

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 21 February 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, Mrs J B Binks,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
W J Daw, Mrs C P Daw, R M Deed,
Mrs G Doe, R J Dolley, J M Downes,
C J Eginton, R Evans, S G Flaws,
Mrs S Griggs, P H D Hare-Scott,
Mrs B M Hull, D J Knowles, F W Letch,
R F Radford, Mrs J Roach, F J Rosamond,
Mrs E J Slade, Miss C E L Slade,
C R Slade, T W Snow, J D Squire,
Mrs M E Squires, R L Stanley, L D Taylor,
N A Way and R Wright

Apologies

Councillors

K Busch, T G Hughes, B A Moore and
Mrs N Woollatt

106 **Apologies**

Apologies were received from Councillors: K I Busch, T G Hughes, B A Moore and Mrs N Woollatt.

107 **Declaration of Interests under the Code of Conduct (00-04-08)**

The following declarations of interest were declared:

Councillor	Item	Interest	Reason
Mrs J B Binks	Motion 543	Disclosable Pecuniary Interest	As she owned a property in close proximity to the building in question
Mrs J Roach	Motion 543 Amendment	Personal	As a trustee of Room for U
R M Deed	Motion 543 Amendment	Personal	As a trustee of Room for U
R F Radford	Local Plan	Disclosable Pecuniary Interest	As his brother owned a property in Turnpike

108 Minutes (00-05-15)

The minutes of the meeting held on 13 December 2017 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 15 January 2018 were agreed as a correct record and signed by the Chairman.

109 Chairman's Announcements

The Chairman informed the meeting of his recent visits to Poughill Parish Council and Bradninch Town Council, he had also attended a flag raising event for the LGBT+ History Month at Petroc (Barnstaple).

110 Public Question Time (00-07-14)

Mr Drew referring to the Local Plan Review :I wish to address you with regard to agenda item 10(2). I live in a house on Turnpike, within the Grand Western Canal Conservation Area, that is up to 25 vertical metres below the ground level of the SP2 site at Higher Town.

I addressed the Cabinet in the terms recorded on pages 193 and 194 of the public document pack and the Officer's response is set out on page 201. The key difference between the Officers and I is that the Council says it took account of the existence of the Grand Western Canal Conservation Area in undertaking its Sustainability Appraisal, or SA, which is the only evidence to support SP2. However it says its assessment of impact upon it was undertaken orally and not documented. It should be common ground that the SA itself does not refer to the Grand Western Canal Conservation Area and whilst the later Historic Environment Appraisal says it "*lies some distance to the south*" there is no analysis of the effect of the allocation upon it. Although not expressly recorded in the Minutes I heard Mrs Clifford say in her response that Officers would be able to give oral evidence at the examination Hearings to supplement the written SA.

As a Chartered Town Planner of almost 30 years I am advising you in the strongest possible terms that this approach will be found unsound at the examination. The Planning Inspectorate's published guidance is that the SA is a prescribed document. The OED defines document as a "*piece of written, printed or electronic matter that provides information or evidence*". The Council's evidence base to support the allocation of SP2 therefore has a gaping hole in it and the Officer's innocence is betrayed by the claim that they can make good that evidential deficit by giving oral evidence. That is simply not how an examination works. A local plan examination is evidence based and the role of the Inspector is to test the documentary evidence that you rely on to see if policy SP2 is sound. Your Officers are leading you into a metaphoric car crash. It is far more fundamental than a difference of professional opinion, as your Officers characterise it.

You might ask why your consultants have not picked up on my point, but it is because it was outside the terms of their remit. They did not review the individual site appraisals. So on my analysis the Council has just wasted 6 months in a belated attempt to get its house in order but only by doing a superficial exercise. The fact is that the Local Plan was signed off by Full Council on 1 December 2016 and, in practical terms, you are no further forward. In progressing what I consider to be a

very high risk strategy, by continuing to rely on SP2, it is entirely foreseeable that the Inspector will issue an interim report towards the end of 2018 telling the Council to go away and address the evidential deficit that I have identified, which might easily take you until the summer of 2019 to address.

I understand entirely why you do not wish to further delay progression of the Local Plan, which is why a specific site at the eastern end of the village, which enjoys the broad support of villagers in the scenario that J27 comes forward, has been identified. You could instruct Officers to swap the respective sites over in the Local Plan and I, for one, would instantly become your ally at the examination rather than fighting against you.

So my question is: will you support the local community by removing the Higher Town site and allocate, in its place, the site identified at Mountain Oak Farm, in order to avoid a confrontation with local residents at the examination and, by so doing, actually speed up the progress of the Local Plan?

Mr Byrom referring to agenda item 10 on the agenda said I am a resident of Sampford Peverell. We all make mistakes and in a process as the revision of a Local Plan there are sure to be mistakes. We do understand this. In September 16 your Planning Policy Advisory Group met to allocate new sites for extra housing in relation to policy J27. The PPAG recommended the site at Higher Town for inclusion as SP2 in the emerging Local Plan. On 1st December 2016 you all voted in Full Council on whether the Plan should go out for consultation. To their great credit two members of that PPAG group publically declared that they had made a mistake in allocating SP2. They admitted that having learned much more about the site they were wrong to have chosen it for allocation. Their remarks are on the audio at 1 hr 47 minutes and 2 hours 44 minutes. That meeting saw another significant error, at 45 minutes on the audio recording we hear Mrs Clifford quoting correctly but selectively from a ministerial statement in an attempt to support the officer's view that it was essential that the Local Plan be put out for consultation in January. The audio recording of your subsequent debate shows that at least 6 Members clearly stated that they would have liked to have supported an amendment to remove policy SP2 but fear of missing the March 2017 supposedly required by the ministerial statement meant that they felt that they must vote for a greater good and move the Plan to consultation without delay. Unfortunately Mrs Clifford was at best mistaken when she quoted from the ministerial statement, she failed to provide the full context that shows that the early 2017, not March, just early 2017 ministerial deadline was for authorities that had never submitted any Plan. An advisory group to the minister had already published their call for authorities such as Mid Devon which had submitted a Plan by March 2018. That was never mentioned, you were one way or another misled. You feared more mistakes were in your Plan in September 17, which was when you called for the adjournment which means that the inspector's hearings will now take place a year late. If you argue that no mistakes were found by the LUC report that makes the adjournment itself an even bigger mistake. Your papers today show another more recent mistake when the executive summary of the latest 2018 sustainability appraisal wrongly claims that policy SP2 makes mitigation for 2 conservation areas. This has been corrected but only because we drew it to your officers attention. My question is to Councillors alone – but I would like it to be repeated as a reminder when officers deal with public questions, Councillors, will you please consider the very real possibility that your officers are once again mistaken when they recommend the continued inclusion of policy SP2 in the Local Plan.

Peter Dumble referring to Agenda item 10 stated that: I am a resident of Sampford Peverell and my question relates to SP2. In my submission to Cabinet on 9 February (which is on page 196 of today's report pack), I highlighted that the LUC consultants review does not address any issues or questions raised by the Planning Inspector to be explored at last September's aborted public hearings. Indeed, on page 14 of your report pack, section 1.9 of the LUC report states: "It is important to note that LUC's review has focussed on the SA process that has been undertaken and has not included a review of the detailed findings of the appraisal of site and policy options". Since it is the detailed findings that are at issue, it seems to me this self imposed delay in the Local Plan and the documents presented for your approval today represent a missed opportunity to tackle the real issues.

MDDC planners have since September 2016 chosen to ignore the many well-argued and, in some cases, expert and constructive submissions from members of the public – including the identification of a more sustainable site on the east side of the village. There seems a determination to defend the indefensible allocation of SP2 – even at the risk of further delaying the adoption of the Local Plan.

Councillors, you are being led along a very high risk pathway and it is very possible we will all be back here in a year's time unless action is taken today to remove SP2 from the Local Plan. Let me emphasise this. According to Section 3.5 of "Procedural Practice in the Examination of Local Plans" published as guidance by the Planning Inspectorate, an issue raised by a Planning Inspector for hearings are (and I quote) "key issues on which the soundness of the plans will depend" and which in Section 3.7 of the same report, are only identified if the Inspector believes there to be "fundamental flaws" in the Local Plan. By raising SP2 as "an issue", the inspector is virtually telling you that SP2 is a fundamental flaw.

My question is – Page 4 of the information pack provides a risk assessment prepared by the Head of Planning for today's meeting. It ignores the elephant in the room by not addressing the very real risk of SP2 being found unsound by the Planning Inspectorate. For the benefit of the public, and particularly for Members of Council who will otherwise be voting without having been given guidance on this risk, would Planners, in the light of the documents presented today, and in knowledge of the questions raised by the Planning Inspector last year please state and quantify their assessment of the risk that SP2 will be found unsound at reconvened hearings?

Mr Cutts Chairman of Sampford Peverell Parish Council, referring to item 10 on the agenda said the Sampford Peverell Parish Council is puzzled and disturbed by the way the clearly expressed opinions and carefully supported arguments from local people have been ignored in the Local Plan review process. The Parish Council recalls in particular how in 2014 we were expecting the possibility of development at the Higher Town site if the number of dwellings would be kept at 20 – 25. I ask Councillors to note this now and remember that policy SP2 trebles the number of dwellings that we ever imagined would be built on this site. You appear to have listened to us when you wanted to find support for allocating the Higher Town site, you may remember however that even with our conditional support in 2014 consultation showed that more people voted against the site being used, than for it. Please now listen to us with the grounds of opposition from many in the village and we make it loud and clear that we do not support the proposed development at Higher Town and with policy SP2 to be removed from the Plan. In the event that

policy Junction 27 comes forward however the Sampford Peverell Parish Council is not opposed to 60 houses being brought forward in the village, however we feel that the Council has identified the wrong site in Higher Town. We would respectfully that Councillors revisit that decision and if a reasonable alternative is not available elsewhere consider allocating a site at the eastern edge of the village. This would better relate to any development at Junction 27 as well as the strategic transport network including the railway station and the M5, in fact within a short walking distance of the site. We note in table 5, page 92 of the pack that several sites in the east of the village were reasonable alternatives but have more extensive tracks of land. We ask you to consider restricting for development a smaller area of one of these sites that have already been assessed, just as you selected a smaller area of the Higher Town site. We note that Plans for one such limited site have been shown to you. My question therefore is would you please reflect the views of most residents in the village and choose one of the reasonable alternatives that have been identified to be available even if this means extending your self-induced delay for some extra weeks' time to do the necessary work?

Bryony Byrom referring to the Local Plan Review provided the following question which was read by the Chairman:

Mid Devon's emerging Local Plan has a planning policy (DM25e, formerly DM27e). It requires any would-be developer to "make a proportionate but systematic assessment of the impact on setting as set down in the guidance from Historic England: 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning:3'."

Policy SP2 in the emerging Local Plan fails to mention any risk of impact on a conservation area just 50 metres away from the Higher Town site or to provide mitigation for that conservation area.

At about 36 minutes into the audio recording of the Cabinet meeting on 9 February 2016, Mrs Clifford clearly told members that 'In relation to the Grand Western Canal Conservation Area, your officers did take it into account ... but it has not formed part of the written conclusions within the Sustainability Appraisal because those impacts were not considered to be significant'.

Mrs Clifford's statement and the acceptance of her argument in this context opens the way for developers to follow this precedent, arguing that they too can consider major developments just 50 metres from a conservation area to require no formal assessment of impact.

My question is: Do officers and Councillors believe that Policy SP2 in the proposed Local Plan meets the standard set by their Policy DM25 and that their example can be followed by developers or are they arguing that the Council can set itself a lower standard when drawing up its own Local Plan?

Hayley Kearly referring to the Local Plan Review provided the following question which was read by the Chairman:

There is no evidence in any of your Sustainability Appraisals from 2014 to January 2017 that you ever identified 42 Higher Town as a Grade II listed house as being

adjacent to the site. Nor have you recognised that 44 and 46 Higher Town are attached dwellings that share its status as historic assets.

You cannot show that these were ever considered when you did the scoring that led you to select site for allocation. You only added a reference in the Sustainability Appraisal to the existence of the Grade II house retrospectively in February or March 2017, and only after the public drew it to your attention months after you voted to allocate the site.

At that same time (February 2017), you announced that you were adding a condition to Policy SP2 to ensure safe pedestrian access to the village. From the comments in your response to consultation representations you make it clear that you have engaged in discussions with Devon County Highways and that you intend this new access to lead onto Higher Town.

The new pedestrian access will have to cut a wide, steep pedestrian access ramp right through an historic earth bank immediately outside the Conservation Area and the Grade II listed house. The ramp will be very steep as the height there is at least two metres above road level. You have shown no sign that you have assessed impact on the nearby historic assets and whether this dreadful proposal should change the scoring of the Higher Town site.

The Inspector will need to decide whether you exercised your duties to show understanding of the historic asset at the appropriate times in the appropriate way. I am convinced that all your errors will be brought to light. You will be in a serious predicament.

My question is

You may argue that there was no need to record your assessment of the significance of the Grade II listed house when you started the Sustainability Appraisal process, but how can you not reassess the site's impact when you add a brand new condition that will require you to make a pedestrian access onto Higher Town that must worsen the impact of the site on the setting of two historic assets?

Roz Thomas referring to the Local Plan Review provided the following question which was read by the Chairman:

I am Roz Thomas and I live on Turnpike at Sampford Peverell.

When I recently sought permission to add an extra bedroom at my house on Turnpike, officers refused the plans due to its overbearing impact on a neighbour's garden. Heather Bainbridge bought the case to full Council, and thankfully we gained permission to add the extra bedroom. I have been very surprised, therefore, to learn that the same officers are happy to accept that a development of 60 dwellings, on a slope high above houses on Turnpike, and within clear view of the Canal Conservation Area, is so insignificant that they did not even need to record their assessment in their Sustainability Appraisal of the site.

Paragraph 129 of the National Planning Policy Framework requires Local planning authorities to 'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of

a heritage asset)'. I note that the NPPF includes any site that may (not 'will') be affected.

In order to help Councillors know how you will defend your position on SP2's Sustainability Appraisal, please imagine that this question comes from the Inspector who has to ensure that your revised Local Plan meets the requirements of the NPPF.

The question is – 'Where in your Sustainability Appraisal and its scoring of potential sites will I find the written evidence that you identified and assessed the significance of the Grand Western Canal Conservation Area just 50 metres away and how putting up 60 houses on the site at Higher Town may affect it and its wider setting?' (If you wish to refer to your Historic Environment Appraisal in your response, please be sure to show where the site's significance is assessed).

Mr Knowles referring to the Local Plan Review provided the following question which was read by the Chairman:

Villagers have heard rumours of Councillors saying that the site at Higher Town will never be developed. We understand that this may be intended to offer comfort to residents but the retention of Policy SP2 would in fact still weigh heavily on our minds for years to come. There may be a hidden acceptance among certain members and officers that the site will never be developed.

Some officers and members may secretly think that it will make no difference to keep SP2 in the proposed Local Plan as the Inspector will weed it out or the conditions that are imposed mean the land will never be developed. If that is the case we need to be told that these are their views. Including Policy SP2 in that way would be gambling with our village's future and causing us unnecessary anxiety. Councillors and officers should only allow Policy SP2 to remain in the draft Local Plan if they are fully committed to seeing a development at Higher Town. So my question is – Please will Councillors vote to remove Policy SP2 unless they are truly, fully committed to the Policy and to development on the site?

Mr Bond, referring to item 10 on the agenda said within the January 2017 consultation of the proposed Local Plan a revised and reduced site at Mountain Oak Farm was put forward by a member of the public for development. The MDDC response to those consultations never once acknowledges this document and its detailed drawings and supporting evidence. The idea of using smaller areas within previously defined larger sites is dismissed without it even being shown that it is a potentially workable version and it had been submitted a year ago. LUC would therefore have had no knowledge of this precise information that was an attempt to put forward a practical solution to the problems already identified by SP2. LUC's judgements about alternative sites on the east side of the village were therefore not comprehensive. Their conclusion that SP2 is still the most appropriate allocation can only be upheld once the merits or otherwise of this alternative proposal have been formally considered. To proceed without doing this would simply imply either that MDDC officers had overlooked or consciously hidden a potentially viable alternative. My question therefore will officers please recommend to Council that it considers at this meeting this reduced Mountain Oak site as a replacement for SP2 with the same link to policy Junction 27. There is an attempt to offer a solution rather than to stir up problems.

Jo Weeks, referring to item 10 on the agenda said I live in Higher Town Sampford Peverell, live alongside the fields at Higher Town that you have allocated for development in Policy SP2. I have often looked out over crops growing in fertile soil.

The first assessment of those fields in January 2014 accurately noted that the fields are grade 2 agricultural land. It also stated that only 11% of land within the district is grade 2. I am astonished that this council with its strong rural ties would take a field that is highly suitable for agricultural use and propose to build 60 homes on it. To make matters worse, you have rightly agreed, that the top section is far too high for any development, so it will be taken out of agricultural use and not even be used for building.

My question is – do Councillors really want to sacrifice this top quality agricultural land as proposed in Policy SP2 when other, better and unconsidered alternatives are available?

Dr Christopher Chesney, current chairman of Sampford Peverell Village Hall Committee, referring to item 10 on the agenda said I am alarmed that the LUC report has not considered the merits or otherwise of assessments made which led to the allocation of Higher Town in SP2.

Of particular concern is the continued and entirely false assertion that 'There is footpath on Turnpike from the south east corner of the site which leads into the village'. To reach the footpath, pedestrians must cross Turnpike, a dangerous road as all your assessments have recognised until February 2017. Indeed the SHLAA Report of 2013 specifically describes Turnpike as "a dangerous road". It is a road along which I walk almost daily. From there the footpath leads towards the village but not into the village. It breaks on a blind bend close to a narrow bridge and road junction well short of the village centre with its shop and other facilities. For a family wishing, for example, to reach the canal tow-path at this point necessitates yet another crossing of turnpike, where vehicles come round the corner and over the bridge.

The Chartered Institute for Highways and Transportation in its publication 'Planning for Walking' says walking includes all forms of assistance, such as sticks, wheelchairs, baby buggies and pavement vehicles. My wife hopes to address this point. However, it is simply untrue to say that there is a footpath on Turnpike that leads into the village. LUC will have had no idea of this when they agreed that SP2 was an acceptable option for inclusion in the Local Plan because they had no remit to look at the individual site appraisals.

My chief question is –

I would like to ask Council or is whether, in their busy lives, they have had occasion to walk along this route to assess it for themselves?

Why does the Council not accept that it is simply untrue to pretend that there is an existing foot-way that leads into the village, let alone leads in a safe manner, and that the site at Higher Town is unsafe?

Greta Tucker, a resident of Sampford Peverell, referring to item 10 on the agenda said the audio recording of the 9th February showed that many Councillors feel frustrated at the slow progress of this Local Plan review. Some may even feel that the residents of Sampford Peverell are wasting your time by persistently arguing that

Policy SP2 should be dropped. Unless you can tell me otherwise I believe that not one extra day or one extra pound has been spent on this Local Plan review as a result of actions of the residents of Sampford Peverell. All the delays and costs have been of the councils own making. We want the Plan to go ahead and we want it to be of high quality with no evident errors or injustices. We are simply trying to help you to avoid a further delay that will be caused when the Inspector sends you back to sort out the mess that is Policy SP2. We are not going to go away. My question is will you now explore fairly assessed alternatives to Policy SP2, based on the best evidence available?

Gerald Dinnage, referring to item 10 on the agenda said if the Council is determined to press ahead with Policy SP2 in its proposed Local Plan we deserve to be told now, before any vote is taken, whether or not any officers or Councillors are considering dropping or easing conditions that they have attached to the policy. My question is – if Councillors now vote to keep Policy SP2 in the proposed Local Plan, may we rest assured that they and officers are also committing themselves publicly, for the full span of years covered by the Plan, to stand firmly by all aspects of Policy SP2, including each and every condition that is currently attached?

Mrs Pearce referring to the Local Plan Review provided/asked the following question to be read by the Chairman: In assessing flood risk to the site at Higher Town, the Sustainability Appraisals from 2014 to January 2017 all directly considered the risk of water from the Grand Western canal flowing uphill over open, green fields to threaten any development on the site that stands up to 35 metres above it.

The possibility that houses built on land across those same open green fields might have an impact on the same canal's conservation area is never openly considered.

Do councillors realise that to keep Policy SP2 in the Proposed Plan, they rely on the Inspector choosing to believe your officers' assertion that there was more chance of water flowing uphill than there is of houses being seen across an uninterrupted distance of 50 metres?

My question is: Will you now explore fairly assessed alternatives to Policy SP2, based on the best evidence available?

Mr Simon Bartlett, a resident of Sampford Peverell, referring to item 10 on the agenda said Councillors, in the report before you the LUC did not look into and did not consider matters that you, as our elected representatives, must be concerned with.

Are you aware for instance that DCC actually runs two school buses from Uffculme to Sampford Peverell? While one stops at the Globe Inn on the main street east of Turnpike, the other purely for reasons of safety takes children along Turnpike to the west and drops them at Battens Cross. The reason for this separate service is that DCC schools transport services have assessed Turnpike as being too dangerous even for secondary children to use without the company of an adult. The second bus means that no child has any reason to get off at the Globe and walk over the canal bridge along Turnpike. This is the route that officers say is safe for the whole community to use in accessing the proposed site at Higher Town. The route cannot be significantly changed as it is an historic road running through a conservation area and certainly not in any material way to increase safety. Everyone coming into the

village from Turnpike, or the proposed site, has no alternative but to cross the main road twice.

My question is as follows – DCC clearly believes that Turnpike is such a dangerous road it provides an extra bus so that school children will not have to walk along the footpath and cross Turnpike near the canal bridge. In the light of this, and because everyone must cross the road twice, what can officers say to ensure Councillors that a development at Higher Town is safe and sustainable for all users.

Cllr Grantham, Willand Parish Council, referring to item 10 on the agenda ,the major modification land at Junction 27 and housing and the sustainability appraisal said for the last 2 years at meetings of the Council regarding the Local Plan and explicitly the major modification i.e. land at Junction 27 plus housing we have heard time and time again from the Head of Planning and Regeneration and other elected members of the Council that the Plan was proportionate, appropriate and safe, with the major modification of the Plan. Has the council been misled in voting for this modification? The Plan was submitted to the Inspector and he immediately pulled out the Junction 27 land allocation and housing from the Plan, for a separate hearing. Obviously he had reservations and concerns about this inclusion of this land allocation. Consequently the Planning department and the Council asked for an adjournment on advice from a barrister and their solicitor. When the Member for Planning and Regeneration was asked what advice they had received we were told that it was privileged information. With the speed that they asked for an adjournment we can only assume that the Planning department could not defend Junction 27 and the housing allocation, so the Plan would fail. With the vast number of objections to Junction 27 and the housing why was this not removed? The inclusion of Junction 27 and the housing has led to another delay, this time lasting five months. The independent sustainability appraisal from LUC, costing even more money for Mid Devon Council tax payers reported that there was nothing wrong with the Local Plan to lead them to a different decision. If this was the case now and then, why was it necessary to ask for an adjournment?

Cllr Warren, Willand Parish Council, referring to items 3 and 10 (9) on the agenda said on the 13th of December 2017 I asked questions surrounding the Planning committee process and the apparent conflict with the Planning Service Charter and the Charter between MDDC and Town and Parish Councils. The Chair indicated that a written response from the Head of Planning, Economy and Regeneration would be requested. A member asked that the response be seen by all Councillors.

I received a response by email dated the 10th January 2018 – nearly a month after the date - but allowing for the Christmas and New Year break it was 18 working days. The response explained procedures and challenging some of what I had said but it did not answer the main points of my questions. Having said that I must say that Mrs Clifford could not answer some of the question as they were directed to members.

I still question that members of the public and Town & Parish Councillors are not being listened to or receiving answers to questions of concern. A direct example of this is that at the Planning Committee on 31st January 2018 seven members of the Parish council and public asked questions and were advised by the Chair that these issues would be discussed further when the item was debated. Many the questions asked were not answered or only briefly answered by the officer. One prime example was why in a report of 35 pages the officer had summarised objections from

72 parishioners in 8 one-line bullet points amounting to 53 words. Why were these questions not answered in a proper manner? I have written to the Group Manager for Development seeking answers but it is a little early to have received a response as he has not been in the office.

We are grateful to the 10 members of the Planning Committee who did listen to the representations made and indicated an intention to refuse the application. That has now been stopped as an appeal for non-determination has been lodged. The delay in determination was an issue raised by the Parish Council some months ago and again at the hearing which did not receive a positive response.

Will members please look at the management and performance of the Planning department in relation to these issues? Can we please be assured that when the appeal into the Esso Garage site is heard that MDDC will present a robust case in accord with the elected members and parishioners wishes rather than a view of officers who have failed to determine a case within the statutory time frame?

Mr Mel Lucas, Honorary Alderman, referring to item 10 on the agenda said we represent a lot of people from Sampford Peverell. I have myself been vice chairman of the Parish Council and I also had the honour of representing Canonsleigh Ward for 12 years as a District Councillor. Talking from my heart, this evening Councillors you have in front of you something that is going to determine the later nature of our village, we live in Mid Devon, we love Mid Devon, we are proud to be part of Mid Devon and I am becoming very annoyed in the manner in which bureaucrats state to me and my villagers how we should live and what we should have in our villages.

I would like to draw Councillors attention to the Cabinet meeting of 9 February 2018 and state that I fully support and agree with the comments made by Sampford Peverell Parish Council and other members of the community that took part in the debate. Those views must be taken into consideration by yourselves this evening as they represent the views of the majority of the views of the village's residents. On reading those comments it could appear that MDDC Planning department have not taken into consideration a number of factors relating to this particular site and I would hope that the concerns of those that appeared at the meeting have been answered in a satisfactory manner. Although listening to the various speakers this evening it would appear that is not so, and therefore Councillors I would ask another question of you – are you being let down by your Planning department, after all they are the experts and you take their advice. I sometimes think you should ask if that advice is true or otherwise. I wish to put a question to the Head of Planning regarding the particular application for 60 homes within SP2. I would refer to a Cabinet meeting held on 12 December 2014, agenda item 4 and the responses given at 2.7 through to 2.8, in particular 2.9 which states the following 'SHMA's Plan housing requirements in this area are based on the promoters Plans and 3500 jobs to be created at Junction 27, therefore based on that figure alone an extra 2300 homes are required over the Local Plan period 2013 – 2033, increasing requirements from 7200 homes to 10400 homes within Mid Devon and needs to be addressed'. Is the application for 60 homes based on the presumption that an extra 3500 jobs will be created at Junction 27, if not then where is the justification to place such homes in the village of Sampford Peverell which is already at full capacity regarding utility services and other amenities including the village school. Councillors please be aware that your decision will impinge on the wellbeing of this particular community which I personally hold so dear. We are trying to protect our countryside, not destroy it and whilst not adverse to

the extra homes if so required then look at other sites within the village that are more suitable and available to develop, the Mountain Oak site in particular. Have many of you been to Sampford Peverell have done the route that is outlined in SP2, I would request that you park in the car park at Sampford Peverell and walk up to the top and then you will understand that the concerns of the villagers need to be taken into account. That road is so dangerous, even for driving and to think that you are going to put 60 homes at the top of the hill and let people walk a mile into the village, then think again.

Mrs Mary Chesney, referring to item 10 on the agenda said I use a pavement scooter and because of the lack of pavements, for example outside our house, I also have a 8 mph roadworthy scooter. Also I cannot use the pavement scooter on waste collection days because of restriction of the pavement width. The same problems would arise with parents pushing children in buggies or with accompanying children.

Turnpike is a heavily used road, and to gain access to village amenities I have to negotiate two corners where I often have to pull off the road in order to prevent being overtaken by vehicles where the driver cannot see what is coming in the opposite direction.

The other route into the village using Higher Town means going along a narrow lane where, as happened recently to me, meeting a wider vehicle means my going up a private drive-way to allow it to pass.

Since these proposals do not seem to have taken into account the dangers which I recognise, I wonder what issues affecting disability have been considered in bringing forward these Plans.

Gary Berry again referring to Agenda item 10 stated that he was not against J27 and 60 dwellings in Sampford Peverell however the siting of Policy SP2 was ridiculous. He spoke of technical data with regard to traffic movements, 6 to 8 movement per day per dwelling and that the majority of traffic would head towards the A361 and therefore through Sampford Peverell where the roads were narrow and there was a lack of pavements. The siting was wrong and the land to the east of the village could accommodate the houses, trees could be placed so that the canal was protected.

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

111 Petitions (1-09-21)

The Chairman received and the Council noted a petition received from the residents of Crediton with regard to options for the Crediton Council office building.

112 Notices of Motions (1-09-59)

(1) Motion 542 (Councillor Mrs J Roach – 30 November 2017)

The following Motion had been referred to the Environment Policy Development Group for consideration and report:

That this Council consider the use of recycling trolleys as a pilot project, hopefully in Silverton, as an alternative to assisted collections for those who wish to try out such a system.

The Environment Policy Development Group at its meeting on 9 January 2018 considered the Motion and recommended that it not be supported.

Following discussion, Councillor Mrs J Roach **MOVED** and seconded by Councillor R M Deed that in accordance with Procedure Rule 15.1 (e) the **MOTION** be **REFERRED BACK** to the Environment Policy Development Group for further consideration; upon a vote being taken, this was **AGREED**.

(2) Motion 543 (Councillor F W Letch – 23 January 2018)

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

I ask Council to urge Cabinet to agree to the sale of the Crediton Council Office Building to Crediton Town Council on the same basis as the sale of Tiverton Town Hall to Tiverton Town Council, where precedent has already been set, which is 50% of the buildings restricted value.

The **MOTION** was **MOVED** by Councillor F W Letch and seconded by Councillor J M Downes.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the Motion be dealt with at this meeting.

Councillor Mrs J Roach had submitted the following **AMENDMENT** :

“Further, the Council urges the Cabinet to agree to apply retrospectively the same method of valuation (50% of restricted value) to the price Silverton room 4 u paid for the redundant toilet block in Silverton it acquired from the Council in 2017 and, if agreed, to use all reasonable endeavours to conclude the re-negotiation”.

The Council had before it a question * submitted in accordance with Procedure Rule 13.2 with regard to the Motion together with a response from the Cabinet Member for Housing and chose at this point to ask a supplementary question in accordance with Procedure Rule 13.7. She stated that Silverton had only paid one instalment with regard to the Silverton Toilet Block and the amount had not been paid in full, therefore the answer to her question was incorrect and she referred to information regarding the sale price of the Tiverton Town Hall. At this point she chose to **WITHDRAW** her **AMENDMENT**.

At this point the original **MOTION** was discussed.

The Monitoring Officer informed the meeting that she had advised Members of the Cabinet to abstain from any involvement in the matter so as to protect any decision they may make in future with regard to the issue.

Following debate, Councillor N A Way **MOVED** in accordance with Procedure Rule 19.4:

'THAT the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs A R Berry, A Bush, N V Davey, Mrs C P Daw, W J Daw, R M Deed, Mrs G Doe, R J Dolley, J M Downes, R Evans, S G Flaws, Mrs S Griggs, Mrs B M Hull, D J Knowles, F W Letch, R F Radford, Mrs J Roach, F J Rosamond, T W Snow, J D Squire, L D Taylor, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs H Bainbridge, Mrs C A Collis and Mrs F J Colthorpe.

Those **ABSTAINING** from voting, Councillors: Mrs E M Andrews, R J Chesterton, D R Coren, C J Eginton, P H D Hare-Scott, P J Heal, C R Slade, Miss C E L Slade, Mrs E J Slade, Mrs M E Squires and R L Stanley,

The **MOTION** was declared to have been **CARRIED**.

Notes

- i) Councillor Mrs J B Binks declared a disclosable pecuniary interest in the matter as she owned a property close to the building in question and left the meeting during the discussion and vote;
- ii) Councillors R M Deed and Mrs J Roach declared personal interests as trustees of a Room for U;
- iii) *Question previously circulated, copy attached to signed minutes.

(3) Motion 544 (Councillors: W J Daw, Mrs H Bainbridge, D R Coren, Mrs G Doe, P J Heal, F W Letch and J D Squire – 31 January 2018)

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

That Mid Devon District Council adopt a position of opposition to the continuation of the Right to Buy initiative in order to protect housing stock numbers for those in housing need. As part of that position the Council will lobby both local Members of Parliament and the Housing Minister to seek the end of the current right to buy scheme.

In accordance with Procedure Rule 14.3, Councillor W J Daw requested that the Motion **NOT BE MOVED** and therefore be **WITHDRAWN**. This was **AGREED**.

113 Cabinet Report - 4 January 2018 (2-01-34)

The Leader presented the report of the meeting of the Cabinet held on 4 January 2018.

(1) Tax Base Calculation (Minute 98)

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Cabinet as set out in Minute 98 be **ADOPTED**.

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

Note: Councillors: Mrs J Roach, N A Way and R Wright requested that their abstention from voting be recorded.

(2) Local Enforcement Policy (Minute 103)

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

THAT the recommendation of the Cabinet as set out in Minute 103 be **ADOPTED**.

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

The Council had before it a question* with regard to Minute 104 submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 together with a response from the Cabinet Member for Housing.

In accordance with Procedure Rule 13.7 Councillor Mrs J Roach asked the following supplementary question: she hoped that the Forward Plan would be amended so that both items were dealt with at the same time as she could not understand why the Tiverton Town Centre Masterplan and the Tiverton Town Centre could be treated independently when they should be treated holistically with 2 Cabinet Members working together on the project.

The Chief Executive responded by stating that the matter of Tiverton Town Centre was split between the Regeneration and the Property portfolios. Any property decisions would be for the Cabinet to make.

Note *Question previously circulated, copy attached to signed minutes.

114 Cabinet Report - 1 February 2018 (2-07-23)

(1) Market Environmental Strategy (Minute 112)

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

THAT the recommendation of the Cabinet as set out in Minute 112 be **ADOPTED**.

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

(2) National Non Domestic Rates (Minute 114)

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Cabinet as set out in Minute 114 (1-3) be **ADOPTED**.

The **MOTION** was declared to have been **CARRIED**.

(3) Budget (Minute 115)

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Cabinet as set out in Minute 115 (a) – (h) be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, A Bush, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, R M Deed, Mrs G Doe, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, Mrs B M Hull, D J Knowles, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires and R L Stanley.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs J Roach and R Wright.

Those **ABSTAINING** from voting: Councillors R J Dolley, J M Downes, F W Letch, T W Snow, L D Taylor and N Way.

The **MOTION** was declared to have been **CARRIED**.

(4) Capital Programme (Minute 116)

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Cabinet as set out in Minute 116 (a) – (b) be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, A Bush, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, Mrs G Doe, J M Downes, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, Mrs B M Hull, D J Knowles, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire, Mrs M E Squires and R L Stanley.

Those voting **AGAINST** the **MOTION**: Councillors: R M Deed, R J Dolley, F W Letch, Mrs J Roach, L D Taylor and R Wright.

Those **ABSTAINING** from voting: Councillors: Mrs E M Andrews and N A Way.

The **MOTION** was declared to have been **CARRIED**.

(5) Establishment (Minute 118)

The Leader **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Cabinet as set out in Minute 118 be **ADOPTED**.

Councillor Mrs J Roach asked why agency workers were not included in the Establishment report. The Chief Executive explained that the Council pays for staff resource in a number of ways including via agency and as part of other ad-hoc commissions. However, the Establishment report is specifically and explicitly concerned with staff on the Council's payroll as employees of the Council.

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

(6) Policy Framework (Minute 119)

The Leader **MOVED**, seconded by Councillor Mrs M E Squires:

THAT the recommendation of the Cabinet as set out in Minute 119 be **ADOPTED**.

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

115 Council Tax Resolution 2018/2019 (2-25-04)

The Chairman **MOVED**,

"THAT the Council Tax for 2018/19 be increased by 2.998% being £197.91 (in accordance with the revised referendum limit ability of 3% or £5 per Band D property)"

With regard to the draft Council Tax resolution in respect of the year 2018/19.

The Chairman **MOVED** the resolutions to confirm the requirement from the Collection Account for the year 2018/19.

The Chairman **MOVED** in accordance with Procedure Rule 19.7:

"**THAT** the vote in respect of this item shall be by Roll Call"

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, A Bush, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, R M Deed, Mrs G Doe, J M Downes, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, Mrs B M Hull, D J Knowles, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires, R L Stanley and L D Taylor.

Those voting **AGAINST** the **MOTION**: Councillors; Mrs J Roach and T W Snow.

Those **ABSTAINING** from voting: Councillors: Mrs E M Andrews, R J Dolley and N A Way.

The **MOTION** was declared to have been **CARRIED** and it was accordingly:-

RESOLVED that the recommendations within the report be approved.

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

116 **Cabinet - Report - 9 February 2018 (2-28-32)**

The Leader presented the report of the meeting of the Committee held on 9 February 2018.

Arising thereon:

1. LOCAL PLAN REVIEW UPDATE

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

THAT the recommendations of the Cabinet as set out in Minute 127 be **ADOPTED**.

The Head of Planning, Economy and Regeneration was invited to provide answers to questions posed in public question time.

With regard to the robustness of the process, LUC (Land Use Consultants) were asked for an independent assessment, this was undertaken, they did not look at the site assessments, they felt this unnecessary as the site assessments had already considered reasonable alternatives. It was the officers view that they had considered any reasonable alternatives. Officers were not in the business of making recommendations that were flawed or biased. Officers were of the view that the findings of the review did not steer the Council to a different conclusion from the previous decision made and the plan as submitted.

She had heard all the representations regarding the use of the alternative site at Mountain Oak however it was felt that the Policy SP2 allocation was appropriate. There were several questions regarding transport issues, highway safety, access and pedestrian issues; the Highway Authority had not objected to the site. Improvement would be required to the pedestrian access and a minor modification had been submitted to the Inspector for a further policy criterion proposed with regard to improved pedestrian connectivity. The officer's view was that we should not change our position with regard to Policy SP2

With regard to the ministerial statement regarding the deadline for submissions: there was still a Government imperative and advice for the speeding up of plan making. Officers had referenced the end of March 2017 for submission and had identified the risk of intervention to be low.

With regard to the questions received from the Inspector on the major modifications to the plan including site SP2, this was all part of the examination process, officers did not believe that the inspector was indicating lack of soundness. There had been no request to date from the Inspector for a pre-examination hearing. Within Planning Inspectorate advice on plan examinations it is stated that Inspectors will seek to identify any fundamental concerns early in the examination process. No such concerns have been raised. Planning Inspectors usually advised if flaws had been found and any issues would have been raised at an early stage; there had been no request for additional information. Policy SP2 meets the standards met by other policies within the plan; the Local Plan was read as a whole and there was a need to have regard to all the policies including Policy DM25.

With regard to the access issues, officers felt that the site was sustainable, particularly with the addition of a new criterion for access and pedestrian issues.

With regard to flood risk from the canal, the sustainability appraisal drew evidence from the strategic flood risk assessment; Officers felt that it would have been an omission if it had not been part of the sustainability appraisal.

The request for an adjournment: legal advice had been received from the Council's barrister. It had been appropriate and proportionate to take the advice and adjourn the process for the independent assessment of the major modifications stage sustainability appraisal.

With regard to employment at J27 and the housing requirement, the recorded information was: full time equivalent of 1186 jobs, the number of additional homes required would be 260 over the Local Plan period, (13 per annum) A live planning application had been submitted on the site SP2 as a response to the lack of a 5 year land supply.

With regard to issues affecting disability, an equality impact assessment had been submitted with the plan.

The Forward Planning Team Leader referring to the use of agricultural land stated that yes, the allocation SP2 was on Grade 2 agricultural land and yes it was best and most versatile land, but it was felt that the parcel of land was not a significant loss in weighing up the merits of the allocation. He spoke of the engagement between officers and the public and he recognised that local people valued their local place.

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

Notes:

- i) Councillor R F Radford declared a disclosable pecuniary interest with regard to Policy SP2 as his brother owned a property on Turnpike and chose to leave the meeting during the discussion thereon;
- ii) Councillor Mrs J Roach requested that her vote against the decision be recorded.

117 Scrutiny Committee Report - 15 January 2018 (3-09-31)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 January 2018.

118 Scrutiny Committee Report - 26 January 2018 (3-10-27)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 26 January 2018.

119 Scrutiny Committee Report - 12 February 2018 (3-10-58)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 February 2018.

120 Audit Committee Report - 23 January 2018 (3-12-44)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 23 January 2018.

121 Environment Policy Development Group - 9 January 2018 (3-13-18)

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 9 January 2018.

122 Homes Policy Development Group - 16 January 2018 (3-14-10)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 16 January 2018.

123 Economy Policy Development Group - 11 January 2018 (3-15-12)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 11 January 2018.

124 Community Policy Development Group - 30 January 2018 (3-15-54)

The Vice Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 30 January 2018.

125 Planning Committee Report - 3 January 2018 (3-17-00)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 January 2018.

126 Planning Committee Report - 31 January 2018 (3-19-49)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 31 January 2018.

The Head of Planning, Economy and Regeneration was invited to respond to a question posed in public question time: With regard to a response to the questions raised at Council on 13 December, a written response had been provided on 10 January 2018, however many of the questions were directed at Members. In the questions reference had been made to a particular application and she confirmed that the application had been appealed for non-determination. The application would be presented to the Planning Committee on 28 February 2018 as Members would still have to provide clear instruction on the application. Where the Council is looking to defend a planning appeal, officers would do so to the best of their ability.

127 **Special Urgency Decisions (3-20-52)**

The Council had before it and **NOTED** a * report of the Leader (and Monitoring Officer) reporting special urgency decisions taken in the preceding quarter.

Consideration was given to the timing of the report and the delay in reporting a decision from October 2017. The Monitoring Officer stated that the procedure for reporting decisions made under the special urgency procedure had been agreed by the Council. It was suggested that the procedure be considered further.

The Council had before it a question** submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 together with a response from the Cabinet Member for Housing.

Notes:

- i) **Question previously circulated, copy attached to signed minutes.
- ii) * Report previously circulated, copy attached to minutes

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

There were no questions submitted under Procedure Rule 13.2 that had not been previously answered.

129 **Independent Remuneration Panel Report (3-24-15)**

The Council had before it a * report of the Group Manager for Legal Services and Monitoring Officer informing Members of a review undertaken by the Independent Remuneration Panel and their recommendations.

The Chairman **MOVED, THAT:**

- a) That the Basic Allowance to be paid to all Councillors remain at the current level of £4,865 pa with any increases being linked to the staff pay award.

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

The Chairman **MOVED, THAT:**

- b) That Special Responsibility Allowances be paid to the following Members at the unchanged levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216
Chairman of the Council	0.50	£2,433

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

The Chairman **MOVED, THAT:**

- c) To confirm that no Member should be entitled to claim more than **one** Special Responsibility Allowance.

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

The Chairman **MOVED, THAT:**

- d) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.

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

The Chairman **MOVED, THAT:**

- e) Travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers payable to the driver)
- 25p per mile for pushbikes
- 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2018 once known.

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

The Chairman **MOVED, THAT:**

- f) The subsistence allowances be linked to those of the staff, currently these are as follows:

- Breakfast - £7.20
- Lunch - £9.94
- Tea - £3.91
- Dinner - £12.30

NB: To be increased in line with HMRC rates from 1 April 2018 once known.

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

The Chairman **MOVED, THAT:**

- g) All claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.

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

The Chairman **MOVED, THAT:**

- h) An annual digital allowance of £150 continue to be paid to Member using digital devices only.

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

The Chairman **MOVED, THAT:**

- i) Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

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

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

130 **Questions to Cabinet Members**

There were no questions to the Cabinet Members.

131 **Members Business (3-27-16)**

Councillor Mrs J Roach informed the meeting of the passing of David Morrish, she felt that he was a man of strong principles which had stood throughout his long career. These thoughts were also echoed by Councillors C J Eginton and Mrs JB Binks.

Councillor Mrs J Roach also raised the issue of traffic problems and continued damage to Bickleigh Bridge and whether traffic lights should be implemented. Councillor Mrs F J Colthorpe stated that discussion with regard to this issue was

ongoing at County Hall and that the idea of traffic lights and the use of CCTV to identify those vehicles damaging the bridge was being considered.

(The meeting ended at 9.46 pm)

CHAIRMAN

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 21 FEBRUARY 2018

AMENDMENTS

1. AGENDA ITEM 7 – MOTION 543 (Councillor F W Letch – 23 January 2018)

Amendment submitted by Councillor: Mrs J Roach

To add the following to the original motion - “Further, the Council urges the Cabinet to agree to apply retrospectively the same method of valuation (50% of restricted value) to the price Silverton room 4 u paid for the redundant toilet block in Silverton it acquired from the Council in 2017 and, if agreed, to use all reasonable endeavours to conclude the re-negotiation”.

WORDING IF AMENDMENT APPROVED:

I ask Council to urge Cabinet to agree to the sale of the Crediton Council Office Building to Crediton Town Council on the same basis as the sale of Tiverton Town Hall to Tiverton Town Council, where precedent has already been set, which is 50% of the buildings restricted value. Further, the Council urges the Cabinet to agree to apply retrospectively the same method of valuation (50% of restricted value) to the price Silverton room 4 u paid for the redundant toilet block in Silverton it acquired from the Council in 2017 and, if agreed, to use all reasonable endeavours to conclude the re-negotiation

WRITTEN QUESTIONS

1. AGENDA ITEM 7 – MOTION 543

Questions submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Housing

What will be/were the terms and conditions including the type of valuation of the following including payback time.

1. Tiverton Town Hall - *sold at 50% of the freehold valuation (subject to special conditions) - £350k/2 = £175k – giving the purchaser 5 years to pay the total agreed price*

2. Crediton Town Hall - *subject to an ongoing marketing process – so clearly no terms currently agreed*

3. Silverton Toilet block - *sold at £30k (with conditions) based on a market valuation of £83k – so a discount of circa 64% - amount paid in full*

4. Hemyock car park - *sold at £2k (subject to conditions) based on a market valuation of £9k (less funding previously paid and a reduction in ongoing revenue costs of maintenance) – amount paid in full*

RESPONSE:

The responses are embedded within the questions for ease of reference.

All valuations are undertaken by an appropriate Chartered Surveyor

2. AGENDA ITEM 11 – SPECIAL URGENCY DECISIONS

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Housing

If any decisions have been made under this heading and if the decision concerned the purchase of property, was the sale by auction?

RESPONSE:

Yes, as indicated within the report on page 862 of your pack.

3. CABINET 4 JANUARY 2018 AND SCRUTINY COMMITTEE – 12 FEBRUARY

MINUTES 104 AND 130

Question submitted by Councillor Mrs J Roach and the response of the Chief Executive

The forward plan shows that the Tiverton Town Centre masterplan will be overseen by Councillor Chesterton and he will be reporting to Cabinet on 1/3/18, indicating that it will go out for consultation after that meeting.

The same forward plan informs us that Councillor Stanley will be seeking approval to go out to tender on 1/3/18. A presentation will be held on that day of the proposals for improvements to Tiverton Town Centre.

How much of the four million pounds allocated for property acquisition in the next financial year is allocated to Councillor Stanley's project?

Why are the Council going to commit to expenditure on improvements to the Town Centre when the results of the Tiverton Town Centre masterplan are not known?

Why is the Council failing to look at the whole picture and give everyone the opportunity to comment on all the proposals.

Why would anyone have one set of proposals for improvements to the Town Centre and another project for master planning the Town Centre?

RESPONSE:

The Forward Plan has since been amended to show the decision being moved to 25th July. This is AFTER the Town Centre Masterplan report goes back to Cabinet (scheduled on Forward Plan for 7th June), precisely to allow for comments to be received before committing to any changes or investment. For the record, the Forward Plan was updated after the council papers were published, so Cllr Mrs Roach would have been unaware at the time her question came forward.

With reference to the question about how much of the £4million is allocated to this specific project; this will be a decision for the Cabinet in due course.