the site.

In response to public questions the Area Team Leader answered as follows:-

Marthe Gomer

Question 1: Should the Committee approve the application can there be a condition attached regarding the safe disposal of this material, not just for the resident's safety but also the general public using the popular footpath which runs along two sides of the field?

Answer 1: This matter of contamination has been discussed with the Council's Public Health Officer as there are no recorded contaminated land in this area and Public Health have raised no concerns relating to the prospect of contamination, being of the view that any waste deposited on site being inert builder's rubble. The response from the applicant's agent is that Nazareth was built out of blocks and concrete and does not contain any asbestos or similar materials.

Notwithstanding this, the Council's Public Health Officer has advised that if Members are concerned with potential contamination, there is a standard condition which can be imposed whereby any unidentified contamination discovered on site would result in development stopping and the requirement for further investigation and risk assessment undertaken.

The standard wording would be: Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

### Beverley Seal

Question 1: The Parish Council claim that if the application is allowed, a precedent for demolishing houses and building elsewhere on greenfield sites, would be created. Can the officers advise whether this is actually the case? Is it not the case that every planning application is treated on its own merits?

Answer 1: In this case, it would not set a precedent as the Court of Appeal decision [Mansell v Tonbridge and Malling BC] concluded that a fall-back position could be considered where there is permitted development for a dwelling and the fall-back position was "realistic". The requirement being that there should be a betterment to the permitted development.

This approach is commonly applied to alternatives to residential development approved through Class Q applications where instead of converting an agricultural building into a dwelling, an alternative scheme is put forward as a betterment such as improved relationship with neighbours, better design etc. This would be the case with betterment outlined in the officer's report. With regard to setting a precedent, reference has been made to this being a green field site, but as noted in the presentation, this land has permission to be the domestic garden for the dwelling created through Nazareth House and is set lower down, having a backdrop of existing vegetation, whereby the new property would be viewed in the context of the cluster of existing buildings.

Question 2: Can the officers confirm that the Replacement Dwellings Policy DM10 of the Local Plan already allows the rebuilding of houses elsewhere on plots and hence the claim that allowing a relocation here is unusual or unprecedented in policy terms, is incorrect?

Answer 2: It is correct to say there is an existing policy in the Local Plan, Policy DM10 which allows replacement dwellings in rural areas. This policy states that 'the construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights' and the supporting statement outlines that 'The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot'.

In this case, we have not directly applied this policy as the building in question has not yet been fully converted into a dwelling so the situation is more akin to a Class Q application whereby the fall-back situation is that there is permission for a dwelling on the site and a case for betterment has been outlined. However, it would be correct to state that there is an existing policy which allows for a replacement dwelling in a countryside location subject to meeting certain criteria.

Discussion took place regarding:-

- Whether the graveyard was still in use and who it belonged to. It was explained that it belonged to the convent and it was a graveyard for the Sisters. It was understood that the last Sister that passed away may have been the last potential user of it.
- The distance between the buildings being approximately 45.718 metres.
- Class Q and the conditions of usage and whether it should be for agricultural use. It was explained that Class Qs were the most common type of application for fall-back developments when an applicant secured consent on a series of barns which might have been an intrusion on the landscape location. Therefore the application may be to remove that building and to have an alternative dwelling re-located to reduce the level of impact. This would also be considered as betterment being implemented.
- Though this was not a Class Q application, there is case law where the Court of Appeal had ruled on betterment and fall-back as a real prospect of a permitted development.
- Whether a condition could be considered with regard to contaminants. It was explained that the Committee could include a condition where standard wording could be applied to ensure that any contamination existing and exposed during the development was identified and removed.
- With regard to Condition 7 – whether an amendment could be included with regard to external lighting being installed prior to the development? It was explained that if Members were minded, the condition could be amended with regard to lighting being installed prior to any works above foundation.
- Concerns regarding the precedent and the moving of the building from one location to another.



It was **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure: the demolition of Nazareth House prior to occupation of the replacement dwelling and prevention of further development on this part of the site.

Plus an additional condition with regard to the removal of contamination if required for which standard condition wording would apply and an amendment to condition 7 with regard to lighting being installed prior to any works above foundation.

(Proposed by Cllr F J Colthorpe and seconded by Cllr S Clist)

Notes:-

- (i) Charles Burnett-Hitchcock spoke as the applicant
- (ii) Cllr David Parker spoke on behalf of Crediton Hamlets Parish Council during Public Question Time on the agenda.
- (iii) Cllr Sandy Chenore submitted a statement as the Ward Member (which was read out by the Chair).
- (iv) Cllr B Holdman voted against the application.

\*List and report previously circulated.

#### 40 **MAJOR APPLICATIONS WITH NO DECISION (01:45:08)**

The Committee had before it, and **NOTED**, a list \*of major applications with no decision.

The Committee agreed the following:-

25/00996/MFUL - Variation of conditions 3, 5 and 6 of planning permission  
20/00273/MFUL (Erection of 9 dwellings, conversion of barns to 5 dwellings, with associated works including access improvements and landscaping (Revised Scheme)) in relation to highways and drainage matters - to remain delegated as per the report.

Note: \*List previously circulated.

#### 41 **APPEAL DECISIONS (01:45:31)**

The Committee had before it, and **NOTED**, a \*list of appeal decisions.

Note: \*List previously circulated.

(The meeting ended at 4.01pm)

**CHAIR**

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