

Public Document Pack

MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 27 June 2018 at 6.00 pm. Prior to this meeting (from 5.30pm), the recycling trolley referred to in Item 7 (Motion 542) will be available for Members to view.

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 August 2018 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

19 June 2018

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

Councillor D R Coren will lead the Council in prayer.

AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

3 **Declaration of Interests under the Code of Conduct**

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

4 **Minutes** (*Pages 9 - 16*)

Members to consider whether to approve the minutes as a correct record of the Annual Meeting held on 9 May 2018.

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

5 **Chairman's Announcements**

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

6 **Petitions**

To receive any petitions from members of the public.

7 **Notices of Motions**

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

The following Motion had been referred back to the Environment Policy Development Group for further 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 motion, previously considered by the PDG on 9 January 2018 had been referred back to the Group by Council (in line with Procedure Rule 15.1(e) for further consideration at its meeting in March 2018. At the March meeting the Group had **RESOLVED** that a sample trolley be sourced which was suitable for use with the current recycling fleet, in order that Members could have a look and see how it operated. This had taken place prior to the meeting.

The Environment Policy Development Group at its meeting on 15 May 2018 reconsidered the Motion and recommended that it not be supported.

(2) Motion 545 - (Councillor L Taylor - 10 April 2018)

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

That this Council considers the use of British Hedgehog Preservation Society (BHPS) stickers on all Mid Devon grass cutting machinery, requesting that all users check the area to be cut before using the equipment. The stickers are free and are being used by other Councils such as East Devon District Council, Derbyshire County Council and Manchester City Council to name but a few.

The Environment Policy Development Group at its meeting on 15 May 2018 considered the Motion and recommended that it be supported.

(3) Motion 546 (Councillor Mrs J Roach – 11 April 2018)

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

This Council agrees to clarify the rules in the constitution relating to who can speak at working groups and to non-planning application agenda items at the planning committee. This motion seeks to establish the right in law of Councillors to participate in the democratic process without relying on a Chairman's discretion.

The Standards Committee at its meeting on 6 June 2018 considered the Motion and recommended that it be supported and that the Constitution be amended by replacing the original wording in paragraph 27.5 to the Access of Information Rules with the following” “Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward member to speak as set out in paragraphs 9.32 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)”

(4) Motion 549 (Councillor R B Evans – 8 June 2018)

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

In order that MDDC can take proactive action to assist with the reduction in the use and sale of single use plastic the following motion sets out some initial actions to assist the aim of reduced plastic use with a stated aim to add agreed actions as when viable solutions are available.

The Council therefore agrees to:

Phase out the use of single use plastics (SUP) by MDDC and its suppliers by the end of 2018 or whenever current contracts expire that would be effected by the required removal of the use or supply of SUP's that may run past this date.

To include, but not exclusively, building materials, chemical containers, paints, chemicals, cleaning products, oil, lubricants, fuel additives, plastic cups, and cutlery. Straws, sachets of sauce and any identified SUP items commonly used but not listed.

Where practicable seek to reduce or remove the use is SUP when dealing with partnership agreements with Devon County Council within leisure facilities.

End the sale of SUP in council buildings including SUP drinks bottles within any all vending machines on MDDC property.

Investigate possibilities of pop up vendors at all events within MDDC area avoiding SUP.

Work with tenants and operators of commercial properties owned by the council to support the phasing out of SUP.

This to include an MDDC initiative encouraging residents when

shopping to “ avoid the plastic, take a basket , buy loose fruit and vegetables “

Work with festival organisers to create policy in which single use disposable plastic cups are replaced at all festivals within our area with reusable or deposit scheme cups.

One area of exception to be that of medical supplies of any form, to ensure no supply of any equipment or product is in any way compromised.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Environment Policy Development Group

8 **Reports** (*Pages 17 - 272*)

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

(1) Cabinet

- 10 May 2018
- 23 May 2018
- 14 June 2018

2) Scrutiny Committee

- 21 May 2018
- 18 June 2018 (to follow)

(3) Audit Committee

- 29 May 2018

(4) Environment Policy Development Group

- 15 May 2018

(5) Homes Policy Development Group

- 22 May 2018

(6) Economy Policy Development Group

- 17 May 2018

(7) Community Policy Development Group

- 29 May 2018

(8) Planning Committee

- 16 May 2018
- 13 June 2018

(9) Standards Committee

- 6 June 2018

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

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

10 **Allocation** (*Pages 273 - 274*)

Following the by-election in the Cranmore Ward on 7 June 2018, there is a need to consider an updated allocation.

Members are asked to agree the updated allocation and to note that the slight change in percentages does not impact on the allocation of committee seats.

11 **Local Government Act 1972, Section 91 - Inquorate Parish Council** (*Pages 275 - 278*)

To consider a report of the Returning Officer seeking the Council's authority to make an Order appointing named persons to be Parish Councillors on a temporary basis. This will enable the work of the Parish Council to continue until such time as it has co-opted or elected sufficient Councillors to be quorate. Also to consider whether to delegate authority to the Returning Officer, in consultation with the local Ward Member(s) and the relevant Parish/Town Clerk, to make such orders in future, should similar situations arise.

12 **Six Monthly Briefing from the Leader**

The Leader will address the Council.

13 **Access to Information - Exclusion of the Press and Public**

During discussion of the following item(s) it may be necessary 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 may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Council will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that personal information

may be discussed.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

14 **Delegation and Substitution of Powers in the Officer's Structure - Appointment of Deputy Chief Executive** (*Pages 279 - 280*)

To consider a report of the Chief Executive informing the Council of a decision to appoint a Deputy Chief Executive and the appointment which has been made.

15 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

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.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 9 May 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, A Bush, 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,
T G Hughes, Mrs B M Hull, D J Knowles,
F W Letch, B A Moore, R F Radford,
Mrs J Roach, F J Rosamond, Mrs E J Slade,
C R Slade, T W Snow, J D Squire,
Mrs M E Squires, R L Stanley, L D Taylor,
Mrs N Woollatt and R Wright

Apologies

Councillors

Mrs J B Binks, K Busch and N A Way

1 Chairman of the Council (00-04-07)

Councillor D R Coren nominated Councillor P J Heal for election as Chairman of the District Council for the year 2018/2019. This nomination was seconded by Councillor Mrs M E Squires.

Upon a vote being taken, it was then:-

RESOLVED that Councillor P J Heal be elected Chairman of the Mid Devon District Council for the Municipal Year 2018/2019.

In accordance with Section 83 of the Local Government Act 1972, Councillor P J Heal then made a Declaration of Acceptance of Office and addressed the Council.

2 Apologies (00-13-00)

Apologies were received from Councillors:

Mrs J B Binks, K I Busch and N A Way.

3 Public Question Time (00-13-49)

Councillor Lloyd Knight from Cullompton Town Council (referring to the allocation at Item 6 on the agenda) stated that there was going to be an awful lot of development in Cullompton over the next few years and that there was no District Councillor from

Cullompton on the Planning Committee, he asked where was the representation from Cullompton on the Planning Committee?

The Chairman stated that it was for the Group Leaders to appoint to the Committee, however he would encourage Cullompton Members to attend the Committee and speak on behalf of their community.

The Cabinet Member for Planning and Economic Regeneration stated that the Planning Policy Advisory Group dealt with planning policy and made recommendations to the Cabinet and there were Cullompton Members on that Group. Emerging planning policy would come via the Planning Policy Advisory Group rather than the Planning Committee who would deal with applications at a later date.

4 **Minutes (00-16-14)**

The Minutes of the Meeting of the Council held on 25 April 2018 were approved as a correct record and **SIGNED** by the Chairman.

5 **Vice Chairman of the Council (00-17-04)**

Councillor Mrs G Doe nominated Councillor R B Evans for election as Vice Chairman of the District Council for the year 2018/2019. This nomination was seconded by Councillor F W Letch.

Upon a vote being taken, it was then:-

RESOLVED that Councillor R B Evans be elected Vice Chairman of the Mid Devon District Council for the Municipal Year 2018/2019.

In accordance with Section 83 of the Local Government Act 1972, Councillor R B Evans then made a Declaration of Acceptance of Office.

6 **Chairman of the Scrutiny Committee (00-22-43)**

Councillor T W Snow nominated Councillor F J Rosamond for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor Mrs E M Andrews.

Upon a vote being taken, it was:

RESOLVED that Councillor F J Rosamond be elected Chairman of the Scrutiny Committee for the Municipal Year 2018/2019.

7 **Appointment of Committees, Sub Committees, Working Groups and other Internal Bodies (00-23-00)**

The Council had before it tables setting out the proposed allocation of seats on Committees and other Council bodies.

Arising thereon:-

Appointment of Committees and Allocation of Seats on Committees and other Council Bodies

Councillor C R Slade **MOVED** seconded by Councillor Mrs M E Squires **THAT:**

- (a) the tables be approved with regard to the allocation of seats on Committees and other bodies;

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

Note: Councillors: Mrs E M Andrews, Mrs J Roach, L Taylor and Mrs N Woollatt requested that their vote against the decision be recorded.

Councillor C R Slade **MOVED** seconded by Councillor P H D Hare-Scott **THAT:**

- (b) Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

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

Note: Councillor Mrs J Roach requested that her vote against the decision be recorded.

Councillor C R Slade **MOVED** seconded by Councillor Mrs M E Squires **THAT:**

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

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

Councillor P H D Hare-Scott **MOVED** seconded by Councillor R L Stanley **THAT:**

- (d) The Chief Executive be authorised to give effect to such changes to membership of Committees, Working Groups and other internal bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

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

Councillor Mrs J Roach **MOVED** seconded by Councillor Mrs N Woollatt **THAT:**

- (e) The appointment to seats remaining to be filled by Members, not being Members of a Political Group, shall be made at this meeting.

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

Therefore the allocation and the following table were **APPROVED** including the appointment of Councillor Mrs J Roach to the Scrutiny Committee, the Greater Exeter Strategic Partnership Member Reference Group and as a Planning Committee substitute; the appointment of Councillor R M Deed to the Audit Committee and the Environment Policy Development Group; the appointment of Councillor R J Dolley to the Homes Policy Development Group and the Community Policy Development Group; the appointment of Councillor Mrs N Woollatt to the Economy Policy Development Group, the Standards Committee and the Planning Policy Advisory Group; and the appointment of Councillor D J Knowles to the Environment Policy Development Group, the Planning Committee, the Planning Working Group, the Licensing Committee and the Regulatory Committee.

Scrutiny (12) Mrs H Bainbridge (C) Mrs F J Colthorpe (C) Mrs C P Daw (C) Mrs G Doe (C) Mrs S Griggs (C) Mrs B M Hull (C) T G Hughes (C) F W Letch (LD) Mrs J Roach (UG) F J Rosamond (ING) T W Snow (ING) N A Way (LD)	Audit Committee (7) Mrs J B Binks (C) Mrs C A Collis (C) R M Deed(UG) R Evans (C) T G Hughes (C) R F Radford (C) L Taylor (LD)	Environment PDG (9) D R Coren (C) C P Daw (C) R M Deed (UG) R Evans (C) R F Radford (C) Mrs E J Slade (C) J D Squire (C) D J Knowles (UG) R Wright (LD)	Homes PDG (9) Mrs E M Andrews (ING) Mrs H Bainbridge (C) D R Coren (C) W J Daw (C) Mrs G Doe (C) R J Dolley (UG) P J Heal (C) F W Letch (LD) J D Squire (C)
Community PDG (9) Mrs E M Andrews (ING) Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C Daw (C) Mrs G Doe (C) R J Dolley (UG) F W Letch (LD) B A Moore (C) Mrs E J Slade (C)	Economy PDG (9) Mrs A R Berry (C) A J Bush (C) Mrs C A Collis (C) J M Downes (LD) S G Flaws (C) Mrs S Griggs (C) Mrs B M Hull (C) F J Rosamond (ING) Mrs N Woollatt (UG)	Planning Working Group (8) Mrs H Bainbridge (C) Mrs F J Colthorpe (C) P J Heal(C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C)	Planning Substitutes (7) K I Busch (C) Mrs C P Daw (C) J M Downes (LD) C J Eginton (C) R Evans (C) Mrs B M Hull (C) Mrs J Roach (UG)
Standards (9) Mrs J B Binks (C) Mrs F J Colthorpe (C) C J Eginton (C) F J Rosamond (ING) C R Slade (C) Mrs E J Slade (C) Mrs M E Squires (C) L Taylor (LD) Mrs N Woollatt (UG)	Planning Committee (11) Mrs H Bainbridge (C) Mrs F J Colthorpe (C) Mrs C Collis (C) Mrs G Doe (C) P J Heal (C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C) R L Stanley (C)	Licensing Committee (12) Mrs E M Andrews (ING) A J Bush(C) K I Busch(C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe C) S G Flaws (C) T G Hughes (C) L Taylor (LD) Mrs E J Slade (C) D J Knowles (UG)	Regulatory Committee (12) A J Bush (C) K I Busch(C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe C) S G Flaws (C) T G Hughes (C) D J Knowles (UG) L Taylor (LD) R Wright (LD) VACANT (UG)

GESP Member Reference Forum (5)	Planning Policy Advisory Group (9)	Appointments Panel (5)	C – Conservatives
Mrs F J Colthorpe (C) P J Heal (C) Mrs B M Hull (C) Mrs J Roach (UG) N A Way (LD)	Mrs H Bainbridge(C) Mrs A R Berry(C) R J Chesterton (C) Mrs F J Colthorpe (C) Mrs B M Hull (C) F W Letch (LD) F J Rosamond (ING) R L Stanley (C) Mrs N Woollatt (UG)	Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny	ING – Independent Non-Aligned Group LD – Liberal Democrats UG – Ungrouped Member

8 Appointment to Outside Bodies (00-40-29)

The Chairman **MOVED**,

“**THAT** Members be appointed to outside bodies in accordance with the list circulated as amended by the appointment of Councillor Mrs N Woollatt to the Cullompton Traffic Issues and Environment Working Group; Councillor R Evans to the deputy position on the Devon Authorities Strategic Waste Committee; Councillor F W Letch to the Gypsy and Traveller Forum; Councillor Mrs M E Squires to the Most Sparsely Populated Councils Group and Councillor Mrs C P Daw to the Tiverton Adventure Playground Committee.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following appointments **APPROVED**.

Outside Body	Representative/s	Appointment Length
Blackdown Hills AONB Partnership	Cllr F J Rosamond	Annual
Broadpath Landfill Liaison Committee	Cllr R Evans	Annual
Building Control Joint Committee	The Leader Cabinet Member for Planning and Economic Regeneration	2019
Business Forum Mid Devon	Cabinet Member for Planning and Economic Regeneration	Annual
Culm Garden Village Delivery Board	The Leader Cabinet Member for Planning and Economic Regeneration	2019

Culm Valley Children's Monitoring Group	Cllr R F Radford	Annual
Citizens Advice Bureau – Torrington, Mid Devon & Bude	Cllr Mrs J B Binks	4 years until May 2019
Community Safety Partnership	Cabinet Member for the Working Environment and Support Services	4 years until May 2019
Council for the Protection of Rural England Devon Area Executive Committee	Cllr J D Squire	Bi-annual
Cullompton Town Team 2 Members	VACANT Cllr Mrs A R Berry	Annual
Cullompton Traffic Issues & Environment Working Group	Cllr Mrs N Woollatt	4 years until May 2019
Dartmoor National Park Authority Forum 2 Members	Cllr D R Coren Cllr J D Squire	4 years until May 2019
Devon Authorities Strategic Waste Committee (formally known as 'Devon Authorities Waste Reduction & Recycling Committee')	Leader (under Environment portfolio) Cllr R Evans	4 years until May 2019
Devon Districts Forum	Leader	Annual
Devon Historic Buildings Trust	Cllr Mrs E J Slade	Annual
Devon and Exeter Rail Project Working Party (includes Okehampton Rail Forum)	Cllr R M Deed Cllr T W Snow	Annual
General Assembly of LGA	Leader	4 years until May 2019
Gypsy and Traveller Forum	Cllr R J Chesterton Cllr R L Stanley Cllr F W Letch	2019
Heart of the South West Joint Committee	Leader	2019
INVOLVE – Voluntary Action in Mid Devon	Cllr B A Moore	Annual

Local Delivery Group advising the Tiverton Children's Centre	Cllr Mrs C P Daw	4 years until 2019
Mid Devon Children's Centres Advisory Board	Cllr Mrs J B Binks	4 years until 2019
Mid Devon Community Safety Partnership - Exe Local Action Group - Creedy Local Action Group - Culm Local Action Group	<u>Exe</u> Cllrs Mrs C P Daw and Mrs J Roach <u>Creedy</u> Cllrs D R Coren and R Wright <u>Culm</u> Cllrs Mrs E M Andrews T G Hughes and Mrs N Woollatt	4 years until May 2019
Mid Devon Highways and Traffic Orders Committee (2 Members)	Cllr R J Chesterton Cllr D R Coren	Bi-annual
Most Sparsely Populated Councils Group	Cllr Mrs M E Squires	4 years until May 2019
PCC Councillor Advocate Scheme	Cllr P J Heal	4 years until 2019
South West Councils	Leader	Annual
South West Councils Employers Panel	Cabinet Member for the Working Environment and Support Services	Annual
Special Purpose Vehicle	Cllr R L Stanley	2019
TAP Fund Panel (previously known as 'DCC County Committee')	Cllr W J Daw Cllr D J Knowles	Annual
Tiverton Adventure Playground Committee	Cllr Mrs C P Daw	4 years until May 2019
Tiverton & District Community Transport Association	Cabinet Member for Community Well-Being	4 years until May 2019
Tiverton & Mid Devon Museum Trust Executive Committee	Cllr Mrs E J Slade	4 years until May 2019

9 **Scheme of Delegations (00-57-23)**

Councillor R J Chesterton **MOVED** seconded by Councillor R L Stanley:-

“THAT the Council agree the existing scheme of delegations as set out in Part 3 of the Constitution.

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

10 **Programme of Meetings (1-00)**

Councillor C R Slade **MOVED** seconded by Councillor W J Daw:-

THAT the following programme of ordinary meetings of the Council for the year 2018/19 be approved:-

27 June 2018, 29 August 2018, 24 October 2018, 19 December 2018,
27 February 2019 and 24 April 2019

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

(The meeting ended at 7.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 10 May 2018 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, P H D Hare-Scott,
C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Councillor(s)

F W Letch, Mrs J Roach and F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Pritchard (Director of Operations), Jane Lewis (Communications and Engagement Manager), Tristan Peat (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

1. **APOLOGIES**

There were no apologies.

2. **PUBLIC QUESTION TIME**

There were no members of the public present.

3. **MINUTES OF THE PREVIOUS MEETING**

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

4. **CORPORATE HEALTH AND SAFETY POLICY (00-00-22)**

Arising from a report of the Health and Safety Officer, the Community Policy Development Group had recommended that the Cabinet note that the Health and Safety Policy was approved by the JNCC on 07 December 2017, following review by the Health and Safety Committee and Unison.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the policy was reviewed annually and that the Council was committed to ensuring high standards of health, safety and welfare of its officers and of the public. She highlighted the various responsibilities of officers (to reflect the updated structure) within the policy along with arrangements, risk assessments and the safe use of plant and equipment.

Consideration was given to the need for the policy to be sensible and workable.

RESOLVED that the recommendation of the Community Policy Development Group be noted.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr C R Slade).

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

5. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - POLICY AND PROCEDURES (00-09-45)**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that:

- a) Cabinet be advised that the Council's existing RIPA Policy did not require updating or amending at the current time.
- b) Cabinet note that the Council had not used its powers under RIPA since March 2014.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that although the policy was reviewed annually, no amendments had been made, she also informed the meeting that the Council had not used its powers under RIPA since 2014. She explained that the policy set out the purposes for which covert surveillance could be used.

Consideration was given to the overt surveillance that did take place with the use of CCTV cameras.

RESOLVED that the recommendations of the Community Policy Development Group be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr P H D Hare-Scott.).

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

6. **LOCAL DEVELOPMENT SCHEME (MID DEVON AND THE GREATER EXETER STRATEGIC PARTNERSHIP) (00-17-44)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting the Cabinet to approve a revised timetable (Local Development Scheme) for the preparation of the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Local Planning Authorities were required to prepare and keep up to date a development plan for their area. It was important that the development plan was kept up to date to ensure that it reflected recent changes in the planning system, the Council's current corporate objectives and provided a sound basis for decision making. Therefore a project plan needed to be put in place to

ensure that the review was completed efficiently. The purpose of the report was to present a revised version of the LDS which took account of the adjournment of examination hearings for the Mid Devon Local Plan Review that was scheduled to commence in September 2017, and additional time required for the preparation of the Greater Exeter Strategic Plan to reach the Draft Plan Consultation Stage. He explained that work on the Greater Exeter Strategic Plan was in conjunction with 3 other local planning authorities and outlined the work that had taken place to date, the timetable for consultation, publication and proposed submissions and that the plan would require approval by each authority.

Consideration was given to:

- How the Greater Exeter Strategic Plan could supersede our own Local Plan
- The timetable for the Strategic Plan with the District elections in May 2019
- The timetable for the Local Plan Review which was now in the hands of the Inspector

RESOLVED that the new Local Development Scheme (LDS) which will have effect from 18th May 2018 be approved and published on the Council's website.

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

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

7. **KITCHEN SUPPLY CONTRACT 2018-2022 (00-31-27)**

The Cabinet had before it a report* of the Director of Operations providing the outcome of the recent procurement process for the supply of Kitchens for the Modernisation of Council Homes 2018 – 2019 and Kitchen Supply Only Contract 2018- 2022 and confirmation of the intention to award the contract.

The Cabinet Member for Housing outlined the contents of the report explaining that the procurement procedure was a compliant direct award process via a kitchen materials supply framework. The Council had set out its requirements and these had been matched to companies within the framework, he added that only one company had met the preferred criteria.

Consideration was given to:

- The framework process
- How 8 companies could tender but that only one had met the criteria
- The number of kitchens to be provided and the replacement programme

RESOLVED that the Kitchen Supply Contract be awarded to **Supplier C** with an approximate forecast annual cost of:

2018 – 2019	£ 70,000
2019 – 2020	£126,000
2020 – 2021	£126,000
2021 – 2022	£126,000

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott).

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

8. **SUPPLY OF BOILERS (00-44-44)**

The Cabinet had before it a report of the of the Director of Operations providing information on the outcome of the recent procurement exercise for the direct award, via a procurement framework, for the supply of Boilers for the capital boiler replacement programme and confirmation of the intention to award the contract.

The Cabinet Member for Housing outlined the contents of the report explaining that that the procurement procedure was a compliant direct award process via a boiler supply framework. The Council had set out its requirements and these were matched to companies within the framework.

Consideration was given as to whether the use of a framework process would be used for future replacement programmes

RESOLVED that the Boiler Supply Contract be awarded to **Supplier B** with an approximate forecast annual cost of £144,000.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott).

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

9. **NOTIFICATION OF KEY DECISIONS (00-46-00)**

The Cabinet had before it, and **NOTED**, its rolling plan * for May 2018 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes

10. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-47-25)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

11. THE FUTURE OF CREDITON OFFICE

The Cabinet had before it a report * of the Director of Finance, Assets and Resources, outlining options for the disposal and/or future management of the freehold premises at Market Street, Crediton.

The Cabinet Member for Housing outlined the contents of the report and a full discussion took place.

Returning to open session the Cabinet:

RESOLVED that: subject to contract, to dispose of the Crediton office building to Buyer 2 on the terms set out in paragraph 3.5 of the report, because:

- (a) The offer from Buyer 2 is the best offer put forward during the marketing period and it is a clear indication of the best consideration which can be reasonably obtained;
- (b) The offer from Buyer 2, although below the most recent unrestricted valuation, would not require vacant possession and thus save time and money in securing the transfer;
- (c) The Council realises a significant capital receipt and gives up future liability for an asset which is surplus to the Council's requirements.
- (d) The offer from Crediton Town Council would result in disposal of the office for a capital receipt which was less than 50% of the restricted value.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: *Report previously circulated.

(The meeting ended at 3.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 23 May 2018 at 10.00 am

Present

Councillors C J Eginton (Leader)
R J Chesterton, P H D Hare-Scott,
C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Councillor(s) Mrs E M Andrews, Mrs A R Berry, F J Rosamond and
Mrs N Woollatt

Also Present

Officer(s): Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Adrian Welsh (Group Manager for Growth, Economy and Delivery) and Sally Gabriel (Member Services Manager)

Also in

Attendance: Ian Sorenson (Devon County Council, Highway Authority)

12. APOLOGIES

There were no apologies.

13. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

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

14. PUBLIC QUESTION TIME (00- 01-17)

Mr Warren referring to item 5 on the agenda (Housing Infrastructure Fund) stated that in September 2017 a bid was made to the fund in relation to two projects in Mid Devon. On 1 February 2018 a press release from MDDC stated "Today the Council learned it was successful with its bids for both Tiverton and Cullompton, unlocking growth potential for both towns. Cullompton will receive £10 million to undertake short term improvements to Junction 28". It goes on to describe those works. Comments are also included which are attributed to Councillors Chesterton and Eginton. Councillor Eginton is quoted as saying "this shows not only the quality of our own bids, but with success being repeated across the greater area".

The report before you today, under risk assessment, contains the words “lead us now to believe that the scheme as initially submitted under the HIF MV fund is not deliverable and will not achieve the desired outcomes”.

At paragraphs 4.1.1 it states “It is therefore concluded by the highway authorities that the scheme of works at the junction as submitted under the HIF scheme is both undeliverable and would not represent value for money.

How can the Leader substantiate his quote that the original bid was one of quality?

Having read the report before you and the requirement of due diligence and further assessments needed, was it not premature to advise members of the public that the original bid was successful?

The latest press release dated 15 May 2018 concludes with the words “The Council learned it was successful in principle with both its bids in February, subject to further stages of evaluation by Homes England prior to a final decision in summer/autumn 2018”.

Now that we have the words ‘in principle’ included was the press release in February misleading the public as it now appears the funding was not definite as more work and discussions were needed?

Is the statement by Councillor Chesterton in that May 2018 press release predetermining the outcome of your discussions and decision today?

Catherine Penharris again referring to item 5 on the agenda (Housing Infrastructure Fund) stated that in your report and in particular the risk assessment, I cannot see anything about earmarking the land, if the land (you are proposing to use for the relief road) is not available for the relief road what are you proposing to do? You state that discussions are well advanced, what are the options and what other options do you have?

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

15. MINUTES OF THE PREVIOUS MEETING (00-06-07)

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

16. HOUSING INFRASTRUCTURE FUND (00-07-08)

The Cabinet had before it a report* of the Head of Planning, Economy and Regeneration updating Members on the latest position with regard to the Housing Infrastructure Fund (HIF) bid for Cullompton and to seek approval to pursue opportunities to use the Government investment on an amended transport intervention to bring forward housing development and address congestion and air quality problems in the Cullompton area and seek approval to fund related work.

The Cabinet Member for Planning and Economic Regeneration initially asked the Monitoring officer if she felt that he was predetermining the outcome of the

discussions and the decision that would be made today. The Monitoring Officer advised that as long as the Member was satisfied that he was willing to listen to the discussion then predetermination was unlikely. He therefore outlined the contents of the report stating that in July 2017 the Government launched its £2.3 billion Housing Infrastructure Fund to finance infrastructure to unlock housing delivery.

The Marginal Viability part of the fund would be used to provide the final, or missing, piece of infrastructure funding in order to get existing sites unblocked quickly or new sites allocated. The Government expected the infrastructure to be built soon after schemes had been awarded funding and for the homes to follow at pace.

Bids to the fund were assessed against three criteria:

- Value for money
- Strategic approach to delivering housing growth
- That the scheme and homes could be delivered.

Mid Devon District Council submitted marginal viability bids in relation to two schemes for highways infrastructure which would unlock development sites identified within both the adopted Local Plan and the emerging Local Plan Review:

1. J28 M5 Cullompton - A £10m scheme for improvements at the junction itself to increase its capacity through the creation of an additional lane on the bridges, new footbridges and full signalisation.
2. A361 junction east of Tiverton – A £8.2m scheme for phase 2 covering the bridge across the A361, the north side slip roads and associated landscaping.

The Government had announced the success of both schemes in early 2018. This was subject to a process of further assessment and due diligence by Homes England which was still ongoing. Assessment was currently focussed on value for money (cost/benefit) and delivery. A final decision over whether the funding would be awarded was expected within the next few months.

Since the original bid submission, further transport analysis and further discussions had taken place with Devon County Council officers and Highways England over the proposed scheme for Cullompton. This has resulted in advice that:

1. The scheme at the junction would not achieve the benefits to traffic flows and junction operation initially expected.
2. The highway authorities had expressed strong concern over the ability for the scheme as submitted to be constructed.
3. Neither authority therefore wished to take responsibility for the delivery of the scheme which was now considered to be undeliverable and not to represent value for money.

Officers had therefore concluded that the scheme as submitted would not now satisfy Homes England and would not be funded. Officers considered there was an opportunity to evolve the proposed highway scheme in order to better address the issues of traffic flows and junction operation, unlock the same number of homes and

delivery better value for money. This would be through the delivery of a relief road for Cullompton rather than the previously proposed scheme located at the motorway junction itself. A relief road would provide:

1. Better management of queueing in the PM peak on the north bound off-slip at J28, removing a potential safety concern;
2. Reduction of traffic from Cullompton High Street which was an existing Air Quality Management Area;
3. Delivery of a long-standing community aspiration for a town centre relief road to support economic and environmental regeneration of Cullompton High Street; and
4. Early delivery of the first part of the longer term strategic solution which would be required to unlock the full potential for homes and growth at Culm Garden Village.
5. Less disruption to the operation of the motorway junction during construction as the original proposal.

Amending the £10m HIF bid to deliver a relief road for Cullompton did have the support of Highways England and Devon County Council.

The route and precise alignment of the relief road was yet to be determined and would be subject to public consultation before the submission of a planning application. Officers were working on a project programme to meet the Homes England requirement that money was spent and schemes delivered by 2020/21. To meet the tight timetable, some work would need to be financed in advance of final confirmation of the bid outcome from Homes England. A budget of £100,000 for the work would be needed and was therefore at risk should Homes England not agree to support the intervention. A further £300,000 budget was proposed within the recommendation, but this would only be sought in the event that Homes England confirmed approval of the funding and that spend was eligible to be reimbursed through the Housing Infrastructure Fund.

The Council was therefore:

1. Seeking to secure investment in Cullompton's infrastructure;
2. Trying to find the best way to not just deliver the housing, but to also meet the long term needs and ambitions of the town; and
3. The views of local people on potential road alignment would be sought over the following months if the funding was secured.

The Head of Planning Economy and Regeneration answered the questions posed in public question time; she stated that this was an evolving situation; the timescales that Mr Warren referred to were correct and that the press release was as a response to the ministerial announcement which listed the successful projects. What was not clear at that time was the extent of further assessment and due diligence required; the press release was written and published in good faith. What was unknown at the time was the extent of the further processes that were required and that the approval was only in principle and that more work and engagement with Homes England was required. The report before you reflected the evolving situation. She reported that work was taking place with Devon County Council, Highway

Authority and Highways England and through the local authority's due diligence it was now clear that the scheme at Junction 28 would not achieve the extent of benefits originally identified. There was now the opportunity to capture the greatest benefit for Cullompton by delivering a relief road and that was now the preference of Highways England. She outlined the concerns of the Highway Authorities with regard to PM peak congestion backing up on to the motorway and the wider benefits that the relief road could produce. Referring to the question regarding the routes of the relief road, she was aware that the land was in different ownership and there would be a need to secure the land, the precise route had not been decided in the current Local Plan policy it was described as an eastern relief road from Station Road to Meadow Lane and therefore the route had been identified as going through the CCA fields, however subject to technical constraints, whether there was potential for another option on the other side of the motorway was being investigated. A public consultation process would take place to consider options for the route.

The Leader added that with regard to the press release, he still believed that they were quality bids and that the press release was not misleading but based on information that was available at the time.

The Cabinet Member for Planning and Regeneration also highlighted a recent planning appeal which had questioned the impact of new development on the junction and that it was unlikely that substantial S106 funding from the North Western Cullompton development would be made available for improvements to J28.

Consideration was given to:

- The initial funding requirement of £100k and where that money would come from
- The overall cost of the road, funding streams and the timetable for delivering a relief road
- The cost benefit ratio
- Initial works already planned by Devon County Council, Highway Authority for the summer for J28 to widen the carriageway on the eastern side of the junction.
- The details within the North West Cullompton Masterplan regarding the release of funding upon land same and prior to development.
- The views of local Ward Members: Cllr Mrs Woollatt stated that the report did not fully address the risks involved, there was a lack of data with regard to housing growth in the area and that she felt that the scheme would not stand up to due diligence by Homes England. The relief road would cause more congestion as Junction 28 would still be a bottleneck and that the relief road would only deal with town centre congestion; the original plan was deemed to be unsatisfactory and therefore there was a need for a Plan B, she questioned the outcome of the Environment Agency report of flood issues, the landowners on the proposed route options for the relief road were stakeholders and would have to be consulted, the timescales were too tight and that an additional junction on the M5 would be the best option. She also requested that any decision be deferred to allow for better modelling data to be supplied. The

representative from Devon County Council Highway Authority stated that a new relief road would remove the congestion within the town centre and that the modelling outcomes would be better served by an eastern relief road and would reduce the safety concerns of Highways England with regard to queuing back onto the motorway at PM peak times. Cllr Mrs Woollatt also questioned how long a compulsory purchase order would take and the impact that would have on the scheme.

Cllr Mrs Berry stated that the residents of Cullompton were desperate for a relief road and that there was a need to grab the opportunity before Members today; if the scheme was deliverable then there was a need to welcome it.

Cllr Mrs Andrews stated that there was a need for a relief road but it had to be in the right place, there was a need to consider the impact of a relief road crossing the CCA fields and the impact that this would have on the school and the residents of Meadow Lane and Duke Street. Should the relief road be established on the other side of the motorway which would be nearer to the Garden Village? She spoke about the congestion in the High Street and the large vehicles that travelled through the town, the flood issues in the area of the CCA fields and the need for the scheme to cover all the issues in Cullompton.

The Chairman of the Scrutiny Committee highlighted the preliminary informal discussions that had taken place with Homes England.

- If the relief road did pass through the CCA fields it would be raised, if that option was agreed it was a critical infrastructure and therefore allowed in a flood plain
- The relief road would not replace a future junction/significant junction improvement to the M5 which had been proposed as part of the Garden Village scheme, this would be a different stage of intervention.

It was therefore

RESOLVED that:

- a) Delegated authority be given to the Head of Planning, Economy and Regeneration to pursue further discussions over Housing Infrastructure Fund Marginal Viability (HIF MV) with Homes England on the basis of an amended highway intervention at Cullompton to deliver the town centre relief road;
- b) A budget of £100,000 be approved to progress development of a relief road scheme and delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to commission associated work up to this value;
- c) In the event that HIF funding from Homes England is confirmed, delegated authority be granted to the Head of Planning, Economy and Regeneration and the Director of Finance, Assets and Resources (Section 151 Officer), in consultation with the Cabinet Member for Planning and Regeneration, to

approve a further budget of up to £300,000 to support pre-application work which would then be reimbursed through the HIF fund.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: *Report previously circulated copy attached to minutes.

(The meeting ended at 11.25 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 14 June 2018 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, C R Slade, Mrs M E Squires
and R L Stanley

Apologies

Councillor(s)

P H D Hare-Scott

Also Present

Councillor(s)

J M Downes, F W Letch, F J Rosamond and N A Way

Also Present

Officer(s):

Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

17. **APOLOGIES**

Apologies were received from Cllr P H D Hare-Scott.

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

The following declarations of interest were received:

Councillor	Subject	Interest and Reason
C J Eginton	Treasury Management	Personal Interest as he received a pension from the Lloyds Bank Group
N A Way	Crediton Office	Personal Interest as a Member of Crediton Town Council
J M Downes	Crediton Office	Personal Interest as a Member of Crediton Town Council
F W Letch	Crediton Office	Personal Interest as a Member of Crediton Town Council

19. PUBLIC QUESTION TIME

Mr Welchman referring to Item 13 (Tiverton Eastern Urban Extension Area A – Masterplanning – Land South of West Manley Lane) on the agenda asked that as this is being decided by Cabinet and not the Planning Committee, have the Cabinet been made aware of the support for this proposal? If the Cabinet Members are not aware can the decision be deferred so that the decision can be made by the Planning Committee in a public meeting?

The Cabinet Member for Planning and Economic Regeneration responded stating that Planning Policy was within the Cabinet’s remit and in the case of the masterplan the Cabinet would make recommendation to Council. The Planning Committee dealt with planning applications and not planning policy. He explained the process further highlighting the work of the Planning Policy Advisory Group who made recommendation to the Cabinet and as stated previously, if the matter required a Council decision then Cabinet would make recommendation to the Council.

Mr Quinn referring to Item 14 (Revised Data Protection Policy) stated that within Section 5 – Principles of Data Collection, about paragraph 5, reference is made to the different types of personal data processing.

The policy lists 7 types of ‘special category’ personal data (which require ‘sensitive processing’) – but fails to include one category listed within the Data Protection Act 2018. The missing category is “Genetic, or Biometric data, for the purposes of uniquely identifying an individual”. I should like to know why this data category has not been included in this policy. My questions are: was this category of data left out by mistake? If it was not a mistake, can you give the reasons why this category of data was not included in this policy?

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

20. MINUTES OF THE PREVIOUS MEETING (00-05-21)

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

21. MEETING MANAGEMENT

The Chairman indicated that he intended (with Cabinet’s approval) to take agenda Item 13 (Tiverton Eastern Urban Extension Area A – Masterplanning – Land South of West Manley Lane) as the next item of business this would be followed by Item 14 (Revised Data Protection Policy).

22. TIVERTON EASTERN URBAN EXTENSION AREA A – MASTERPLANNING - LAND SOUTH OF WEST MANLEY LANE (00-06-35)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration updating Members on the outcome of the public consultation regarding the proposal to amend the adopted Masterplan Supplementary Planning Document (SPD) by removing housing land parcels on the southern side of West

Manley Lane (within Area A) and seeking approval to revise the adopted Masterplan SPD accordingly.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the background to the proposal before the meeting today. He highlighted the approval of the Masterplan in April 2014 which had been outlined in the Allocations and Infrastructure Development Plan Document (AIDPD), Policy AL/TIV7 and included residential and employment areas of the Eastern Urban extension within the settlement limit of Tiverton. The southern part of the area followed the line of West Manley Lane before extending south towards the former railway line, the principle of development was established within the allocated site. Within the site was a small cluster of low density housing on land parcels south of West Manley Lane with the potential of providing 15 units. Outline planning permission was approved in June 2017 for 700 dwellings on Chettiscombe Trust land and the land parcels south of West Manley Lane initially formed part of the red line area of the application, this was subsequently amended at the request of the Planning Committee to remove it from the red line boundary. Although it was removed from the planning permission, the decision did not amend the masterplan and the Cabinet at its meeting in January 2018 resolved to amend the masterplan to remove the land parcels south of West Manley Lane and that public consultation take place on the revision.

He informed the meeting of the outcome of the consultation process which generally supported the amendment to the masterplan.

Consideration was given to: the decision of the Planning Committee and the general support for the amendment to the masterplan.

RESOLVED that the results of the public consultation be **NOTED**; and

RECOMMENDED to Council:

- i) That the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document be amended to encompass the proposed changes as set out in Appendix B and adopted; and
- ii) That the April 2014 Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document be revoked.

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

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

23. **REVISED DATA PROTECTION POLICY (00-15-00)**

The Cabinet had before it a * report of the Group Manager for Performance, Governance and Data Security updating the existing policy to incorporate the requirements of the Data Protection Act (DPA) 2018 and GDPR.

The Leader outlined the contents of the report stating that the Data Protection Act 2018 received royal assent on 23 May 2018, this presented the first major change to data protection for personal data for 20 years and incorporated the requirement of

the GDPR, the Law Directive and other amendments such as changes to the powers of the ICO and enforcement. He highlighted the training programme which had been established for both Officers and Members.

In answer to the questions posed in public question time, the Group Manager for Performance, Governance and Data Security stated that Mr Quinn was correct, there had been an omission within the policy and that 'Genetic, or Biometric data, for the purposes of uniquely identifying an individual' should be included.

RESOLVED that subject to the inclusion of 'Genetic, or Biometric data, for the purposes of uniquely identifying an individual' into the special category data within the principles of data protection section of the policy, the revised Data Protection Policy be approved.

(Proposed by the Chairman)

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

24. **BEREAVEMENT SERVICES FEES AND CHARGES (00-18-47)**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources setting out the Bereavement Service fees and charges for 2018/19. This report had previously been considered by the Cabinet on 5 April 2018, however, due to a change in Government guidance with regard to fees and charges, it had been resolved that the matter be referred back to the PDG for further consideration.

The Environment Policy Development Group reconsidered the issue at its meeting on 15 May and had recommended that subject to the removal of a charge for 'Exclusive Rights of Burial and Right to Erect a Memorial' for 30 years for those who die under the age of 18, the proposed Bereavement Service fees and charges for 2018/19 be approved.

The Leader outlined the contents of the report highlighting the range of fees and charges associated with burial. He indicated the Government guidance with regard to the establishment of the Children's Funeral Fund for England removing the fees for burials and cremations for those under the age of 18. The PDG had felt strongly with regard to the charging for 'exclusive rights of burial and the right to erect a memorial for 30 years for those who die under the age of 18'

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

(Proposed by the Chairman)

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

25. **STREET SCENE EDUCATION AND ENFORCEMENT SERVICE (00-21-57)**

The Cabinet had before it a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had considered the report and made the following recommendations:

- a) The fine for littering be increased to the statutory maximum of £150.
- b) The time allocated to discretionary duties be varied as specified in paragraph 2, Table 2.
- c) Policies, systems and procedures necessary to enable Fixed Penalty Notices (FPN's) to be served on the relevant person(s) associated with littering from vehicles be introduced.

The Leader outlined the contents of the report highlighting the activity and priorities of the District and Neighbourhood Officers, the performance information available and the proposed increased fines in line with Government policy.

Consideration was given to:

- How the public could be better educated with regard to the disposal of litter
- Specific hotspots where littering was a problem
- Education programmes for schools
- The work of the Litter Busters team
- The 'any bin will do' initiative

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

(Proposed by the Chairman)

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

26. **TENANT INVOLVEMENT STRATEGY (00-32-53)**

The Cabinet had before it a * report of the Group Manager for Housing, the Homes Policy Development Group had considered the report and had recommended that the revised Tenant Involvement Strategy be approved

The Cabinet Member for Housing outlined the contents of the report highlighting the proposed revisions to the strategy which aimed at increasing the involvement of tenants and looked at various channels of communication.

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

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

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

27. **TENANT INVOLVEMENT POLICY (00-35-06)**

The Cabinet had before it a * report of the Group Manager for Housing, the Homes Policy Development Group had considered the report and had made the following recommendation: the Tenant Involvement Policy be approved subject to a revision of paragraph 9 on Equality and Diversity to state that:

As a registered provider of social housing, the Council has an equality duty and is bound by the provisions of the Equality Act 2010. This means that the Housing

Service must ensure that there will be no discrimination or unfair treatment on the grounds of gender (or gender reassignment), race, colour, ethnicity or national origin, faith, sexual orientation, marital/civil partnership status, age, disability, politics or trade union membership. We will not tolerate any discriminatory remarks or actions and will challenge anyone who behaves in that manner. Tenants will be excluded from any further involvement if they continue to behave in an offensive or discriminatory manner.

The Cabinet Member for Housing outlined the contents of the report highlighting the proposed changes to the policy, the importance of the Tenants Together Group and the good work that had taken place.

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

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

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

28. **COMMUNITY HOUSING FUND GRANT POLICY (00-36-39)**

The Cabinet had before it a * report of the Group Manager for Housing, the Homes Policy Development Group had considered the report and had recommended the Cabinet recommend to Council that:

- a) The Community Led Housing Fund Grant Policy be adopted and endorsed so that it can be used within the Council's District.
- b) That Members support the framework for the allocation of grants as presented within the report.
- c) Should any disagreements occur then the final decision should be delegated to the Director of Operations in conjunction with the Cabinet Member.

The Cabinet Member for Housing outlined the contents of the report highlighting some corrections that were required to the report:

- The reference to "in conjunction with" in recommendation c) should be changed to "in consultation with"
- Paragraph 1.5, remove mention of the 'Home and Communities Agency' and replace with 'Homes England'
- Paragraph 1.11 remove mention of three Cabinet Members and replace with two

He informed the meeting of the Government funding for the project which would aid those local groups who wished to establish community led housing projects and explained the grant funding process.

Consideration was given to:

- How the scheme would be managed and implemented
- How the scheme would be advertised
- The allocation process

RECOMMENDED to Council that subject to the corrections above that:

- a) The Community Led Housing Fund Grant Policy be adopted and endorsed so that it can be used within the Council's District.
- b) That Members support the framework for the allocation of grants as presented within the report.
- c) Should any disagreements occur then the final decision should be delegated to the Director of Operations in consultation with the Cabinet Member.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

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

29. **REVENUE AND CAPITAL OUTTURN 2017/18 (00-42-24)**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources presenting the revenue and capital outturn figures for the financial year 2017/18.

The Group Manager for Finance explained that the report set out a complete set of management reports that showed the final cash related position on all service areas. Although it was anticipated that the General Fund would be overspent, with additional funding for the Garden Village and Business Rates income (through growth and the benefits of pooling), an overall general fund surplus of £159k had been realised. The Housing Revenue Fund had produced an underspend of £255k which was proposed to be transferred to the Housing Maintenance Fund earmarked reserve. With regard to the Capital Programme, the revised budget for 2017/18 amounted to £24.315m, the spend for the year had been £8.523m leaving an underspend of £15.792m of which £5.874m would be carried forward into the 2018/19 programme.

Consideration was given to:

- The detailed accounting that had taken place
- The move to Carlu Close for the Grounds Maintenance Team
- Individual budget codes

RESOLVED that:

- i) The General Fund outturn achieved in 2017/18 which shows an overall underspend of £159k be noted. The surplus be transferred to the Property Maintenance reserve to provide further resilience.
- ii) The net transfers to earmarked reserves of £909k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be approved.
- iii) The positive position achieved on the Housing Revenue Account which showed an annual saving of £255k be noted and that the "earmarking" of the extra £255k shown in paragraph 3.3, as well as specific items totalling £3.002m and the utilisation of items totalling £484k identified in Appendix 4 be approved

- iv) The carry forward of £5.874m from the 2017/18 capital programme (see paragraph 5.2) be approved as all of the schemes will be delivered in 2018/19 or later years.

(Proposed by the Chairman)

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

30. ANNUAL TREASURY MANAGEMENT REPORT (0053-04)

The Cabinet had before it a * report of the Director of Finance, Assets and Resources providing Members with a review of activities and the actual prudential treasury indicators for 2017/18.

The Group Manager for Finance explained that the report gave a flavour of what was happening in the financial markets and the following table provided the overall treasury position at 31 March 2018:

TABLE 1	31 March 2017 Principal	31 March 2018 Principal
Total external debt	£43.9m	£42.4m
CFR	£50.6m	£49.4m
Over / (under) borrowing	(£6.7m)	(£7m)
Total investments	£23m	£26m
Net debt	£20.9m	£16.4m

RECOMMENDED to Council that the treasury activities for the year be noted.

(Proposed by the Chairman)

Notes:

- i) Cllr C J Eginton declared a personal interest as he received a pension from Lloyds Banking Group;
- ii) *Report previously circulated, copy attached to minutes.

31. REVENUES AND BENEFITS PERFORMANCE REPORT (00-55-22)

The Cabinet had before it and **NOTED** a * report of the Director of Finance, Assets and Resources reporting on the Council Tax, Non Domestic Rates and Housing Benefit Performance for 2017/18.

He outlined the contents of the report stating that in difficult times, this was a very good news story. 2017/18 had seen some minor changes to the Council Tax

Reduction Scheme, a slight relaxing in some of the preceptors ability to increase their share of the Council Tax and a delay in the local roll-out of Universal Credit. Those challenges had been well managed within the two service areas and we still have seen excellent levels of performance regarding both collection levels and speed of response times.

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

32. **RECORDS MANAGEMENT (00-58-37)**

The Cabinet had before it a * report of the Group Manager for Performance, Governance and Data Security requesting the Cabinet to approve the revised Records Management Policy.

She outlined the contents of the report stating that the policy had been revised in line with the new Data Protection Act 2018 and the GDPR

Consideration was given to: the difference between GDPR and the Data Protection Act 2018

RESOLVED that the revised Records Management Policy be approved.

(Proposed by the Chairman)

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

33. **PERFORMANCE AND RISK (1-00-54)**

The Cabinet had before it and **NOTED** a report of the Director of Corporate Affairs and Business Transformation providing an update on performance against the corporate plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report stating that this was the outturn report for 2017/18 and highlighted the performance to 31 March 2018.

Consideration was given to a correction to the number of affordable homes delivered which was 115 and not 92.

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

34. **NOTIFICATION OF KEY DECISIONS (1-04-21)**

The Cabinet had before it, and **NOTED**, its rolling plan * for June 2018 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes

35. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-04-21)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

36. **CREDITON OFFICE, CREDITON**

Following the meeting on 10th May 2018, the Chairman of the Scrutiny Committee had called in the decision of the Cabinet: that subject to contract, to dispose of the Crediton office building to buyer 2 on the terms set out in paragraph 3.5 of the report for the following reasons:

1. the decision appears to have been made, not in haste, but without full recognition of the potential for:
 - further negotiations to take place with Crediton Town Council to see whether a more acceptable offer could be achieved. There is, despite the known financial pressures in local government, no deadline by which the decision had or has to be made - other than the need for a disposal to take place before the end of the 18-month protected period which applies to disposals of assets of community value in order to avoid a further moratorium.
 - the central and valued location of the building to Crediton which, if it were to be transferred to Crediton Town Council, could sustain the well-being and social cohesion of the town
2. it is unclear how the Cabinet took into account the following Corporate Plan objectives:
 - working with local communities to encourage them to support themselves, including retaining and developing their local facilities and services
 - working with town and parish councils

The Scrutiny Committee at its meeting on 21 May 2018

“RESOLVED that the Cabinet be requested to reconsider its decision to dispose of the Crediton office building to buyer 2 and that Crediton Town Council be allowed to make a final offer for the building”.

The Cabinet reconsidered the decision made on 10th May 2018.

The Cabinet Member for Housing provided information on negotiations to date.

Returning to open session it was:

RESOLVED that the original decision stand in that: subject to contract, to dispose of the Crediton office building to Buyer 2 on the terms set out in paragraph 3.5 of the report, because:

- (a) The offer from Buyer 2 is the best offer put forward during the marketing period and it is a clear indication of the best consideration which can be reasonably obtained;
- (b) The offer from Buyer 2, although below the most recent unrestricted valuation, would not require vacant possession and thus save time and money in securing the transfer;
- (c) The Council realises a significant capital receipt and gives up future liability for an asset which is surplus to the Council’s requirements.
- (d) The offer from Crediton Town Council would result in disposal of the office for a capital receipt which was less than 50% of the restricted value.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

Notes:

- i) Cllr Mrs M E Squires requested that her abstention from voting be recorded;
- ii) Cllrs J M Downes, F W Letch and N A Way declared personal interests as members of Crediton Town Council;
- iii) Report previously considered on 10th May 2018, previously circulated.

(The meeting ended at 3.55 pm)

CHAIRMAN

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**HOMES POLICY DEVELOPMENT GROUP
22 MAY 2018**

**THE HOUSING OPTIONS SERVICE – COMMUNITY LED HOUSING FUND GRANT
POLICY**

Cabinet Member(s): Councillor Ray Stanley
Responsible Officer: Claire Fry, Group Manager for Housing

Reason for Report: In 2016/2017 Mid Devon District Council was allocated £131,359 from the Department of Communities and Local Government (DCLG) Community Housing Fund. The Council will use this ring-fenced funding to work in partnership with local communities to develop Community Led Housing across the District.

RECOMMENDATION: That the Cabinet recommends to Council that:

- 1) The Community Led Housing Fund Grant Policy is adopted and endorsed so that it can be used within the Council's District.**
- 2) That members support the framework for the allocation of grants as presented within the report.**
- 3) Should any disagreements occur then the final decision should be delegated to the Director of Operations in conjunction with the Cabinet Member.**

Relationship to Corporate Plan: MDDC Visions priority 1 & 2. The Council is committed to building more homes in the District and to facilitating the housing growth that Mid Devon needs, including affordable homes in rural parishes, by working with local communities to encourage them to support themselves and working with town and parish councils.

Community-led housing will increase the supply of housing across Mid Devon including affordable housing for rent and shared ownership. It will help to support economic growth and keep communities vibrant.

Community-led housing also has the potential to promote health, wellbeing and independence. Through this type of scheme there are also opportunities for communities to develop schemes to help local people (including older and vulnerable people) to retain their independence. It will also offer local people opportunities to gain knowledge and new skills relating to, for example, project management, housing development and consultations.

Financial Implications: The Community-Led Housing Fund grant of £131,359 is ring-fenced for delivery of Community Led Housing. The Government has advised that grant funding will be available for a further three years but the level of funding and how this will be allocated has yet to be confirmed. There is no assurance that the grant will come to local authorities in future years. The policy will therefore need to be reviewed before the end of the financial year (2019/20) to ensure that it is still relevant and appropriate.

The Community Led Housing Fund Allocation policy includes criteria and grant caps for each funding stage, which requires applicants to demonstrate Value for Money and to seek match funding from other sources to mitigate financial risks. Communities are also subject to providing a service level agreement (SLA) with the local authority.

Legal Implications: Grant recipients may be required to repay the grant should their use of the award fail to comply with the conditions set out by the Council.

Risk Assessment: Failure to have an efficient and effective process in place for administering the fund could result in adverse publicity for the Council.

Equality Impact Assessment: Community-led housing will help to support the needs of vulnerable people, including older people, and reduce inequality by helping to provide the right type of housing solutions to meet the needs of local communities.

1.0 Introduction

- 1.1 In 2016, the Government announced a new annual £60 million fund to help almost 150 councils to tackle the problem of high levels of second homeownership in their communities. The monies were available to support the development of community-led housing.

South Hams	Devon	£1,881,307
West Dorset	Dorset	£1,365,432
East Devon	Devon	£1,210,418
Purbeck	Dorset	£910,456
North Devon	Devon	£667,869
Teignbridge	Devon	£581,303
West Somerset	Somerset	£574,760
Sedgemoor	Somerset	£485,174
Torridge	Devon	£448,434
Weymouth & Portland	Dorset	£430,315
Christchurch	Dorset	£417,229
South Somerset	Somerset	£263,222
West Devon	Devon	£247,620
North Dorset	Dorset	£238,057
East Dorset	Dorset	£158,034
Mid Devon	Devon	£131,359

- 1.2 The Community-Led Housing Fund offers local groups opportunities to lead on, and help them to deliver, affordable housing aimed at first-time buyers in response to the problem second homes can cause in reducing supply.
- 1.3 The funding will be targeted at the community-led housing sector and distributed to groups via local Councils. The rationale for this is that local authorities have the relevant knowledge to enable them to deliver the sort of housing needed in communities in their areas.
- 1.4 Allocating the funding to these housing organisations will place local communities in a position to identify what type of housing is most needed in each area. It will also offer an income stream to community organisations, in turn allowing them to reinvest in more housing or in other activities or services which will benefit their areas.
- 1.5 Local authorities will work closely with community-led housing groups and other stakeholders which is likely to include the Community Land Trusts network or the Home and Communities Agency, to ensure that the necessary infrastructure and support is available to ensure efficient delivery of new houses in subsequent years.
- 1.6 Community-led housing has many benefits. Planning applications from this sector are currently approved more often than other applications. Local concerns about building new homes can be allayed more easily because of local involvement from the start.
- 1.7 The groups can also be an important link between the community and local authorities, as they can increase credibility among residents and directly represent the needs of the community.
- 1.8 In 2016/2017 Mid Devon District Council was allocated half of the allocated funding of £131,359 from the DCLG Community Housing Fund. To receive the second tranche

of funding the Council had to explain how it would use the funds, to receive the remaining monies. The Council submitted its explanation and the remaining funds were awarded.

- 1.9 The Council will use this ring-fenced funding to work in partnership with local communities to develop Community Led Housing across the District. Further grant funding may be allocated over the next four years.
- 1.10 Implications on existing staffing capacity to secure, deliver and oversee the funds that are allocated to the Council will be monitored and, if insufficient, this will be reported as part of an overall monitoring report.
- 1.11 The Policy governance will be overseen by the Community Housing Fund Project Group chaired by the Cabinet Member for Housing. The group will comprise of Cabinet Member for Housing and three other Cabinet Members. The group will receive recommendations from Group Manager for Housing, Housing Options Manager and the S151 Officer or designated representative from finance. The Group will meet on a monthly basis to discuss the progress of community groups and consider applications for funding.

2.0 **Scope**

- 2.1 The purpose of this report is to seek approval for the Council's Community-led Housing Fund Grant Policy which will set out the criteria for the allocation of this funding to communities and organisations involved in the delivery of Community Led Housing schemes across Mid Devon over the next four years.
- 2.2 The Council is using £3250 (per year, over 4 years) of the funding to continue the joint working with Wessex Community Housing. The Council already has a proven track record with Wessex Community Housing arising from the successful Community Land Trust project in Hemyock. This will enable Wessex Community Housing to provide additional community development support, to work with the Council and communities to deliver more developments with Community Land Trusts.
- 2.3 The Wessex Community Housing Project is also tasked to generate interest and lead a dialogue with other community groups across Mid Devon around Community-led Housing as an additional step towards delivering additional housing on housing development sites and rural exception sites across the District.
- 2.4 The remaining grant allocation will be used to offer support to communities seeking to progress a Community-Led Housing scheme. The fund will be used to support local communities to set up a community organisation, undertake initial feasibility work and to cover project management costs.
- 2.5 The Community-Led Housing Fund Allocation policy sets out who is eligible to apply for this funding, what will be funded and how applications will be assessed and funding awarded.
- 2.6 The Community-Led Housing Fund will be available to communities to allow them to succeed in building new homes in the community. The criteria which grant applications will be assessed will be stringent. It will require applicants to:
 - Demonstrate how the project meets the Council strategic objectives
 - Evidence that other avenues have been explored
 - Provide a business case for the CLT
 - Report to the Council on the progress of the development/project

- 2.7 The impact of the programme will be monitored and evaluated by officers in the Housing Options Team and a report will be presented to the Homes PDG as and when required.
- 2.8 Appendix A sets out the Guidance and Criteria to help communities apply for the grants together with the application forms.

Contact for more Information: Mike Parker, Housing Options Manager
Telephone: 01884 234906 mparker@middevon.gov.uk

Circulation of the Report: Councillor Ray Stanley, Cabinet Member for Housing

Appendix A Community Led Housing Fund Guidance and Criteria – (2018-2020)

1. About Community-Led Housing

- 1.1 Community-led housing is intended to bring social and economic benefits to local communities through the provision of housing developed by members of the local community with support. The community must be integrally involved throughout the process in key decisions. It does not necessarily have to initiate and manage the development process, or build the homes itself, although it may choose to do so.

2. About the Grant

- 2.1 Mid Devon District Council was awarded £131,359.00 from a Government Fund aimed at helping local authorities to respond to high levels of second home ownership in their areas. Community-led housing includes all types of housing including homes for outright sale, rent and shared ownership
- 2.2 The Community Housing Fund will be available to communities looking to develop new housing and/or purchase, refurbish and bring back into effective use, empty properties. Any funding provided is used to benefit the local area and/or specific community on a clearly defined and legally protected way in perpetuity. Communities will be expected to work with Registered Providers as development partners. However, there may be situations where the community works with another development partner to deliver a community-led scheme.

3. Who Can Apply – Eligibility Criteria

- 3.1 **Community Organisations:** These will be community groups based in communities involved in the development of a community-led housing scheme. Community groups will need to be constituted to receive direct funding. The community group could be an existing charitable trust or development trust or similar body. Examples of community-led housing organisations include Community Land Trusts; Cohousing schemes; housing cooperatives and other similar organisations.

Where a new community group is established to develop a scheme, then funding will be provided to help establish the group.

Communities also have access to a wider range of other grant funding sources, which can assist in the delivery of Community Led Housing

schemes. These grants are not available to Registered Providers or other public sector bodies. Support and advice will be provided to communities both through the Council and specialist advisors on these alternative sources of funding.

3.2 Community Organisations will need to:

- Be a legal entity, or be part of a legally constituted consortia agreement
- Be appropriately constituted (examples might include; a registered charity, community interest company or charitable incorporated organisation, not for profit company or Industrial and Provident Societies for the Benefit of the Community).
- Have stated community benefit objectives
- Be non-profit distributing; any surpluses must be reinvested to further its social aims/community benefits

3.3 Registered Providers: Funding will be provided to Registered Providers who are involved in the development of an identified community-led scheme. Funding for Registered Providers can be in the form of a grant. Funding from the Community Housing Fund for Registered Providers can be made available in addition to funding from the Housing and Communities Agency (HCA) Shared Ownership and Affordable Homes Programme (SOAHP).

3.4 Registered Providers can be involved in a community-led housing scheme in a number of ways. These can range from acting as purely a development partner and providing a design and build service to a community through to leading on the development of the scheme and providing the on-going management of the housing. However, it is essential that whatever role a Registered Provider has in a community-led scheme that the community takes a long-term role in the ownership, management or stewardship of the homes, for it to be a genuine community-led housing scheme.

3.5 Other development partners: In most cases, communities will be expected to work with Registered Providers as development partners. However, there may be situations where the community works with another development partner to deliver a community-led scheme. The Council may provide direct funding to alternative development partners in certain circumstances.

(If you are applying for a Community Development / Set up Grant) Where no constituted body has yet been created, then the Council will accept applications from one of the following:

- The Parish or Town Council for that area;
- The appointed Community Support Organisation; or
- Another agency with strong links to the local community

4. What the grants are for

4.1 Community Development Work: Funding will be used to support community engagement work with local communities to enable them to set up a community organisation and to develop the organisation. Specific community capacity working could include:

- Set up costs for the group including legal structures and governance
- Advising the group on community-led housing models and the most appropriate models and approaches for their community/development
- Any training requirements
- Identifying other funding opportunities
- Assistance with funding applications and other support
- Longer term group and business development
- Any other specialist support

4.2 Initial Feasibility Work: Funding will be allocated to undertake initial feasibility work to identify the potential to develop a community-led housing scheme. Initial feasibility work could include:

- Feasibility studies
- Identifying and assessing potential sites and opportunities, costs and values
- Local Housing Needs Surveys
- Developing the initial project proposal
- Advice on early project planning/management and business plan development

4.3 Project management costs: Project management costs will cover any work undertaken on a specific site prior up to and including start on site of a scheme. This will include:

- All professional costs: Design and Architectural costs, Quantity Surveyor, site surveys and investigations etc.
- Planning fees and any specialist planning advice
- Legal costs

- Procurement costs
- Site Management costs
- Site acquisition
- Any abnormal costs: e.g. contamination, site clearance etc.

4.4 Other costs: The Council will consider use of the fund for specific one-off costs for a particular site, without which the scheme could not be developed or be viable, including gap funding.

4.5 Other organisations: Funding will be provided to other organisations to fund specific pieces of work. These can include funding to consultants for feasibility work, business planning, planning consultants, supporting housing needs surveys etc.

4.6 Items Which Will Not Qualify

The fund cannot be used for the following:

- Any development which does not meet the basic principles for a community-led housing scheme as set out previously
- Any organisation that does not meet the criteria listed previously
- Any development that has already commenced
- Any retrospective costs, which have already been incurred by the organisation

5. How much money can we apply for?

5.1 Amount of Funding to be Allocated

The Council currently has a sum of £131,359 available. The level of funding available in the future will be determined by the amount of grant allocated to the council by Central Government.

There are three grants available:

- Community Development / Set-Up Grant
- Feasibility Grant
- Development Grant

The grant funding available for each stage of a scheme is set out below. This is capped and it is expected that community organisations will also access other funding streams.

5.2 Community Development / Set-Up Grant

Grant funding of up to £3,000 per community (in addition to support from Wessex Community Housing Project) is available to help develop a group to the stage where it is constituted and to undertake initial community consultation. This funding is only available to groups with a clear community focus and an interest in providing housing which meets the needs of their local community.

This funding can support:

- Room hire for meetings and consultation events;
- Housing need survey materials;
- Training requirements;
- Identification of other funding opportunities;
- Fact finding visits to other community-led housing schemes; and
- Secretariat time to support the group;
- Advice on constituting a community-led housing body
- Administrative/legal costs required to set up a group

5.3 Stage 2: Feasibility Fund

Before accessing this fund, community groups will be expected to have been formed and constituted. They must also be able to demonstrate a good level of community support for the project and have clear evidence of the local housing needs that any proposed housing scheme is intended to meet.

In addition, potential site(s) will have been identified that may be suitable for a community housing scheme.

(If the organisation has accessed a Community Development / Set-Up Grant then) A statement of all setup grant expenditure will need to be prepared and 'signed off' by the Council prior to the submission of a (Feasibility grant) application.

Grant funding from £5,000 up to £15,000 per scheme (in addition to support from Wessex Community Housing Project) can be made available to support a feasibility appraisal and to develop a project plan. In exceptional circumstances requests for funding greater than the £15,000 limit may be considered if the applying community can demonstrate a clear rationale why additional funding is required, how it offers value for money and that the

funding cannot be secured by other means. At this stage, the type of work which funding could support could include:

- Feasibility study (this is an essential component of the application);
- Commissioning of a development agent to progress the scheme to a planning application;
- Identification and initial assessment of site/sites;
- Development of project plan, including a financial plan and identification of match funding;
- 'Pre application' planning advice;
- Scheme design including all relevant drawings appropriate for a planning application;
- Preparation of surveys and reports in advance of a formal planning application;
- Identification of any abnormal costs or site specific issues which would require further exploration; and
- Further community engagement.

To access this funding, groups are required to submit an application form (Annex A).

The funding can be used to fund work, reports and surveys that can progress a scheme all the way through to the stage prior to a full planning application. A date for the production of the feasibility study will be agreed with the applicant at the time the application is approved. It should be noted that at least 20% of all costs must be accessed from an alternative source to the Community Housing Fund.

The Council reserves the right to incorporate some of the development costs incurred at this stage into the total scheme costs identified at stage 3.

5.4 Stage 3: Development Fund

Grant up to £15,000 may be available either to top up public subsidy or provide gap funding for capital costs to contribute towards project management costs and construction costs.

Before accessing this fund community groups will be expected to have produced a project plan, have an identified site/sites and a clear understanding of the people (e.g. elderly/young adults etc.) who will benefit from the scheme.

Funding is only available to the following types of organisations:

Fully constituted community groups – the group can be an existing charitable organisation or similar body, social enterprise or set up specifically for this project.

Registered housing provider or non-registered housing association – as long as there is clear community involvement in the scheme (as set out in the policy statement)

6. How we assess applications - What we look for

6.1 Basic eligibility criteria

The applicant must be a legally constituted organisation (see above)

The scheme must clearly demonstrate that it meets local needs (evidence of recent Housing Needs Survey or equivalent)

The scheme must be community-led

For a scheme to be 'community-led' it will need to meet the following criteria:

- The community must be integrally involved throughout the process in key decisions. It does not necessarily have to initiate and manage the development process, or build the homes itself, although it may choose to do so;
- There will be a presumption in favour of community groups that demonstrate in their applications that they are taking a long-term, formal role in the ownership, management or stewardship of the homes; and
- Any funding provided is used to benefit the local area and/or specific community on a clearly defined and legally protected way in perpetuity

6.2 The applicant will also need to demonstrate:

- Strong governance arrangements by operating through open and accountable, co-operative processes, with strong performance and management systems
- Appropriate skills and capacity exist within the organisation, or available to the organisation to undertake the project
- Clear, realistic financial plans for the development of the housing scheme where applicable
- Clear, realistic financial plans for the future management of the housing scheme

- The scheme offers good value for money, in particular that the scheme is accessing other sources of funding and finance (see below)
- Community support for the proposals
- How the organisation will comply with any relevant legislation and statutory requirements

Assessment for a Development Grant will be subject to a more detailed appraisal process, which will include the following, on top of those already listed:

- Deliverability
- Allocations Policy
- How the scheme will be managed and maintained
- Robustness of the business model and financial viability

7. Value for money

7.1 Applications for Community Housing Fund

Applications for Community Housing Fund Stage 1 and 2 funding will need to demonstrate how the group intends to spend the money and provide a breakdown of costs.

Applications for Community Housing Fund Stage 3 funding will require the submission of a financial plan, outlining what revenue and capital support is required. The project plan should also outline what professional support is required to deliver the scheme and how this will be procured.

Community Housing Fund Project Plans will be expected to outline where match funding will be sourced from to make the scheme viable. The Community Housing Fund Group expects groups to demonstrate they have taken appropriate measures to reduce the amount requested from the Fund and will expect evidence that the applicant has considered the following alternative funding streams (where applicable):

Borrowing on rental income; this is capital funding borrowed over the long term, (typically 25 years), using projected rental income streams to service the debt

Sales receipts: this is capital funding secured from the proceeds of projected house sales

Homes England; this is grant made available from the HCA (soon to be renamed Homes England) in accordance with their Affordable Housing funding programmes

Land donations or use of existing community land; this is land offered at 'nil' or below market value

Local authority commuted sum fund; this is capital funding taken from the fund which accounts for financial contributions from developers in lieu of 'on-site' affordable housing

8.0 How to Apply

8.1 Requests for funding

Requests for Community Housing Fund Stage 1 and 2 funding should be sent to the Group Manager (Housing Services) using the appropriate application form (attached at Annex A).

Requests for Community Housing Fund stage 3 funding must be made through a completed project plan covering:

- the legal constitution of the group and the principal contacts
- evidence of community engagement
- a financial plan, identifying the sources of funding for the project
- identification of a site/sites
- a basic site designing indicating the number of types of housing to be delivered through the project
- an outline of who the new homes will be for and how that meets a local need
- what professional support is required to take the project forward and how these professionals will be appointed/procured
 - what role the community group will play once the homes are complete

9. Supporting Documents

9.1 Annex A must contain the supporting documents as detailed in section 8.1

10. How to Submit

10.1 Applications must be sent to the Group Manager (Housing Services) at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16

6PP. Applications must be supported by the relevant documentation as detail above.

11. What happens after you submit your application

11.1 Requests for **Community Development / Set-Up grant** will normally be considered by the Group Manager (Housing Services) within 10 working days of receipt of the completed application form (unless otherwise agreed) (see Annex A).

Requests for **Feasibility Grant** will normally be considered by the Community Housing Fund Project Group within 30 working days of receipt of the application form (see Annex A). Please note that this may generate further questions or requests for clarification prior to a written decision being sent out to the group to inform them whether they have been successful or not.

Request for a **Development Grant** will also be considered by the Community Housing Fund Project Group following receipt of a project plan. An initial check of the project plan will be undertaken within 10 working days by the Group Manager (Housing Services). Should it be deemed to require further detail, applicants will be notified accordingly and asked to resubmit. Subject to any additional questions or requests for clarification, the group will receive written notification of whether they have been successful or not.

The policy will be overseen by the Community Housing Fund Project Group chaired by the Cabinet Member for Housing that will comprise of:

- Cabinet Member for Housing
- Three Cabinet Members

The group will be supported by the following group after receiving recommendations from

- Group Manager (Housing Services)
- Housing Options Manager
- S151 Officer or designated representative from finance

The Group will meet on a monthly basis to discuss the progress of community groups and consider applications for funding.

11.2 Payment of Grant

11.3 Stage 1: Community development set-up grant

Grant payments will normally be paid following the agreement of the Community Housing Fund Project Group with receipt of grant claim form and invoices for works carried out; payment of grant will be paid after 30 days of being approved. However, it is recognised that some community groups may not yet be fully constituted or have very limited cash resources.

11.4 Stage 2: Feasibility fund

Grant payments will normally be paid on receipt of grant claim form and invoices for work carried out.

11.5 Stage 3: Development fund

Payments from the Development Fund will normally be made on a staged basis as follows:

- 50% to be paid on start on site of the scheme 50% to be paid on scheme completion
- The Council will consider alternative staged payments in certain cases where there may be cash flow issues. However, it is expected that applicants will have sufficient development finance in place to ensure that they are able to manage their cash flow throughout the duration of the project.
- Where the grant funding is being used to provide gap funding, then payment will normally be made to the applicant once that cost has been met by the applicant and upon receipt of evidence of payment of the cost by the applicant.
- There will be no funding available for cost overruns.

11.6 Grant Agreement

Grant recipients will be required to enter into a standard grant agreement with the Council, which will stipulate a number of requirements including:

11.7 Monitoring Arrangements: We will require grant recipients to provide regular monitoring information as per the grant agreement.

11.8 Use of Grant and details of works required: The grant agreement will set clear what the grant can be used for and details of the works required.

11.9 Withholding, suspending and repayment of grant: The grant agreement will also set out the circumstances in which grant may be withheld, suspended or repaid. This will include disposal of the properties within a certain timescale, use of grant for purposes other for which the grant has been awarded etc. This list is not exhaustive and there may be other examples the Council will use its discretion.

11.10 Monitoring and Clawback

Groups awarded Community Housing Fund Stage 1 funding will be monitored by the Wessex Community Housing Project, who will report back to the Community Housing Fund Project Group on a regular basis.

Groups awarded Community Housing Fund Stage 2 and Stage 3 funding will be expected to submit a brief update report at least once every two months. They will also be monitored by the Wessex Community Housing Project, who will report back to the Community Housing Fund Project Group.

The Council reserves the right to seek repayment of any grant awarded, should any homes provided through this programme be taken out of community ownership within 10 years of the completion of the scheme, unless written permission is given by the Group Manager (Housing Services).



MID DEVON DISTRICT COUNCIL
COMMUNITY HOUSING FUND COMMUNITY DEVELOPMENT/SET-UP FUND

PLEASE READ THE CRITERIA AND GUIDANCE NOTES BEFORE COMPLETING THIS FORM
 FOR MORE INFORMATION, PLEASE CONTACT THE HOUSING OPTIONS MANAGER ON 01884 234906

Application for Community Development/Set Up Funds – Stage 1

Name of Existing/Proposed Organisation	
Contact Details/Name:	
Contact email:	
Contact Address:	
Contact Tel no(s):	
Position Held:	
Correspondence Address:	
Organisation Details: Type of existing/proposed organisation	

Organisation bank account? (Please provide bank account name, address, sort code & account number.)	Account Name:	Sort Code:	Account No:
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Are you an established organisation with legal documents to establish that you have legal authority? (For example a Parish Council, Community Land Trust) What is the legal form of the organisation?	
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Scheme Details: Please provide details about your project? (eg What are you proposing to build – how many houses, type of tenure? Why are you seeking support from the Community Housing Fund? How will this help you with your next steps? What will the Housing Fund help you to do which you are not able to achieve otherwise? Is this within a Neighbourhood Plan area?)	
--	--

Funding requirements - Please set out the funding you need to progress this scheme to Stage 2 (Feasibility)	
--	--

Type of funding	Estimated Cost	Details (including name of service provider/consultant/contractor if known)

<p>Have you identified a site? Please provide information (eg condition of the site, current use, the address of the site)</p>	
---	--

<p>Have you carried out any consultation with the wider community about your proposals (not including members of your group)? What level of support or opposition have you received (for example Parish Council, local authority, other local voluntary or business groups.)? We understand that all schemes have their objectors, and detailing any opposition you have had to your proposals will not prejudice your application for support.</p>	
--	--

<p>Have you had any engagement or discussion with a Registered Provider/Housing Association about your proposals? What response have you had?</p>	
--	--

Are you receiving specialist advice about this project (ie Wessex Community Housing Project)? Please provide their name & contact details.

Equalities

Under the Equalities Act 2010 the Council has a legal duty to ensure that different groups are not disadvantaged from applying for or receiving our grants funding. We also want to ensure that people who benefit from our grants programme represents the makeup of the local population.

Please indicate which (if any) of the following groups will particularly benefit from your project and give details where you think this is relevant

- People with physical disabilities
- People with mental health problems
- Older people
- Unemployed people
- People who are gay, lesbian, bisexual or transgender
- People from a particular ethnic background
- Younger people
- Carers

Checklist

- Completed all sections of the application form []
- Provided Bank Account details []
- Provided details of the legal identity []
- Provided details of funding costs []

Declaration

The information you have provided will be used by the Council to assess and process your application and to enable us to contact you about your application. Your information will be held securely within the Council and only passed to others within the Council for the purposes of assessing this grant application. Information will be destroyed in line with the Council's Information Retention Policy.

I declare that, to the best of my knowledge and belief, all the information in this application form is true and complete.

Signature _____

(This can be your group's chairman, treasurer, secretary or equivalent post)

Date _____

Print Name

Position held in group

Enclosures

- Copy of governing document
- Accounts/Bank statement

Return to:

MID DEVON DISTRICT COUNCIL
PHOENIX HOUSE, PHOENIX LANE
TIVERTON, DEVON EX16 6PP

<p>Certification I certify that this funding required is directly associated with the development of a community led housing scheme(s) and that the information contained within this application form is, to the best of my knowledge, accurate and reliable.</p>	<p>Signature:</p> <p>Date:</p> <p>On behalf of:</p>
---	--

If the certification has not been completed by a recognised signatory of the proposed community housing organisation then please indicate the organisation that person represents

Application for Development/ Feasibility fund – Stage 2/3

Name of Existing Organisation	
--------------------------------------	--

Contact Details/Name:	
------------------------------	--

Contact email:	
-----------------------	--

Contact Address:	
-------------------------	--

<p>Organisation Details: Type of organisation: Date of incorporation:</p> <p>(please provide a copy of your constitution or other documentary evidence of your governance arrangements)</p> <p><i>Please note that your organisation must normally have a minimum of 5 members (from different addresses in your community) and have either an open membership policy (or one which has restrictions that help to fulfil its overall aims and objectives)</i></p>	
--	--

Please provide a brief summary of the organisation's aims and objectives:	
--	--

Bank account: (Please provide bank account name, address, sort code & account number.)	Account Name:	Sort Code:	Account No:
---	---------------	------------	-------------

Application for Development/ Feasibility fund – Stage 2 / 3

Declaration

The information you have provided will be used by the Council to assess and process your application and to enable us to contact you about your application. Your information will be held securely within the Council and only passed to others within the Council for the purposes of assessing this grant application. Information will be destroyed in line with the Council's Information Retention Policy.

I declare that, to the best of my knowledge and belief, all the information in this application form is true and complete.

Signature _____

(This can be your group's chairman, treasurer, secretary or equivalent post)

Date _____

Print Name

Position held in group

Enclosures

- Copy of supporting documents

Return to:

MID DEVON DISTRICT COUNCIL
PHOENIX HOUSE, PHOENIX LANE
TIVERTON, DEVON EX16 6PP

Certification I certify that this funding required is directly associated with the development of a community led housing scheme(s) and that the information contained within this application form is, to the best of my knowledge, accurate and reliable.	Signature: Date: On behalf of:
---	---

If the certification has not been completed by a recognised signatory of the proposed community housing organisation then please indicate the organisation that person represents

ELIGIBILITY CHECK

Application for Community Development/Set Up Funds – Stage 1 / 2 / 3

CLT Details	
Contact Name	
Parish	
Grant Stage	
Grant Requested	

Evidence Support	Of	Yes / No	Documentation Supplied	
------------------	----	----------	------------------------	--

Eligibility

	Yes	No	?	Comment(s)
Is the application form complete and all relevant information supplied?				
Is the organisation eligible to apply?				
Are the project objectives eligible for funding?				
Is there sufficient detailed breakdown of costs so we know what the funding will be spent on?				
Is there evidence of support from at least one local parish / town Council?				
Is the amount higher than the eligible costs?				
Does the scheme / project warrant additional funding?				
Has the project already received funding?				
Is the project able to proceed with funding?				

Supplementary Questions / Clarifications Needed:

--

SCORING CHECK

Need	Comments <i>Please score from 1 to 5 1 being lowest – does not fulfil a local need 5 being highest – completely fulfils a local need</i>	Score
Is there a Housing Need in village/Parish?		
Is this back by the community/Parish?		
Is the organisation working with Wessex?		
Has a housing need survey been completed?		

RECOMMENDATION

Recommendation	£	Comments
Fund in Full		
Fund in Part		
Fund with Conditions		
Defer		
Do not fund		

Comments/Notes

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Cabinet
14 May 2018

Annual Treasury Management Review 2017/18

Cabinet Member: Councillor Peter Hare-Scott
Responsible Officer: Director of Finance, Assets & Resources, Andrew Jarrett

Reason for Report: To provide Members with a review of activities and the actual prudential treasury indicators for 2017/18.

Recommendations(s):
That Members note the treasury activities for the year.

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

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

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

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

1. Introduction

- 1.1 The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2017/18. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).
- 1.2 During 2017/18 the minimum reporting requirements were that the Council should receive the following reports:
 - an annual treasury strategy in advance of the year (Cabinet 02/03/2017)
 - a mid-year treasury update report (Cabinet 23/11/2017)

- an annual review following the end of the year describing the activity compared to the strategy (this report)
- 1.3 The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

2. The Economy and Interest Rates

- 2.1 During the calendar year of 2017, there was a major shift in expectations in financial markets in terms of how soon Bank Rate would start on a rising trend. After the UK economy surprised on the upside with strong growth in the second half of 2016, growth in 2017 was disappointingly weak in the first half of the year, which meant that growth was the slowest for the first half of any year since 2012. The main reason for this was the sharp increase in inflation caused by the devaluation of sterling after the EU referendum, feeding increases into the cost of imports into the economy. This caused a reduction in consumer disposable income and spending power as inflation exceeded average wage increases. Consequently, the services sector of the economy, accounting for around 75% of GDP, saw weak growth as consumers responded by cutting back on their expenditure. However, growth did pick up modestly in the second half of 2017. Consequently, market expectations during the autumn rose significantly that the MPC would be heading in the direction of imminently raising Bank Rate. The minutes of the MPC meeting of 14 September indicated that the MPC was likely to raise Bank Rate very soon. The 2 November MPC quarterly Inflation Report meeting duly delivered by raising Bank Rate from 0.25% to 0.50%.
- 2.2 The 8 February MPC meeting minutes then revealed another sharp hardening in MPC warnings on a more imminent and faster pace of increases in Bank Rate than had previously been expected.
- 2.3 Market expectations for increases in Bank Rate, therefore, shifted considerably during the second half of 2017-18 and resulted in **investment rates** from 3 – 12 months increasing sharply during the spring quarter.
- 2.4 **PWLB borrowing rates** increased correspondingly to the above developments with the shorter term rates increasing more sharply than longer term rates. In addition, UK gilts have moved in a relatively narrow band this year, (within 25 bps for much of the year), compared to **US treasuries**. During the second half of the year, there was a noticeable trend in treasury yields being on a rising trend with the Fed raising rates by 0.25% in June, December and March, making six increases in all from the floor. The effect of these three increases was greater in shorter terms around 5 years, rather than longer term yields.

2.5 The major UK landmark event of the year was the inconclusive result of the **general election** on 8 June. However, this had relatively little impact on financial markets.

3. Overall Treasury Position as at 31 March 2018

3.1 At the beginning and the end of 2017/18 the Council's treasury, (excluding borrowing by PFI and finance leases), position was as follows:

TABLE 1	31 March 2017 Principal	31 March 2018 Principal
Total external debt	£43.9m	£42.4m
CFR	£50.6m	£49.4m
Over / (under) borrowing	(£6.7m)	(£7m)
Total investments	£23m	£26m
Net debt	£20.9m	£16.4m

4. The Strategy for 2017/18

4.1 The expectation for interest rates within the treasury management strategy for 2017/18 anticipated that Bank Rate would not start rising from 0.25% until quarter 2, 2019 and then only increase once more before 31 March 2020. There would also be gradual rises in medium and longer term fixed borrowing rates during 2017/18 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

4.2 In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.

4.3 During 2017/18, longer term PWLB rates were volatile but with little overall direction, whereas shorter term PWLB rates were on a rising trend during the second half of the year.

5. The Borrowing Requirement and Debt

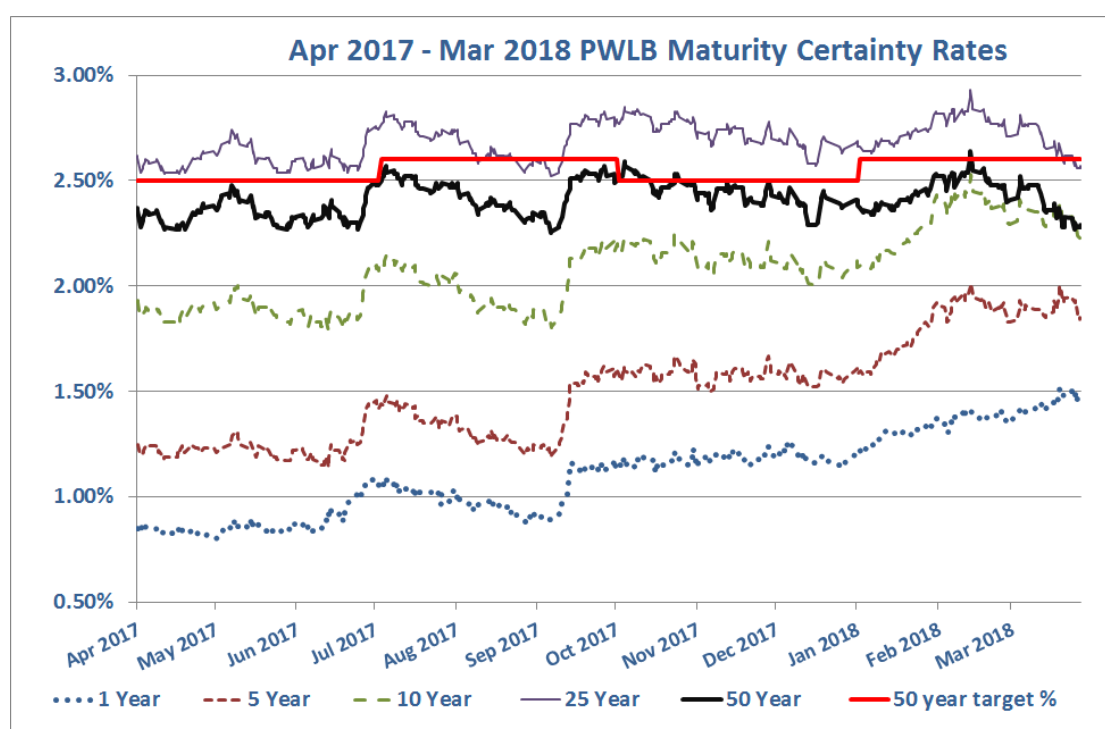
5.1 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

	31 March 2017 Actual	31 March 2018 Actual
CFR General Fund (£m)	6.5	6.3
CFR HRA (£m)	44.1	43.1
Total CFR	50.6	49.4

6. Borrowing Rates in 2017/18

6.1 PWLB certainty maturity borrowing rates. As depicted in the graph and tables below 25 and 50 year rates have been volatile during the year with little consistent trend. However, shorter rates were on a rising trend during the second half of the year and reached peaks in February / March.

6.2 During the year, the 50 year PWLB target (certainty) rate for new long term borrowing was 2.50% in quarters 1 and 3 and 2.60% in quarters 2 and 4. The graphs and tables for PWLB rates show, for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year.



7. Borrowing Outturn for 2017/18

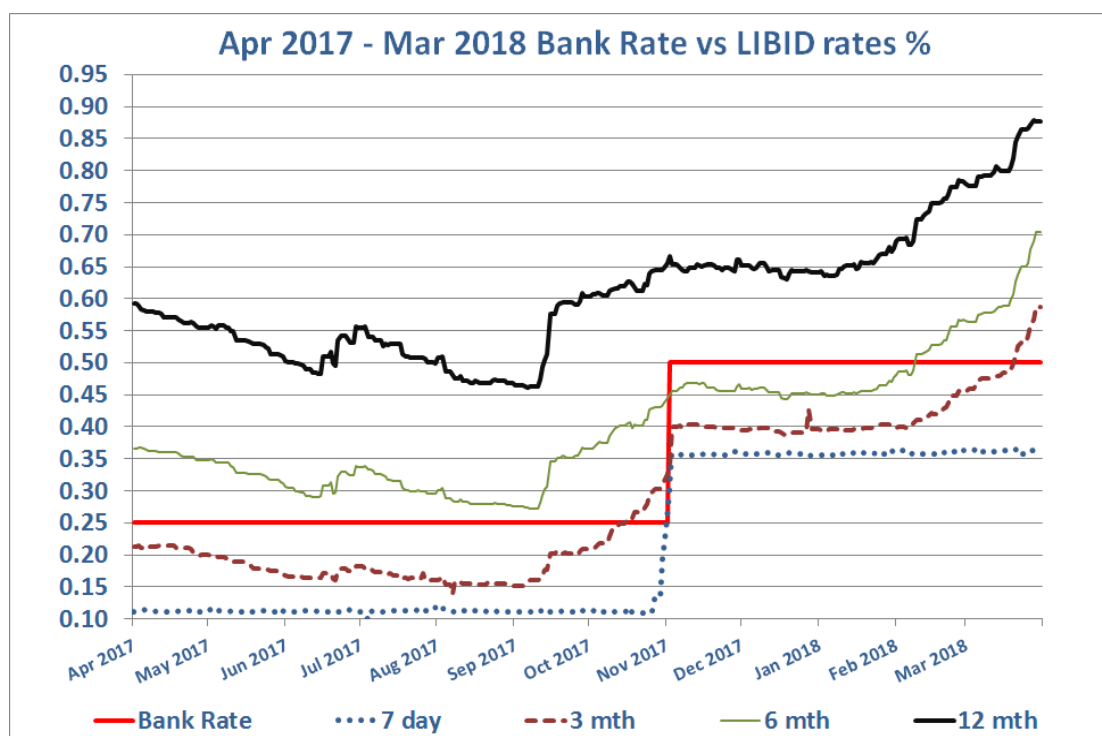
7.1 **Borrowing** – the following loans were taken during the year:-

Lender	Principal	Type	Interest Rate	Maturity
PWLB	0.207M	Annuity	1.70%	5

7.2 **Rescheduling** - no rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

8. Investment Rates in 2017/18

8.1 Investments rates for 3 months and longer have been on a rising trend during the second half of the year in the expectation of Bank Rate increasing from its floor of 0.25%, and reached a peak at the end of March. Bank Rate was duly raised from 0.25% to 0.50% on 2 January 2017 and remained at that level for the rest of the year. However, further increases are expected over the next few years. Deposit rates continued into the start of 2017/18 at previous depressed levels due, in part, to a large tranche of cheap financing being made available under the Term Funding Scheme to the banking sector by the Bank of England; this facility ended on 28 February /18.



9. Investment Outturn for 2017/18

- 9.1 **Investment Policy** – the Council's investment policy is governed by MHCLG guidance, which has been implemented in the annual investment strategy approved by the Cabinet on 2 March 2017. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps).
- 9.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
- 9.3 **Investments held by the Council** - the Council maintained an average balance of £19m of internally managed funds. The internally managed funds earned an average rate of return of 0.58%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.36%. The Council held £5m invested in CCLA property funds earning dividends of 4.47% in 17/18.

10. Other Issues

10.1 Revised CIPFA Codes

- 10.1.1 In December 2017, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued a revised Treasury Management Code and Cross Sectoral Guidance Notes, and a revised Prudential Code.
- 10.1.2 A particular focus of these revised codes was how to deal with local authority investments which are not treasury type investments e.g. by investing in purchasing property in order to generate income for the Authority at a much higher level than can be attained by treasury investments. One recommendation was that local authorities should produce a new report to Members to give a high level summary of the overall capital strategy and to enable Members to see how the cash resources of the Authority have been apportioned between treasury and non-treasury investments. Officers will report to members when the implications of these new codes have been assessed as to the likely impact on this Authority.

10.2 Markets in Financial Instruments Directive II (MiFID II)

- 10.2.1 The EU set the date of 3 January 2018 for the introduction of regulations under MIFID II. These regulations govern the relationship that financial institutions conducting lending and borrowing transactions will have with local authorities from that date. This has had little effect on this Authority apart from having to fill in forms sent by each institution dealing with this Authority and for each type of investment instrument we use, apart from for cash deposits with banks and building societies.

Contact for more information: Andrew Jarrett 01884 234242 / ajarrett@middevon.gov.uk / John Paul Mclachlan 01884 234944 / jpmlachlan@middevon.gov.uk

Background papers: Link Annual Treasury Management Review template

Circulation of the report: Councillor Peter Hare-Scott, Leadership Team, Group Manager for Finance

Appendix 1: Prudential and Treasury Indicators

During 2017/18, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Actual prudential and treasury indicators	2016/17	2017/18
	Actual £000	Actual £000
Capital expenditure		
• General Fund	816	4,234
• HRA	4,477	4,288
• Total	5,293	8,522
Capital Financing Requirement:		
• General Fund	6,479	6,310
• HRA	44,144	43,166
• Total	50,623	49,476
Gross borrowing	44,454	42,825
Investments		
• Longer than 1 year	5,000	5,000
• Under 1 year	18,000	21,000
• Total	23,000	26,000
Net borrowing	21,454	16,825

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2017/18) plus the estimates of any additional capital financing requirement for the current (2018/19) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2017/18.

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2017/18 the Council has maintained gross borrowing within its authorised limit.

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

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

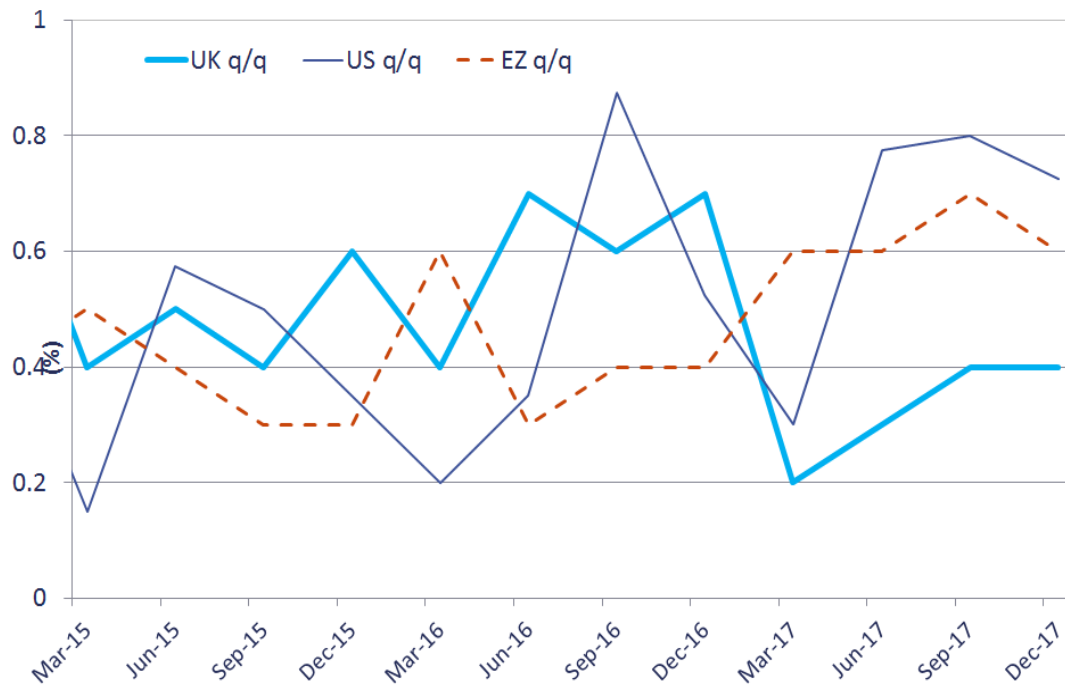
	2017/18
Authorised limit	£55.0m
Maximum gross borrowing position	£43.7m
Operational boundary	£50.0m
Average gross borrowing position	£43.37m
Financing costs as a proportion of net revenue stream (GF)	1.64%
Financing costs as a proportion of net revenue stream (HRA)	16.82%
Interest paid on borrowing (GF)	£0.144m
Interest paid on borrowing (HRA)	£1.213m
Interest Receivable (incl dividends) (GF)	£0.344m
Interest Receivable (HRA)	£0.038m

The maturity structure of the debt portfolio was as follows:

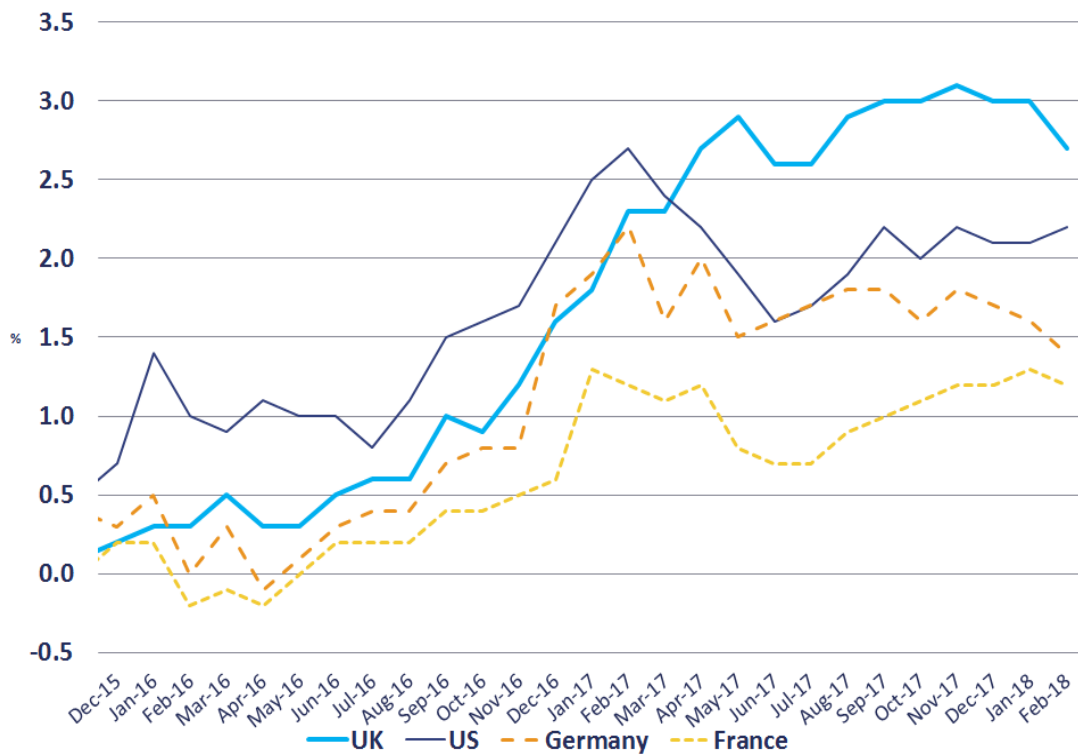
	31 March 2017 Actual(£m)	31 March 2018 Actual(£m)
Under 12 months	1.73	1.73
12 months and within 24 months	1.69	1.78
24 months and within 5 years	5.36	5.63
5 years and within 10 years	9.92	10.19
10 years and within 20 years	24.62	22.68
Over 20 years	0.66	0.44

Appendix 2: Graphs

UK, US and EZ GDP growth



Inflation UK, US, Germany and France



**CABINET
14TH JUNE 2018**

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION.

TIVERTON EASTERN URBAN EXTENSION: RESULTS OF PUBLIC CONSULTATION. ADOPTED MASTERPLAN SUPPLEMENTARY PLANNING DOCUMENT (AREA A)

Cabinet Member: Cllr Richard Chesterton
Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy & Regeneration

Reason for Report: To update Members on the outcome of the public consultation regarding the proposal to amend the adopted Masterplan Supplementary Planning Document (SPD) by removing housing land parcels on the southern side of West Manley Lane (within Area A) and to seek approval to revise the adopted Masterplan SPD accordingly.

RECOMMENDATIONS:

1. That Cabinet note the results of the public consultation; and
2. Recommends to Council :
 - i) That the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document be amended to encompass the proposed changes as set out in Appendix B and adopted; and
 - ii) That the April 2014 Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document be revoked.

Relationship to Corporate Plan: The adopted Tiverton EUE Masterplan SPD provides guidance on the planning and delivery of a strategic site for Mid Devon. It directly relates to all four Corporate Plan priorities of economy, homes, community and environment.

Financial Implications: The adopted Masterplan SPD was produced by consultants and the Council through the Council working collaboratively with promoters. Revising the adopted masterplan text and associated plans will incur additional cost to the Council from capacity funding.

Legal Implications: Any revision to the existing Masterplan SPD requires a period of public consultation in accordance with the requirements of the Council's Statement of Community Involvement. Whilst the adopted Masterplan SPD does not form part of the Development Plan, the SPD and any revisions adopted would be a

material consideration in the determination of planning applications relating to the site.

Risk Assessment: The existing Masterplan SPD for the site has been through a process incorporating two stages of public consultation and formal adoption following Council resolution. Any changes to it need to be justified in planning terms.

Equality Impact Assessment: There are no equality issues identified in this report.

1.0 INTRODUCTION

1.1 The Council adopted the Tiverton Eastern Urban Extension (EUE) Masterplan as a Supplementary Planning Document (SPD) in April 2014. SPDs are used where they can help applicants make successful applications and/or aid infrastructure delivery (NPPF, para 153). As such they should build upon and provide more detailed guidance on the policies of the Local Plan and not add unnecessarily to the financial burdens of the development.

2.0 BACKGROUND

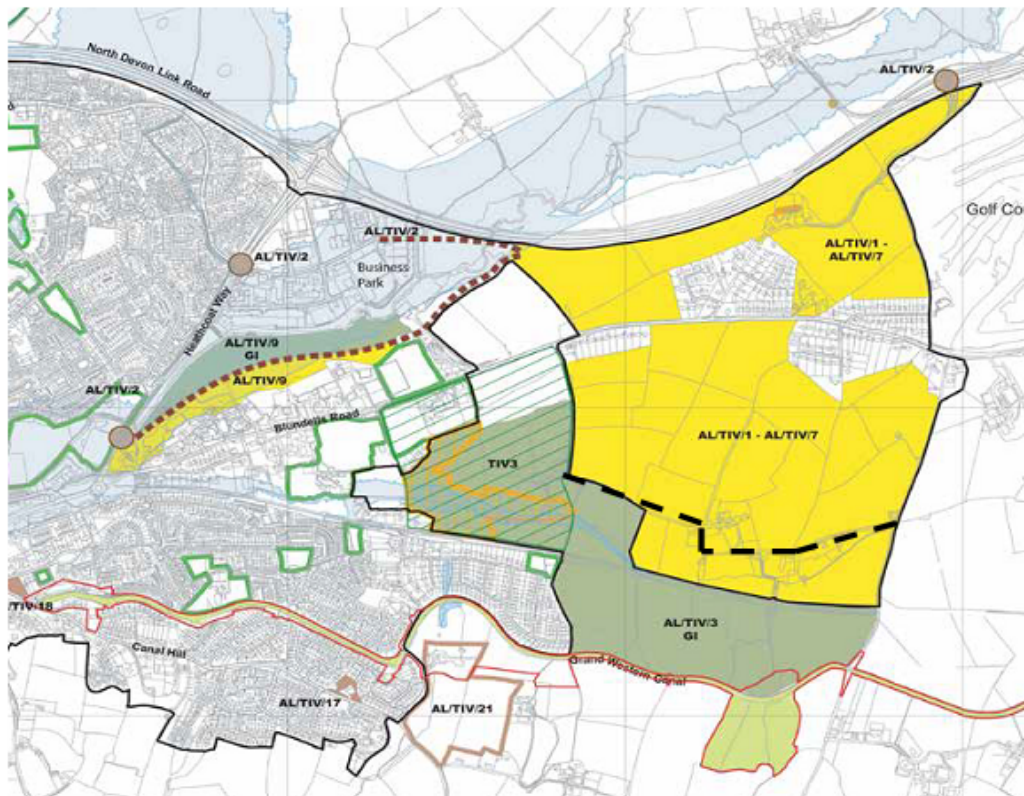
2.1 The Mid Devon Core Strategy sets out the strategic planning policy framework for Mid Devon District over the period 2006 to 2026. The Allocations and Infrastructure Development Plan Document (AIDPD) provides further guidance on how the strategic policies in the Core Strategy are to be applied including the identification of sites for development. One such site is the 153 hectare EUE. Policy AL/TIV/1 sets out how the EUE is allocated for a mixed use development.

2.2 Policy AL/TIV 7 describes how 'before a planning application is made, the Local Planning Authority will carry out a major public consultation exercise into the masterplanning of the site, leading to the adoption of a Supplementary Planning Document. A masterplanning exercise for the urban extension site as a whole was completed in 2013/14 and the Masterplan SPD was adopted by the Council in April 2014. This was the culmination of approximately three year's work and involved two periods of public consultation upon the scope of the masterplan and draft version respectively. It dealt with the north and western parts (Area A) of the site in detail. A copy of the SPD as adopted is attached at **Appendix 1**.

2.3 SPDs are produced to support the adopted Local Plan as a means to help applicants make successful applications by clarifying requirements and setting out expectations. They contain clear and reasoned justification for the guidance within them and explain their relationship with the development plan.

2.4 Cabinet requested a report (4th January 2018) to understand options available to it in the event that changes were to be made to the Adopted Masterplan. This request was specifically in relation to development land parcels to the south of West Manley Lane.

2.5 The Allocations and Infrastructure Development Plan Document (AIDPD) (Local Plan Part 2, Policies Map) includes the residential and employment areas of the EUE within the settlement limit of Tiverton. The southern part of these areas follows the line of West Manley Lane for some distance, before extending south of it towards the former railway line. The principal of development is established within the allocated site. The allocation plan also identifies areas as Green Infrastructure (GI), mainly between the former railway line and the canal.



Tiverton EUE allocation site (West Manley Lane marked - - - - -)

2.6 The Masterplan SPD takes the AIDPD identifies the main areas of development as north of West Manley Lane and those south of West Manley Lane as areas of GI. However the Illustrative Framework Plan of the Masterplan SPD indicates three low density housing clusters on three small land parcels south of West Manley Lane. Together they have the potential to provide up to 15 units (shown circled by a dashed line).



2.7 Outline planning permission (with signed S106) was approved 9th June 2017 for development on the Chettiscombe Trust land including 700 houses. The area of low density land parcels south of West Manley Lane initially formed part of the red line area of the application. The application was subsequently amended at the request of Planning Committee to remove it from the red line boundary. Whilst this removed the land parcels from the planning application, it did not amend the way that the area was treated within the adopted Masterplan SPD. Cabinet at its meeting on the 4th January 2018 resolved to amend the masterplan through the removal of the land parcels south of West Manley Lane and to undertake public consultation on this revision.

3.0 PUBLIC CONSULTATION

3.1 A period of public consultation was undertaken between 22nd February and 5th April 2018. 66 comments were received (with a further 2 comments received after the closure date for comments). Comments received were as follows:

1 in support of the retention of the housing clusters in the SPD.

1 of no comment- Devon County Council

67 in support the removal of the housing clusters from the SPD for the following reasons

- Protecting the setting of the railway walk and Grand Western Canal
- Providing a protective corridor to Tidcombe Fen and potential discharge of surface waters to it
- Mitigation against flooding, foul water and sewage
- Protection of this green and scenic area that is enjoyed by walkers and cyclists
- Loss of open countryside
- Aligning the permitted planning application and Adopted Masterplan SPD

- Ecological value of retaining the landscape with no development
- West Manley Lane acts a clear and well defined boundary to development
- Cabinet resolved (26 October 2017) that development within Area B should not extend beyond West Manley Lane
- Protection of important hedgerows

3.2 It can be concluded that there is over whelming support for the removal of the three housing clusters south of West Manley Lane.

3.3 Officers have reviewed the Adopted Masterplan SPD and identified the changes that would be required. A schedule of changes proposed to the masterplan is attached at **Appendix 2**. The document incorporating these changes will require a resolution from Council in order that it be readopted.

4.0 CONCLUSION

4.1 The results of the public consultation indicate support for the proposed changes to the SPD. Officers accordingly advise that in accordance with the Cabinet resolution of 4th January 2018, the necessary amendments are made to the adopted SPD Masterplan to remove the housing clusters south of West Manley Lane (within Area A) as detailed in Appendix B.

Contact for more Information: Christie McCombe, Area Planning Officer (Tiverton Eastern Urban Extension) 01884 234277
cmccombe@middevon.gov.uk

List of Background Papers: The adopted policies relating to the Tiverton Eastern Urban Extension may be viewed in the AIDPD at
<https://new.middevon.gov.uk/residents/planning-policy/mid-devon-local-plan/part-2-aidpd/>

The Adopted Tiverton EUE Masterplan may be viewed at
<https://www.middevon.gov.uk/residents/planning-policy/masterplanning/>

Cabinet 17th April 2014, 7th April 2016, 26th October 2017, 4th January 2018

Circulation of the Report: Members of Cabinet

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Tiverton's Eastern Urban Extension

Masterplan Supplementary Planning Document

Adopted April 2014

Page 83

CliftonEmerydesign

in partnership with



Foreword

This Supplementary Planning Document (SPD) concerns the Tiverton East Urban Extension. It has been prepared on behalf of the two principal landowners; Chettiscombe Trust and Waddeton Park Ltd, in partnership with Mid Devon District Council (MDDC).

The document provides guidance about how the urban extension should be designed and developed. It is informed by extensive survey work and analysis that has been undertaken in relation to the two principal land holdings and the NHS land and north of Blundell's Road. Whilst it has been prepared to provide a comprehensive approach across the whole allocation, it is proposed that further work will be completed to inform the shape of the south eastern area of the site which is in other multiple ownerships. As such, this document provides comprehensive guidance in relation to the two principal land holdings and the NHS land. It represents stage one of a two stage masterplanning approach for land in the south east area of the allocation.

The SPD has been prepared in response to local planning policies within the Mid Devon Development Plan and has been informed by extensive consultation with key stakeholders and people in the local community.

This document was adopted by MDDC in April 2014 as a Supplementary Planning Document (Policy AL/TIV/7) to guide the shaping of *Tiverton's Eastern Urban Extension*.

Refer to 1.6 About the document for more information

Contents

Setting the scene

Explaining the policy background to the SPD, the purpose of the document, its terms and how it should be read and used.

- 1.0 Introduction
- 1.1 Introduction
- 1.2 The purpose and role of the document
- 1.3 Meeting planning policy objectives
- 1.4 The Supplementary Planning Document
- 1.5 Consultation
- 1.6 About the document
- 1.7 Design process

- 2.0 About the site
- 2.1 The site and its location
- 2.2 Land ownership
- 2.3 Site context
- 2.4 Site constraints and opportunities

Achieving a quality place

Setting out the vision, guiding principles, concepts and design principles for achieving a quality of place and how those are going to be implemented and phased.

- 3.0 Development, vision and concept
 - 3.1 The vision
 - 3.2 Development concept
 - 3.3 Guiding principles

- Making the strategy work*
- 4.0 Creating the structure
 - 4.1 Masterplan
 - 4.2 Amount and use (land use budget)
 - 4.3 Movement
 - 4.4 Land use
 - 4.5 Landscape and open space

- 5.0 Creating the place
 - 5.1 Reinforcing the structure

- 6.0 Delivering the place
 - 6.1 Infrastructure planning and delivery
 - 6.2 Assumptions about the rate of housing delivery
 - 6.3 Approach to development phasing
 - 6.4 Infrastructure requirements
 - 6.5 Development phasing and infrastructure
 - 6.6 Delivery, monitoring and review
 - 6.7 Requirements for future planning applications

Copyright and team

A garden neighbourhood

The overall design of the masterplan is based around a series of design principles that seek to create a new garden neighbourhood with a character and appearance inspired by the defining characteristics of Tiverton and its immediate surroundings and that is reminiscent of a garden city environment. Whilst the plan is designed around modern requirements and standards (including making efficient use of land for the provision of new homes) and takes account of sustainability objectives; it seeks to establish a firm foundation for a place that is green, leafy with generous private gardens, making the most of sunlight and natural daylighting, and creating opportunities for community recycling and food production.

“ As the designer walks over the ground to be planned, he will picture to himself what would be natural growth of the town or district if left to spread over an area. He will try to realise the direction which the main lines of traffic will inevitably take, which proportions of the ground will be attractive for residences, and which will offer inducements for the development of shops, business premises, or industries... there will arise in his imagination a picture of the future community with its needs and its aim...”



1.1 Introduction

Tiverton's new garden neighbourhood at Post Hill

“Before a planning application is made, the Local Planning Authority will carry out a major public consultation exercise in the masterplanning of the site. There will be full involvement of relevant stakeholders, leading to the adoption of a Supplementary Planning Document”.

Mid Devon Allocations and Infrastructure Development Plan Document (AIDPD) AL/TIV/7

This Supplementary Planning Document has been prepared in response to Planning Policies AL / TIV / 1-7 of the Mid Devon Allocations and Infrastructure Development Plan Document (AIDPD). Policy AL / TIV / 7 requires that a masterplanning exercise be undertaken to inform the design of the Tiverton Eastern Extension. The document sets out the District Council's expectations on masterplanning, design quality and infrastructure requirements. It has been prepared by Clifton Emery Design, with expert advice from PCL Planning and Barton Willmore, on behalf of two principal landowners; Chettiscombe Trust and Waddeton Park Ltd; and in partnership with Mid Devon District Council (MDDC).

Background

In Mid Devon the Development Plan comprises the following documents:

- The Mid Devon Core Strategy, adopted July 2007 (Local Plan Part 1);
- The Allocations and Infrastructure Development Plan Document (AIDPD), adopted October 2010 (Local Plan Part 2);
- The Development Management Policies Development Plan Document adopted October 2013, (Local Plan Part 3).

The Mid Devon Core Strategy sets out the overarching strategic policy framework for Mid Devon over the period 2006 – 2026. The Core Strategy identifies a number of corporate policies and objectives that are to be achieved but also makes provision for specific policy requirements and targets. In particular, the Core Strategy makes provision for an overall District wide requirement for both housing and employment. However, the objective is not simply to meet those targets but to plan for and deliver attractive and sustainable places.

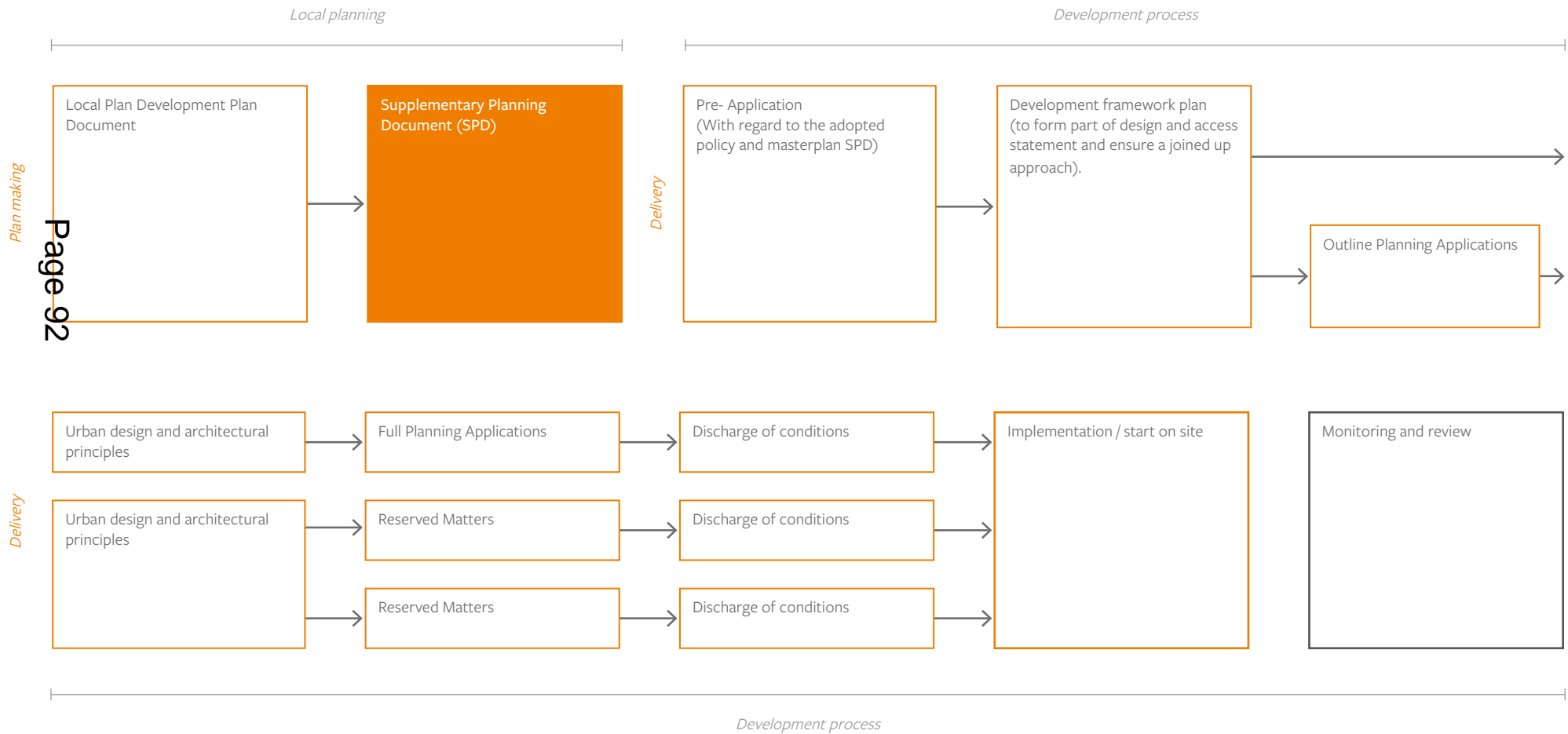
The AIDPD provides more detailed policy guidance as to how the corporate priorities, objectives and specific policy requirements, set out in the Core Strategy, should be achieved. In particular, the AIDPD identifies areas of land where development should be located and allocates this land subject to specific policy requirements. These requirements seek to control, amongst other things, the type and quantum of development proposed as well as the delivery of specific infrastructure items required

to support new development including community facilities, green infrastructure and highway improvements, where these are deemed to be necessary.

In this regard, Policies AL/TIV/1 to AL/TIV/7 relate specifically to the allocation of the Tiverton Eastern Extension and it is these policies that this document elaborates upon (in line with other policy provisions contained within the Core Strategy and Development Management Policies Development Plan Document).

Under policy AL/TIV/1, this site of 153 hectares is allocated for mixed use development as follows:

- a) From 1550 - 2000 dwellings;
- b) A proportion of affordable housing (subject to further viability assessment) including at least five pitches for gypsies and travellers;
- c) From 95,000 - 130,000 sqm of employment floorspace;
- d) Transport provision to ensure appropriate accessibility for all modes;
- e) Environmental protection and enhancement;
- f) Community facilities to meet local needs arising;
- g) Carbon reduction and air quality improvements;
- h) An agreed phasing strategy to bring forward development and infrastructure in step and retain overall development viability;
- i) A public masterplanning exercise (before any planning application is made).



Above: Plan making and development process - cross refer to 1.7 Design process

1.2 The Purpose and Role of the Document

Purpose and role of the document

“the purpose of the document is to bridge the gap between high level policy aspirations and delivery on the ground in order to ensure high quality design and quality of place”...

The document has been prepared and is adopted as a Supplementary Planning Document (SPD) and as such is a material consideration to be assessed when determining planning applications.

The main objective of the document is to set out the key principles that planning applications will need to have regard to if they are to be considered acceptable by MDDC. Accordingly, the purpose of the document is to bridge the gap between policy aspiration and implementation in order to ensure high quality design and the delivery of a successful place. Another important role of the document is to co-ordinate the different phases of development and the delivery of infrastructure.

The flow diagram opposite illustrates where the SPD sits in the development process.

The guidance will inform developers and their designers when preparing planning applications, MDDC when considering proposals, and stakeholders and people in the local community when reviewing and responding to emerging schemes.

So that the guidance retains its legitimacy over time and is able to adapt to different proposals and changing circumstances, it has been designed to be inherently flexible. It identifies what is likely to be acceptable by MDDC.

The SPD therefore sets out guiding principles on a range of high level design matters that are intended to structure the urban extension. Further, more detailed guidance, concerning issues such as street and public realm design and the character of the development, would be set out in a more detailed framework plan and in a series of urban design and architectural principles to guide detailed proposals. These will elaborate upon the principles within this SPD and clarify design expectations that are important to the overall character and appearance of the new neighbourhood.

The overriding objective of the document is to improve the quality of proposals and the resulting developments, ensure that infrastructure and phases are co-ordinated and strategic policy aspirations are met. It should provide a foundation for improving the speed, efficiency and effectiveness of the pre-application and determination processes.

The content that will be expected by MDDC in submitted planning applications is explained in 1.7 Design process.

The document provides guidance about how the urban extension should be designed and developed. It is informed by extensive survey work and analysis that has been undertaken in relation to the two principal land holdings and the NHS land. Whilst this document has been prepared to guide a comprehensive approach across the whole allocation it is proposed that further work will be required to inform proposals in the south eastern area of the site which is in multiple ownerships. Within this south eastern area, further survey work and studies will be required. A second stage of strategic masterplanning work will be required in this area before a planning application is made for this part of the site. As such, as has already been identified, this document provides comprehensive guidance in relation to the two principal land holdings and the NHS land and represents stage one of a two stage masterplanning approach for land to the south east of the allocation.

1.3 Meeting Planning Policy Objectives

Background

The preparation of this masterplan SPD is a requirement of AL/TIV/7 and sets out to respond to this and other associated planning policies, including AL/TIV/1-6.

The document provides guidance about how the objectives of the policies can be delivered. It also identifies where the masterplan could deviate from policy. A table identifying the relationship with planning policy is within appendix 1 of the separate appendix document (section 3).

With the benefit of extensive survey work and analysis that was not available at the time of policy formulation, it has become clear that the identified quantum of development will be difficult to achieve.

In particular, it is likely that the level of housing will be closer to the lower end of the identified range and the quantum of employment will be significantly less. This has been informed by site constraints and in respect of employment development by the findings of the council's employment land review which recommends more, smaller employment allocation sites. There will also be variations in the timing and delivery of transport and community infrastructure in response to viability and technical issues. These are set out in 6.1 Implementation and Phasing.

Due to significant site constraints, such as those associated with topography, ecology, trees and hedgerows, archaeology, cultural heritage and hydrology including the Tidcombe Fen SSSI (Site of Special Scientific Interest), housing and employment numbers will

be lower as there is less developable land than anticipated. It will also be necessary to build at appropriate densities which further constrains the quantum of development.

A summary of the relationship with key policies and where there is significant deviation from them proposed is at appendix 1 of the separate appendix document (section 3).

Policy AL/TIV/1 proposes:

From 1550 to 2000 dwellings:

The masterplan identifies that around 1520 dwellings will be possible, subject to further design development and analysis.

From 95,000 to 130,000sqm of employment floorspace:

The masterplan identifies that approximately 30,000sqm of employment floorspace will be achievable.

The plan proposes an appropriate level of housing, a realistic amount of employment space and provision of community facilities and infrastructure to ensure a balanced community.

Policy AL/TIV/2 Transport Provision proposes:

Provision of a new access road linking the site to Heathcoat Way:

The masterplan identifies that a secondary strategic access onto Heathcoat Way will not be required until beyond 2000 dwellings and so is not included within this document. The traffic to be generated from the development within this document is to be managed by careful consideration of the location of uses, early

delivery of the new junction onto the A361 and traffic calming environmental enhancement of Blundell's Road and other highway improvements.

Closure to through-traffic [of Blundell's Road]:

The SPD proposes environmental improvements and traffic calming measures along Blundell's Road. Transport analysis has clarified that closure of part of the road is not desirable because of the important role it plays in the wider movement network. The impact of additional traffic will be mitigated.

Policy AL/TIV/3 Environmental protection and green infrastructure proposes:

The provision and transfer of 47 hectares of strategic green infrastructure on the western and southern edges. The SPD proposed green infrastructure mainly to the south and south west of the site area to meet these requirements.

Areas of equipped and laid out public open space, totalling 2 hectares of children's play, 8 hectares of sports pitches and 2 hectares of allotments:

The masterplan identifies publicly accessible informal open space in excess of that required by the policy, but with formal play and recreation provision calculated against the lower level of housing.

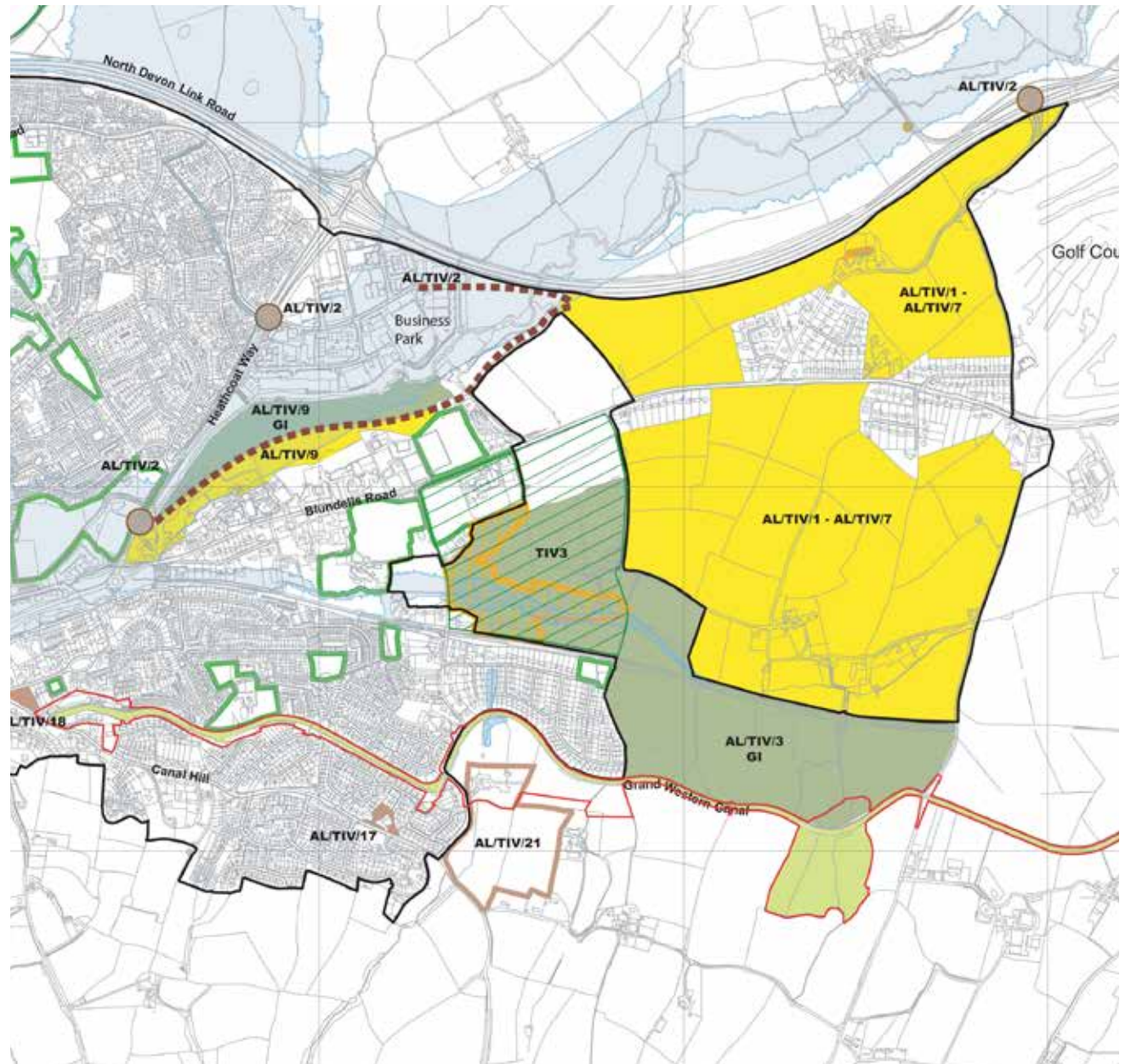
Policy AL/TIV/4 Community facilities, requires a 1.9 hectare site for a primary school and a 2 hectare site for a shopping and community centre. The masterplan identifies the location of these facilities.

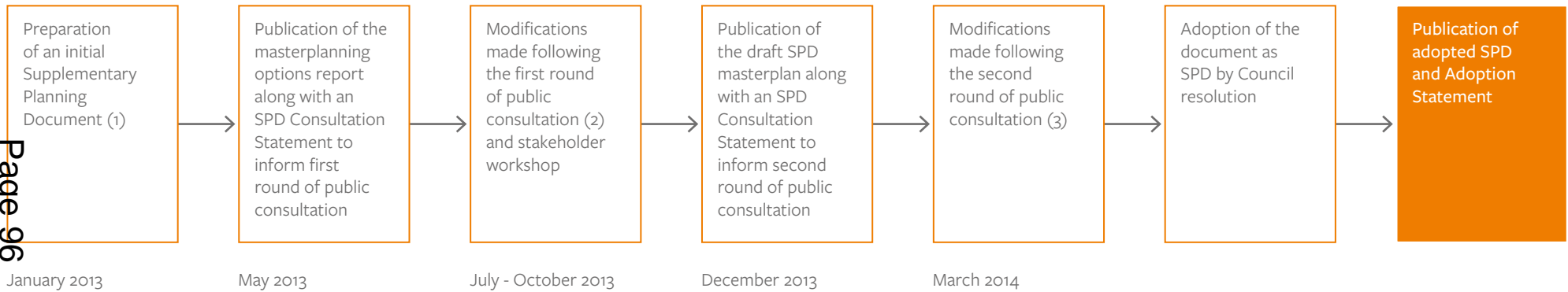
Policy AL/TIV/5 Carbon reduction and air quality, requires measures to minimise the carbon footprint of the development, provision of sources of decentralised on-site renewable or low carbon energy and that impact upon air quality is acceptable. This SPD identifies a series of guiding principles for energy and resource efficiency and suggests a suitable site for an Energy from Waste facility should this option be deliverable.

Policy AL/TIV/6 Phasing, requires that “a phasing strategy be developed for the Eastern Urban Extension to ensure that the development and infrastructure come forward in step” taking account of a number policy objectives which set out thresholds for the timing of delivery of associated infrastructure, facilities and amenities:

In order to ensure the development is viable and that technical highway requirements are suitably met, it is necessary to change the phasing thresholds identified within the policy. Proposals for phasing and delivery are set out in chapter 6.

Other planning policies within the Core Strategy (Local Plan Part 1), Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Development Management Policies (Local Plan Part 3) will also need to be addressed by all planning applications.



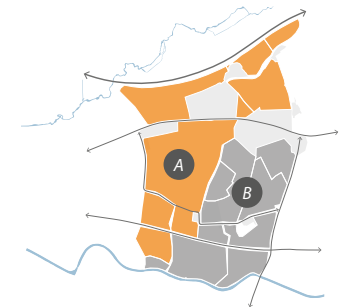


1. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and MDDC's Statement of Community Involvement.

2. Pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004 including publication of a summary setting out the issues raised and accordingly, modifications made.

3. Pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004 including publication of a summary setting out the issues raised and accordingly, final modifications made.

- Area A: Principal land holdings and NHS
- Area B: Land in multiple ownership



1.4 The Supplementary Planning Document

Adoption of the Supplementary Planning Document

The document has been prepared having regard to national policies and government advice, the Council's Community Strategy, Statement of Community Involvement and all other Local Plan Development Plan Documents that have been adopted by the Council. The SPD contains clear and reasoned justification for the guidance contained within it and its relationship with the Development Plan. It has been prepared against the background of the Development Plan requirements for the site and to be in broad conformity with these. In some instances the approach taken within this document varies from specific points in the Development Plan. Planning policies are required to be flexible and to respond to changing circumstances where this SPD differs from policy, justification is given for this.

Sustainability has been tested during the preparation and examination of the adopted Development Plan, including the AIDPD to which the document primarily relates. Accordingly, it is consistent with the higher-level sustainability testing of the AIDPD and the anticipated effects of the SPD are in line with those predicted.

In accordance with policy requirements there have been two rounds of public consultation, liaison with key stakeholders including a stakeholder workshop to inform the content of the SPD. The document has been modified to take account of views expressed and representations received as well as other relevant matters.

Such changes include the location of formal play provision, the approach to West Manley Lane, the amount of employment floorspace as a result of adjusting the proposed A361 junction. Residential area boundaries have also been adjusted in places.

A statement specifying the date of SPD adoption will be made available. This will identify the date by which representations upon its adoption must be made and received.

The diagram opposite provides a summary of the procedure followed.

A robust evidence base and two stage process

The SPD masterplan is based upon a thoroughly researched evidence base. This has comprised analysis involving detailed survey work across the majority allocated area forming the principal land holdings and the NHS land (Area A). Further, more detailed work will be required for the south eastern area of the allocation (Area B), this may lead to refinement of the plan. For this reason a two stage masterplanning approach is proposed for Area B. The shape of the masterplan in relation to the south eastern area is based upon an overview of site constraints but these need to be explored in more detail. Accordingly a second stage of masterplanning work will be required in Area B before planning applications are made for this part of the site.

Within Area A where more thorough analysis has been undertaken a number of definite site constraints have been

identified. These have informed the evolution and design of the plan. The studies include consideration of;

- Ecology, trees and hedgerows
- Archaeology and Heritage
- Flood risk and drainage
- Noise and air quality
- Transport and highways
- Topography
- Services, utilities and energy
- Landscape, character and visibility
- The relationship with existing dwellings and other land uses

By understanding the implications of these constraints it has become evident that the capacity of the site to deliver the quantum of development identified in the AIDPD AL/TIV/1 is less than originally anticipated.

The findings of the studies and their subsequent impacts upon the shape of the plan are explained in the introduction of the separate appendix document (Section 3) - Analysis.



Above: Photographs and sketch plans from the stakeholder workshop

1.5 Consultation

The consultation process

The content of the masterplan SPD has been informed by extensive public and stakeholder consultation. The comments and their influence upon the shape of the masterplan are set out in detail within appendix 2 of the separate appendix document (section 3). The following provides a brief overview of the key issues raised.

Summary of consultation 1

Five consultation events were held between the 3rd and 31st of May 2013.

141 written representations were received in response to these events. Whilst many individual issues were raised in the representations, a number of issues were more common than others. For example concerns were expressed about:

- The impact of additional traffic and the timing of new transport infrastructure;
- The effects of development upon existing flora and fauna, including the impacts on Tidcombe Fen and the Grand Western Canal;
- The size and amount of housing;
- Whether the provision for education was sufficient;
- Impact upon existing dwellings and other land uses.

Respondents also highlighted the importance of achieving the highest possible quality of design and a good mix of community facilities in the neighbourhood centre. Generally people concurred with the position of the neighbourhood centre and the employment area. Moreover, the general arrangement of the masterplan options were considered to be appropriate.

Stakeholder liaison and workshop

A series of ongoing meetings with key stakeholders has informed the development of the SPD. A stakeholders workshop was held on the 5th August 2013 at Tiverton Town Hall, attended by approximately 36 delegates.

Attendees included representatives from:

- Mid Devon District Council;
- Devon County Council;
- Tiverton Town Council;
- Halberton Parish Council;
- Natural England;
- Environment Agency;
- Blundell's School.

There was considerable interest and many comments and ideas were raised which generated a meaningful debate on important site features to be incorporated within the SPD plan.

The key findings and principles generated from the workshop are set out below. These ideas and suggestions have been taken forward to inform the emerging SPD masterplan:

- Early provision of junction onto A361 to improve traffic management and provide for construction access;
- Traffic calming on Blundell's Road including improvements at Blundell's School;
- Creation of a village green at the heart of the existing and new community;
- Consider if the southern green infrastructure area is the best place for formal sports pitches;
- Ensure biodiversity enhancement throughout the site and in particular in relation to Tidcombe Fen;
- Consider a new connection from Manley Lane to Blundell's Road;
- Emphasise green links from the neighbourhood centre to the area around the Grand Western Canal;
- Ensure easy access to allotments and play areas from all housing;
- Ensure that high quality design is achieved throughout the new neighbourhood.

There appeared to be a consensus about the general arrangement of the emerging plan in relation to land use distribution and quantum of development. The vision was also supported as a means for maintaining an appropriate level of aspiration.

1.5 Consultation

Page 100

A Masterplan for the Tiverton Eastern Urban Extension

Tiverton's New Neighbourhood at Post Hill

Mid Devon District Council is carrying out a second consultation on the Masterplan for the Tiverton Eastern Urban Extension planned for the Post Hill area.

This second stage of consultation will take place from 9 December to 1 February and is another opportunity for residents to have their say.

Find out more at public exhibitions:

- Sunday 14 December**
Council Chamber, Tiverton Town Hall 10am - 4pm
- Monday 16 December**
Jubilee Room, Halberton Village Hall 2pm - 8pm
- Thursday 19 December**
Council Chamber, Tiverton Town Hall 2pm - 8pm
- Thursday 9 January**
Crystal Suite, Tiverton hotel 2pm - 8pm
- Saturday 11 January**
Council Chamber, Tiverton Town Hall 10am - 4pm
- Wednesday 16 January**
Jubilee Room, Halberton Village Hall 10am - 4pm

The full Masterplan document, a summary and associated reports will be available to view from 9 December on the website and at our offices in Phoenix House, Tiverton.

Mid Devon District Council

Visit our website: www.middevon.gov.uk/masterplanning Enquiries: 01237 800000 or 0142 220000 Deadline for responses: 01 February 2014



How to get involved

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A Masterplan for the Tiverton Eastern Urban Extension

Tiverton's New Neighbourhood at Post Hill

The design team has worked with the community to create a masterplan for the Tiverton Eastern Urban Extension. The plan shows how the area will be developed and how it will fit into the wider town.





Summary of consultation 2

Six consultation events were held in Tiverton and Halberton, spread between December 2013 and January 2014. The consultation closed on 1st February 2014 and a total of 158 written responses, many detailed, were received. A number of key themes emerged from the representations received.

1. Principle of Development:
 - Some concern at the principle, location and size of the proposal;
 - Whether the development would be better at Junction 27 M5.
2. Density:
 - Housing size / design should meet local needs including those of the elderly and growing families;
 - Housing density should reflect the area;
 - The appropriateness of the second stage masterplan exercise in Area B was questioned.
3. Layout:
 - The location of the main employment area was generally agreed;
 - A road link through the former Post Hill NHS site was generally supported as a means of reducing potential impact upon Uplowman Road and Putson Lane;
 - The character of West Manley Lane should be retained with no housing to its south;



Above: Examples of the material from the consultation 2 events

- The location of sports pitches adjacent to Glebelands is inappropriate;
- The former railway line should be safeguarded;
- Mixed views on whether more links be created between the former railway line and the canal.

4. Highways:

- A new A361 junction was generally accepted in order to reduce construction and commercial traffic from passing through residential areas. It was not favoured by residents living nearby to the proposed location who expressed concern at proximity, impacts and wished reconsideration of other options. Some respondents wanted a northern route to Heathcoat Way;
- Concern at increased traffic, noise and pollution and whether roads will be able to cope;
- Traffic calming on Blundell's Road is necessary for safety reasons and to reduce development impact, will require careful design and should also be extended to include Tidcombe Lane. Other respondents wished Blundell's Road to be closed upon opening of the new A361 junction;
- Tidcombe Lane is narrow. Additional traffic from sports pitches off Glebelands was a concern;
- Additional traffic in the Uplowman Road, Putson Lane and Fairway area was a concern;
- The impact of additional traffic upon Halberton and beyond was raised by residents in these areas;

- Phasing should require highway works early to reduce traffic impact.

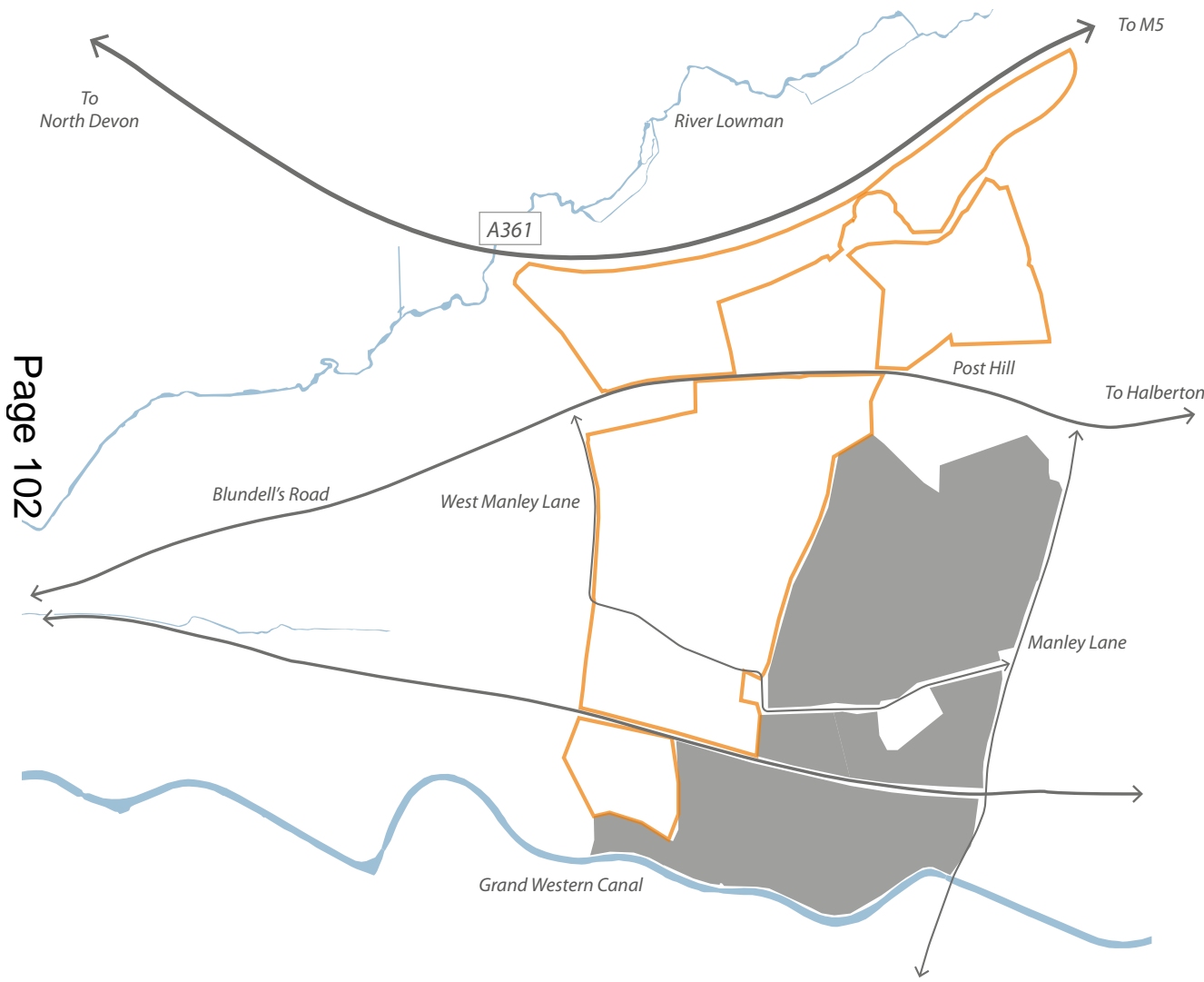
5. Other issues:

- There was concern over the principle and location of the waste to energy proposal. Is the new A361 junction needed without it?
- How will infrastructure be funded and delivered?
- Impact upon the setting of Knightshayes needs consideration;
- How will the secondary school cope without new provision on-site?
- Phasing should secure southern open space and the community facilities earlier;
- Flooding, drainage and impact upon Alsa brook and Tidcombe Fen SSSI were of concern;
- Sewerage upgrades will be required to accommodate the development together with improved sewage works access.

MDDC has analysed the representations and produced a summary document, together with a written reply to the main issues and themes that emerged. The masterplan has been reviewed in light of these representations:

- The vision for the scheme has been revised and its intention to form a new garden neighbourhood for Tiverton has been clarified;
- A361 junction has been adjusted to reduce residential impact with less employment floorspace as a result;

- A northern access route from Gornhay Cross has been considered, but found neither suitable nor deliverable;
- Tidcombe Lane has been incorporated into the study area for traffic calming and environmental enhancement with Blundell's Road;
- A vehicular link through NHS site at Post Hill will be sought as a preferred access route in order to reduce impact upon Putson Lane and Uplowman Road. The masterplan approach in the NE area has been revised to take this route into account;
- Highway infrastructure phasing and triggers have been reviewed in light of comments, but retained to balance early provision with deliverability.
- Residential land parcels have been reviewed and housing has been drawn back away from the western and southern fringes to give a more rural edge;
- Sports pitch provision close to Glebelands has been removed. Enhanced sports pitch facilities are included on the school / neighbourhood centre site together with off-site enhancements to formal sports provision within the Tiverton area;
- A West Manley Lane character area has been added and residential areas to its south west have been reviewed and reduced;
- Triggers for green infrastructure areas have been clarified. Early provision of GI to the south is not deliverable.
- The importance and sensitivity of Tidcombe Fen SSSI and its catchment have been emphasised.



A two stage masterplan

The document provides guidance about how the urban extension should be designed and developed. It is informed by extensive survey work and analysis that has been undertaken in relation to the two principal land holdings and the NHS land (Area A). Whilst it has been prepared to guide a comprehensive approach across the whole allocation, it is proposed that further work will be completed to inform the shape of the south eastern area of the site which is in multiple ownerships (Area B). This two stage approach is also set out in section 1.4. As such, this document provides comprehensive guidance in relation to the two principal land holdings and the NHS land and represents stage one of a two stage masterplanning approach for land to the south east of the allocation.

Above: Plan showing Area A and Area B of the masterplan

Single stage (Area A)
 Two stage (Area B)

1.6 About the document

The structure of the document

The document has been arranged in two sections so that it can be easily read and understood. Section 1 provides an introduction and identifies the purpose and role of the SPD within the overall planning policy framework and section 2 illustrates key guiding principles which would be expected to inform more detailed proposals. The separate appendix document (section 3) provides a summary of the analysis, survey work and associated considerations that have informed the guiding principles and shape of the plan.

SPD contents

The key elements of the SPD include:

- A design strategy comprising a design process summary, a vision, guiding principles and a development concept;
- Guidance on making that strategy work, including a masterplan and its components and more detailed guidance about creating the place envisaged;
- An implementation and phasing plan.

The document provides information about the scope, scale, extent, form and type of development that is likely to be considered appropriate and acceptable. Moreover, the document sets out a framework for delivery.

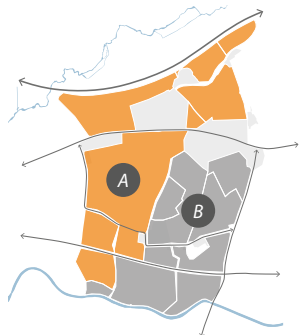
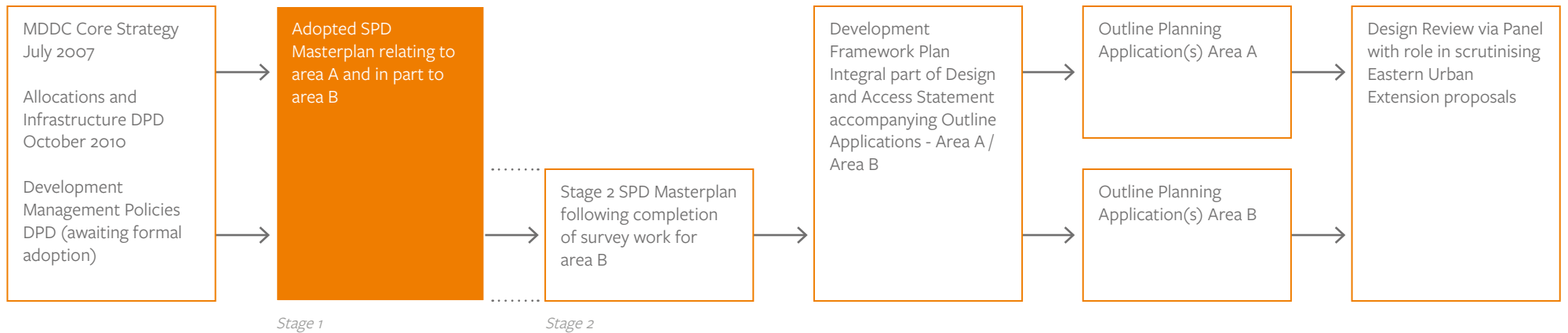
As such, the masterplan is underpinned by a series of design principles and guidelines, within which a number of different

solutions are possible. It is expected that planning applications will be prepared in accordance with the design principles as set out in this document.

The reasons for any significant departure from the masterplan would need to be demonstrated. It should be made clear how the design principles set out in this document would be met and a quality development achieved.

Developers are encouraged to go beyond these requirements in terms of achieving a quality development and would be expected to apply any new standards as they arise in the future. The Government is currently undertaking a review of housing standards.

The masterplan SPD forms one part of a design process that is intended to ensure that the new garden neighbourhood is designed to be a quality and successful place. The design process is illustrated in 1.7 Design process.



Masterplan SPD
One stage in relation to principal land holdings and NHS

Content
Vision
Concept
Guiding principles
Masterplan
Phasing and delivery

Consultation
2 stage public consultation
Stakeholder workshop and liaison

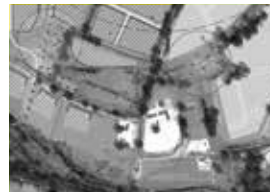


SPD Masterplan

Two stage masterplan – two stage in relation to multiple ownerships in the SE area

Content
Masterplan guided by more detailed survey and analysis

Future consultation
1 public consultation
Stakeholder workshop and liaison



SPD Masterplan

Framework Plan

Content
1:2500 scale
2 separate plans covering the entirety of Area A and the entirety of Area B respectively.

The development framework plan shall illustrate a further level of resolution in terms of development form for the relevant area of the development (Area A or B).



Development Framework Plan

Outline Planning applications

Content
Illustrative plan
EIA as appropriate, Design and Access Statement to include proposed character areas, street / space typologies, alternative design approaches, sample blocks and key areas
Identify how masterplan principles are met MDDC validation requirements

Consultation
Pre application consultation
Planning application consultation



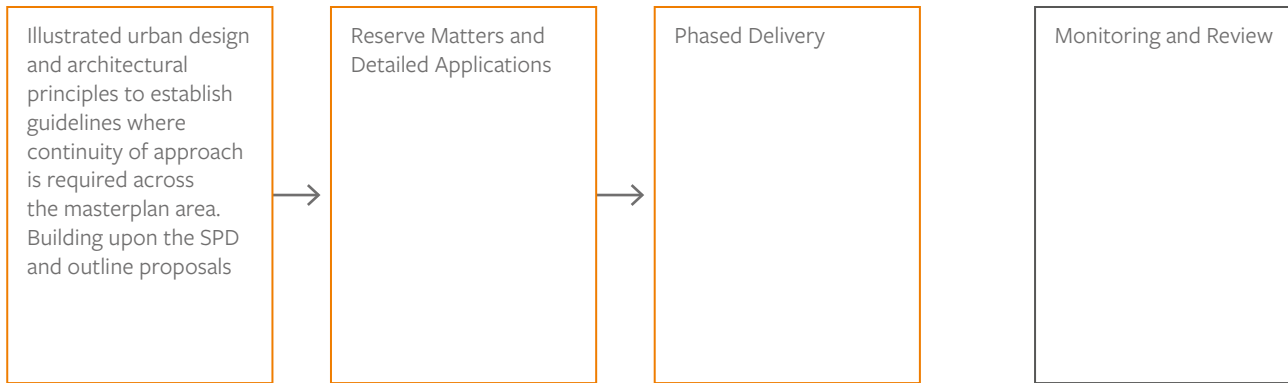
Outline Application

Design Review Panel

In order to ensure that the quality of design remains consistently high throughout the period of delivery it is important that the different stages in the design process are scrutinised by suitably qualified design professionals.

Design review should have a role in overseeing the content of the design principles and in reviewing detailed development proposals to ensure that they are consistent with the objectives of policy, the SPD masterplan (Design review might also be considered during the Outline Application process).

1.7 Design Process



Background

A clear design process that ensures continuity, a comprehensive approach to design, and a focus upon quality, is an important pre requisite of ensuring that a successful neighbourhood is designed and built. This will require attention and flexibility throughout the period of delivery.

The design process outlined here proposes an approach for achieving these objectives and therefore a better foundation for securing a successful new place.

The preparation of more detailed design information comprising urban design and architectural principles prior to the submission of detailed proposals will ensure that there is a consistent approach to the design of key structuring elements across the EUE area. These elements will build upon the principles established in this document and come together to shape the overall character and appearance of the area. The detailed design information referred to above will not necessarily restrict variety if it is felt to be appropriate but will ensure that the area feels like an integrated community.

The involvement of a Design Review Panel in scrutinising the quality of detailed designs as they come forward, at one or more stages in the design process, will provide invaluable support to MDDC as they make planning decisions. MDDC will expect landowners and developers to follow the prescribed design process which is adopted as an integral part of this SPD.

The development framework plan will illustrate development form at a greater degree of resolution for the whole of Area A / Area B as relevant.

Urban design and architectural principles - Illustrative content

Reinforcing the structure
Block types and principles, parking, boundaries, public realm codes for character areas, architectural guidelines

Consultation

Public consultation
Stakeholder workshop and liaison



Urban Design Principles

Reserve matters and full planning application

Content
Detailed design in accordance with MDDC validation requirements
Demonstration of compliance with policy, SPD masterplan, and the urban design and architectural principles

Consultation

Pre application consultation
Planning application consultation



Reserved Matters / Full

Phased delivery

To be developed in a number of phases in accordance with agreed phasing programme and delivery of community and transport infrastructure

Monitoring and review

Review effectiveness of design process to ensure that successful built development is being achieved. Adapt guidance as appropriate and in accordance with changing circumstances

“ In the early C18th Defoe could still describe Tiverton as the greatest manufacturing centre in the county, and surviving C18th and early C19th houses show that the town remained comfortably prosperous.”

The Buildings of England, Devon.
Nikolaus Pevsner

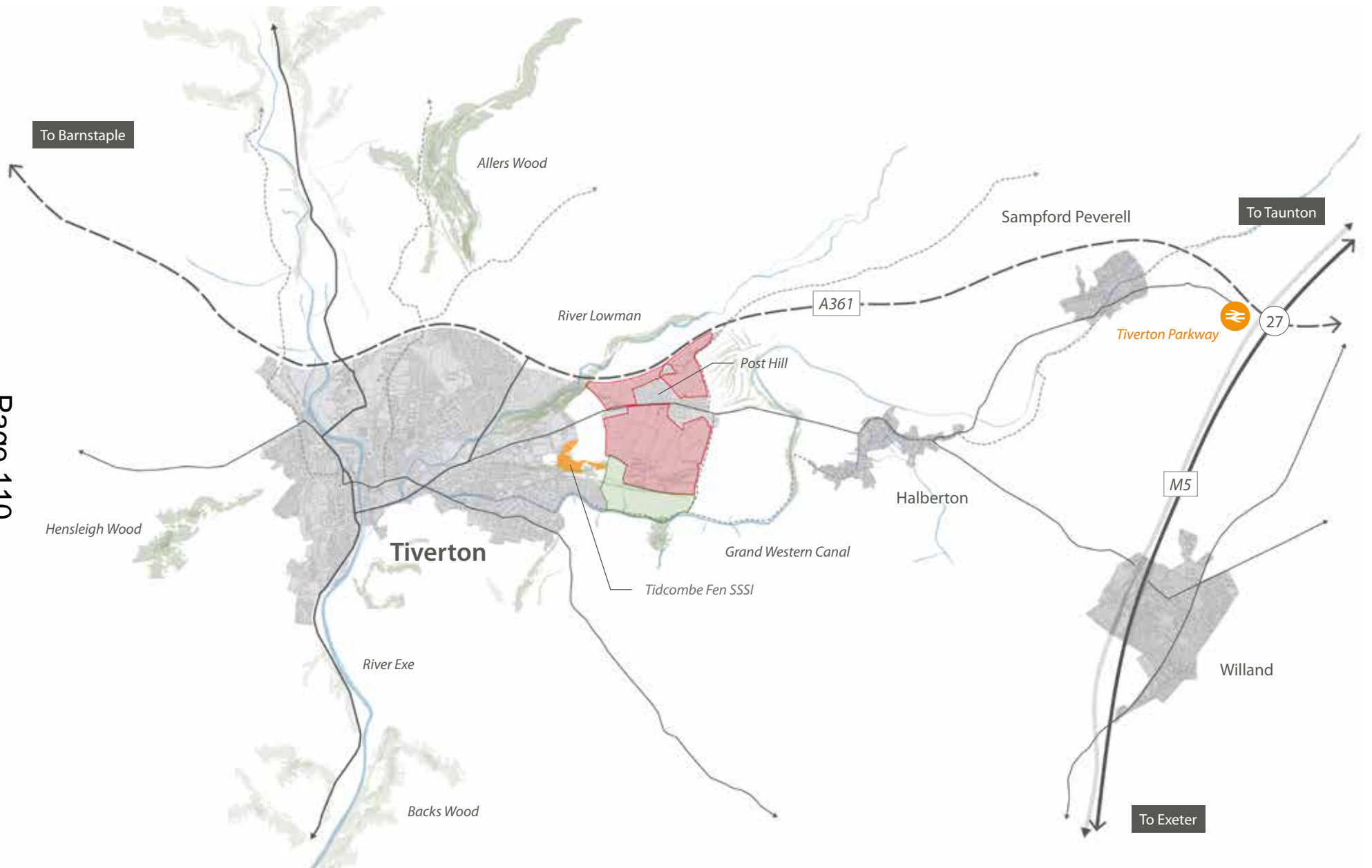
Setting the scene

2.0 About the site





Site of new neighbourhood
in relation to town and countryside



Above: The site in context

Eastern Urban Extension Area AL/TIV/1-7

Green Infrastructure Area AL/TIV/3GI



2.1 The Site and its Location

Site in context

Tiverton is well connected and accessible with good links via the A361 to North Devon and the M5 to Exeter, Plymouth (via A38), Taunton and Bristol. The site is well positioned in relation to Tiverton Parkway Station and the Grand Western Canal, the River Lowman corridor, disused railway (a Sustrans route) and numerous footpaths, bridleways and cyclepaths connecting back to Tiverton and into the countryside.

The site comprises about 200ha of land and is located on the eastern fringe of the built up area of Tiverton. The land can be broadly divided into three areas; a parcel to the north of Blundell's Road, a larger parcel to the south and a final area further south again between the disused railway and the Grand Western Canal.

Blundell's School and its land holdings including sports pitches lies immediately to the west and the site wraps around the existing residential area of Post Hill. Further to the east is the village Halberton. Sampford Peverell is some 3 miles further to the east, near to Tiverton Parkway Railway Station and Junction 27 of the M5.

The site

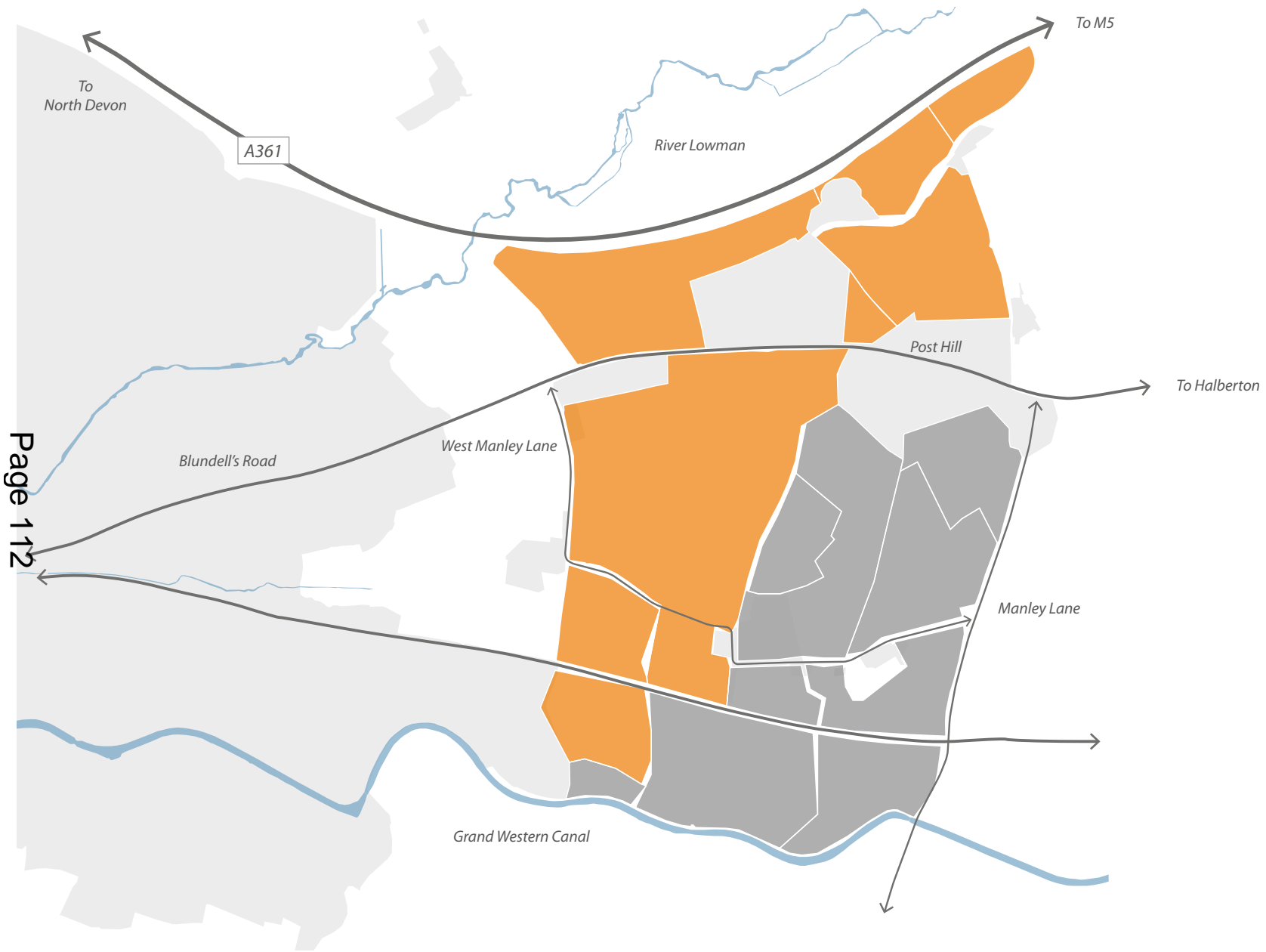
The area between the A361 and Blundell's Road can be further subdivided into two distinct parcels separated by Blundell's Road.

North of Blundell's Road: The land to the west comprises three relatively levels fields laid to pasture, bounded to the north by the A361, to the east by detached housing of Post Hill and a

Long Barrow (a Scheduled Ancient Monument), to the south by Blundell's Road and to the west by Blundell's School. The land to the east of the area north of Blundell's Road straddles Uplowman Road and is bounded by a lane, with Tiverton Golf Course to the east and housing fronting onto Fairway to the south. A mature belt of trees forms the western boundary and the A361 defines the northern boundary. The landform is generally steeper in this area than in the western parcel.

South of Blundell's Road: The land comprises a series of irregular shaped fields, divided by hedgerows with trees. To the north the area is bounded by residential development around Post Hill and Blundell's Road, to the east by Manley Lane, and to the south by the disused railway. West Manley lane runs from east to west across the southern area of the parcel and forms the western boundary. The land form is undulating with a distinct band of steeper ground running from north east to the south west. To the west of the site lies Tidcombe Fen - a hydrologically sensitive Site of Special Scientific Interest.

Between the disused railway and Grand Western Canal are a series of irregular shaped fields divided by hedgerows. These are allocated for an area of Green Infrastructure to support the new neighbourhood.



2.2 Land ownership

The allocated area currently falls into 9 different ownerships, with the Chettiscombe Trust being the largest single land owner. The majority of land to north of Blundell's Road falls within the ownership of Chettiscombe Trust and Waddeton Park Ltd. To the south east the landownership is more complicated. The central and western areas fall within Chettiscombe Trust with the eastern and southern areas in multiple smaller ownerships.

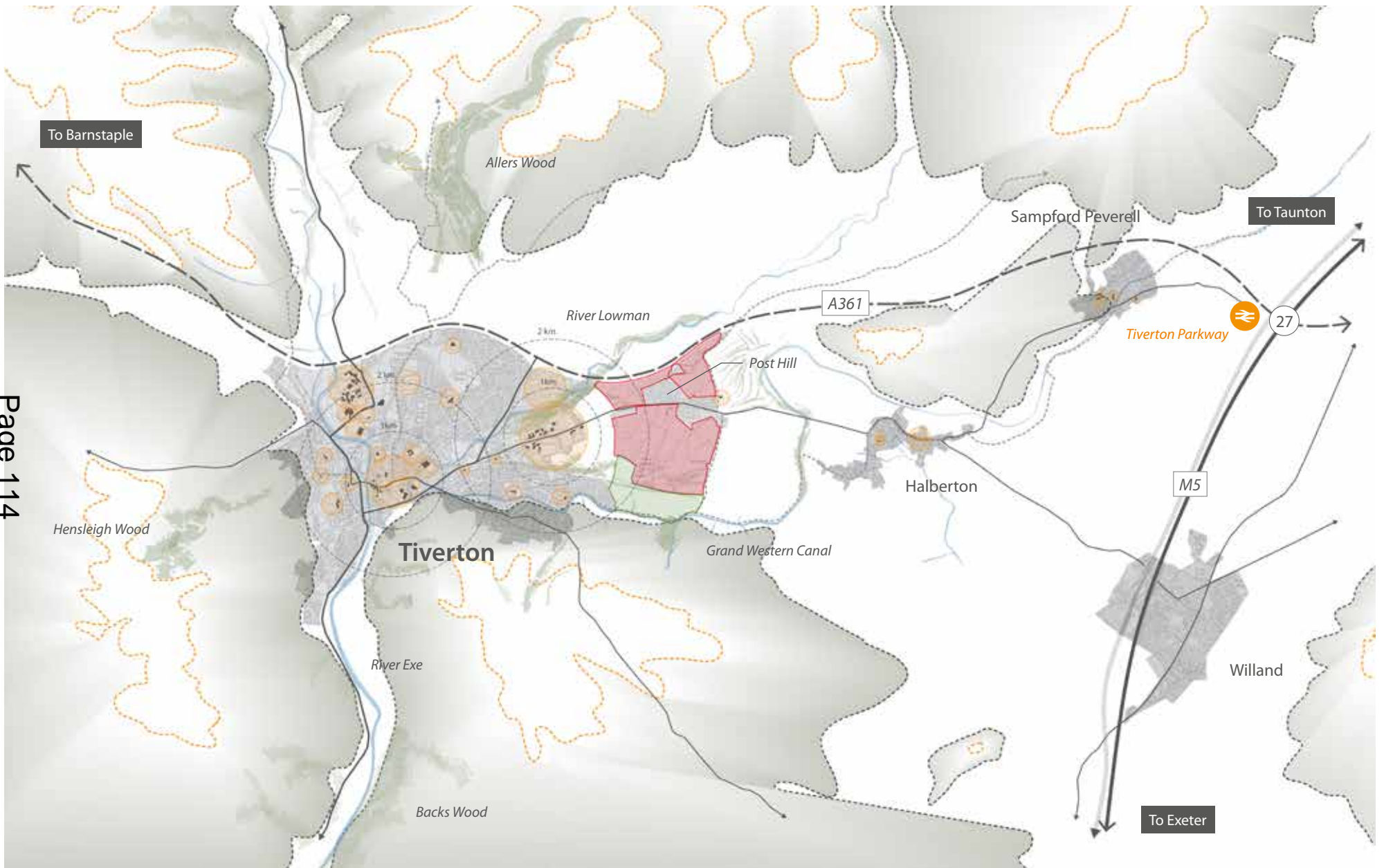
Whilst the pattern of land ownership is diverse, the masterplan provides a framework within which each parcel of land can contribute towards the delivery of the wider whole. In order for this to be successful different land owners will need to have regard to the role of their land within the wider masterplan and the need to achieve a coordinated approach to the development and delivery of associated infrastructure. Vital to this is an integral approach to phasing and implementation of the development. Proposals for this are set out in chapter 6.1.

In order to deliver a successful new neighbourhood for Tiverton, this document provides land owners and future developers with a clear understanding of what will be expected of them by MDDC when they prepare their proposals.

Note

As discussed in 1.6 (About the document), this SPD represents stage one of a two stage process in relation to land within Area B.





Above: Key constraints and opportunities at a wider scale

Local facilities

High areas

Low areas

Eastern Urban Extension Area AL/TIV/1-7

Green Infrastructure Area AL/TIV/3GI



2.3 Site Context

An appropriate location

The site is considered to be the most appropriate and sustainable location for developing an urban extension to Tiverton. This has been demonstrated by sustainability assessment and examination in front of a planning inspector as part of the allocation adoption process (Allocations and Infrastructure Development Plan Document). This is manifest by the sites location in relation to topography and other environmental constraints, transport connections and infrastructure, accessibility to facilities and amenities and proximity to existing employment centres.

Topography and visual sensitivity

Whilst there are many complex localised layers to landform in the area, broadly speaking Tiverton is surrounded on three sides by hills with the landscape opening to a wide valley floor and the town lies within this plateau at the confluence of the Rivers Exe and Lowman. The site lies to the east of the town and as such is likely to be visible from a number of elevated vantage points in the surrounding hills.

From most viewpoints it is possible to view Post Hill and therefore likely that the development will be seen in this context.

Connections, access and movement

The site is well positioned with access to all modes of transport locally and regionally. Very good road and bus links exist to all local amenities. There is excellent access to a range of pedestrian and cycle routes including a Sustrans route, footpath and bridleways. Many of these routes connect directly to the town

centre. Access to the rail network is available nearby at Tiverton Parkway Station near Sampford Peverell. Wider connections by both road and rail make journeys to regional centres and beyond quick and easy.

Facilities and amenities

Tiverton has a wide range of easily accessible facilities and amenities including; shops, healthcare (hospital, surgeries, dentists and pharmacies), education (nurseries, primary, secondary and further education) and leisure opportunities.

Tiverton Town Centre and the area to the north west in the area of Kennedy Way are centres for facilities in the town.

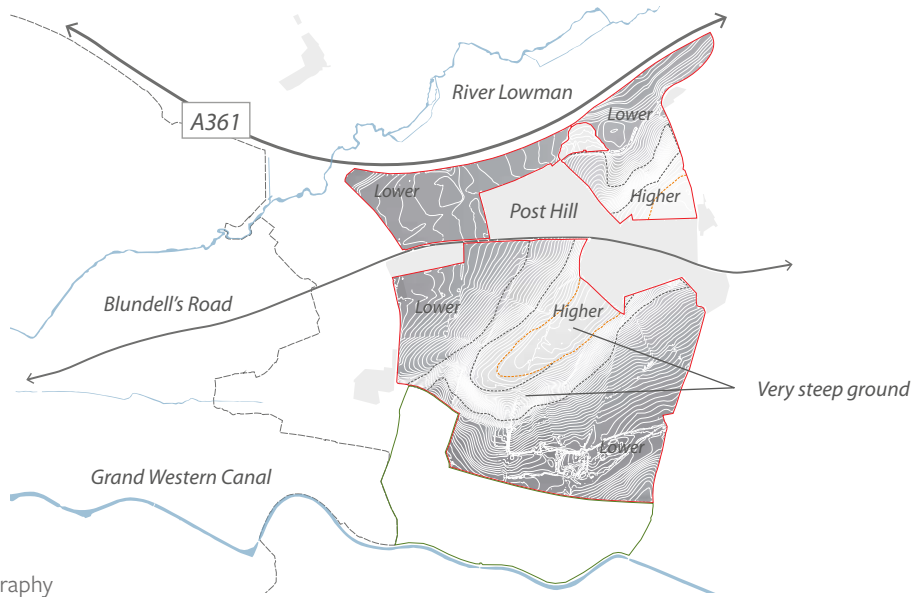
The main outlying villages (Halberton and Sampford Peverell) also have a number of local community facilities.

All of these facilities and amenities are within easy reach of the site by a range of transport modes.

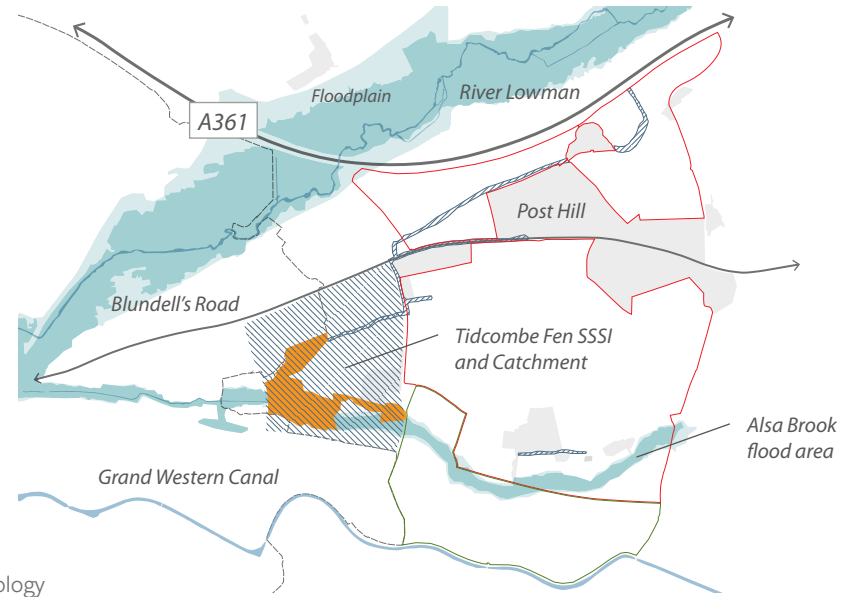
Employment

Tiverton has a range of employment locations and opportunities which vary in scale and sector. These are primarily focused within the urban area of the town. All are easily accessible from the site by a range of modes of transport.

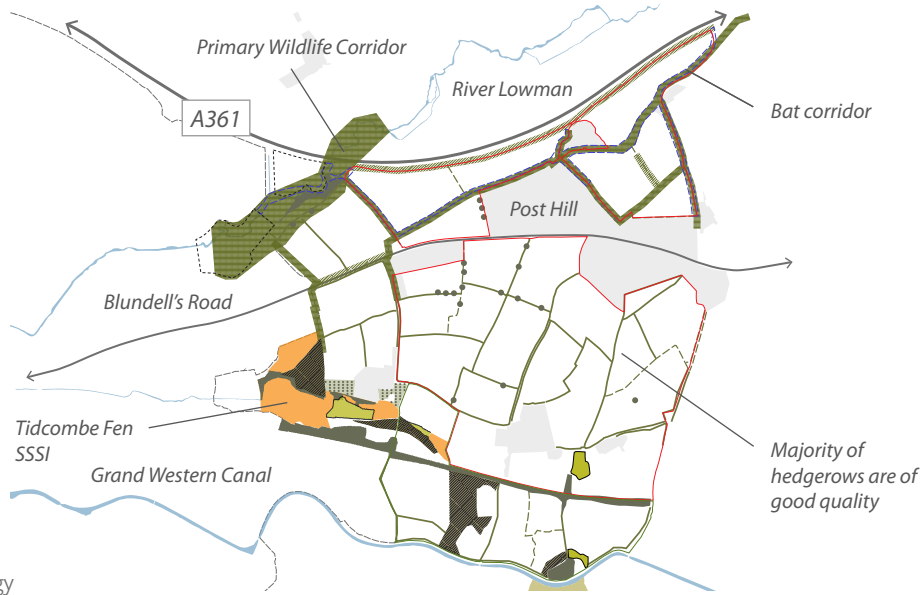
The Council's Employment Land Review provides more information on employment provision and opportunities within the Tiverton area.



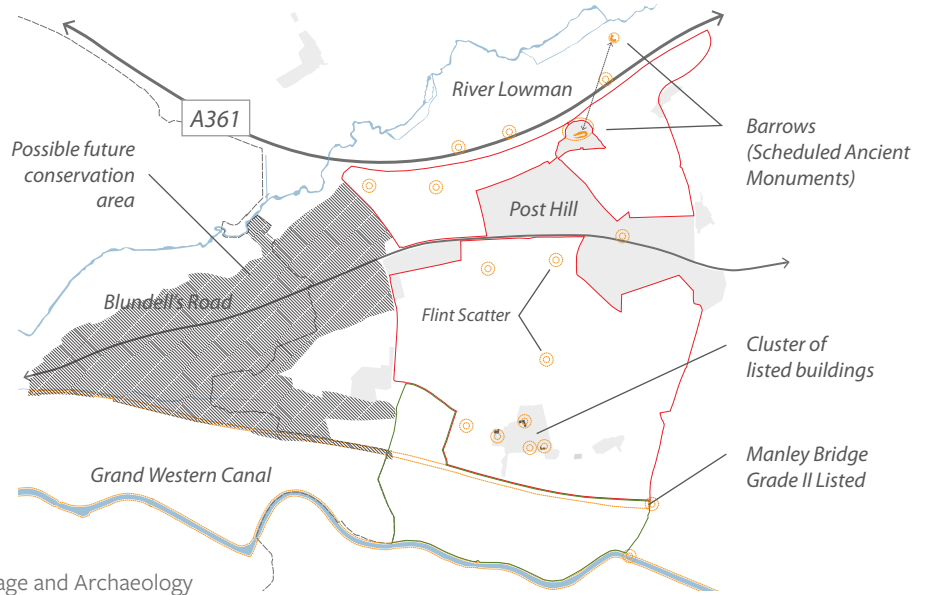
Topography



Hydrology



Ecology



Heritage and Archaeology



2.4 Site Constraints and Opportunities

A suite of studies has been commissioned and undertaken on the principal land holdings and the NHS land comprising Area A. Further work is required on the other areas (Area B) in order to inform stage two of the masterplanning process in the south east area.

Of the studies undertaken (see 1.3 and separate appendix document (section 3), chapter 1) the following are of particular note because they have the most significant impact upon the overall shape of the plan and amount of development that can reasonably be achieved.

Topography

Topography varies greatly across the site, with gradients ranging from 1:5 to 1:20+. The north eastern area falls steeply (between 1:10 and 1:7) but at easily developable consistent gradients. The north western area is relatively level, sloping to the north east down towards the Lowman River corridor and A361.

The southern area (to the south of Blundell's Road) represents the most challenging part of the site. It has the steepest gradients and an undulating and complex land form. Post Hill sits on an intermediate ridge which extends from north east to south west across this area. As a result the area is locally elevated with steep south east facing slopes, falling dramatically at its south western tip (gradients of 1:5). Development on these slopes would be technically challenging, costly to deliver and compromise an important landscape feature of the locality. This masterplan SPD has taken this into account.

Hydrology

The majority of the development site falls outside of areas at risk of flooding. However, the scale of the proposal will have the potential to increase surface water runoff. A series of attenuation ponds across the site are likely to be required as part of a Sustainable Urban Drainage scheme for the site as a whole.

Rivers and Streams

The flood zone associated with the Lowman River is almost entirely outside of the site, with the exception of the far north western corner. The Alsa Brook and its flood plain meanders through the south of the site, north of and broadly parallel with the SUSTRANS route which makes use of the former railway line.

Surface Water

Surface water flooding has been recorded in the northern area of the site, along Blundell's Road and Uplowman Road where topography and boundary features combine to channel and contain surface water run off. Similar circumstances result in part of West Manley Lane also being susceptible to surface water flooding.

Tidcombe Fen

Tidcombe Fen Site of Special Scientific Interest (SSSI) is a wetland habitat and a catchment area - both are very sensitive to hydrological change. This adjoins the site on its western boundary. Any development would need to take account of the unique ecological and hydrological characteristics of the Fen.

Ecology

Ecological constraints across the site will be important in shaping the location, form and density of development.

The surveys undertaken have identified a number of protected and notable species and habitats. Of these the Tidcombe Fen SSSI and its catchment, the Grand Western Canal County Wildlife Site (along part of the southern boundary), dormice, protected birds and bats, badgers and the native species rich hedgerows are most important. A number of veteran trees are within the extensive network of hedgerows and within fields.

Heritage and Archaeology

Two Scheduled Ancient Monuments (SAM's) are recorded within the study area comprising a Neolithic Long Barrow to the north of the site and a Bronze Age Bowl Barrow around 340m to the north. The Neolithic Long Barrow is located within the allocation area. No development is proposed of its site and regard has been had to its setting. There are no Grade I or Grade II* listed buildings within the study area. There are 8 Grade II listed buildings either in the site or in the locality; The 16th Century Pool Anthony Farm House is located on the south western edge just outside the site, the remaining Grade II listed building are located in the south east of the site. Some of the bridges over the former railway line and Grand Western Canal are listed. The Grand Western Canal itself is a designated conservation area. The setting of Knightshayes Park and Garden, within which the site lies is also important. The Blundell's Road area is a non-designated heritage asset that is being considered for Conservation Area status.

Section 2

Achieving a quality place

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people...”

Paragraph 56
National Planning Policy Framework
Dept. Communities and Local Government
March 2012



3.1 The vision

The overarching ambition of this project is to ensure that an attractive and well-designed garden neighbourhood creates a positive future for the east of Tiverton and Post Hill.

2035. Living in the garden neighbourhood at Post Hill means being able to enjoy the best of Devon rural living, whilst also being close to the heart of Tiverton - which is a couple of miles away. Post Hill is within a lovely rural parkland setting and is a sought after place to live. It is a place that offers a healthy and sustainable lifestyle where local facilities are an easy walk away. Today, the generous green spaces provide a fabulous resource wrapping around the new neighbourhood. The new parkland extends from the Tidcombe Fen and Grand Western Canal to the Lowman River corridor.

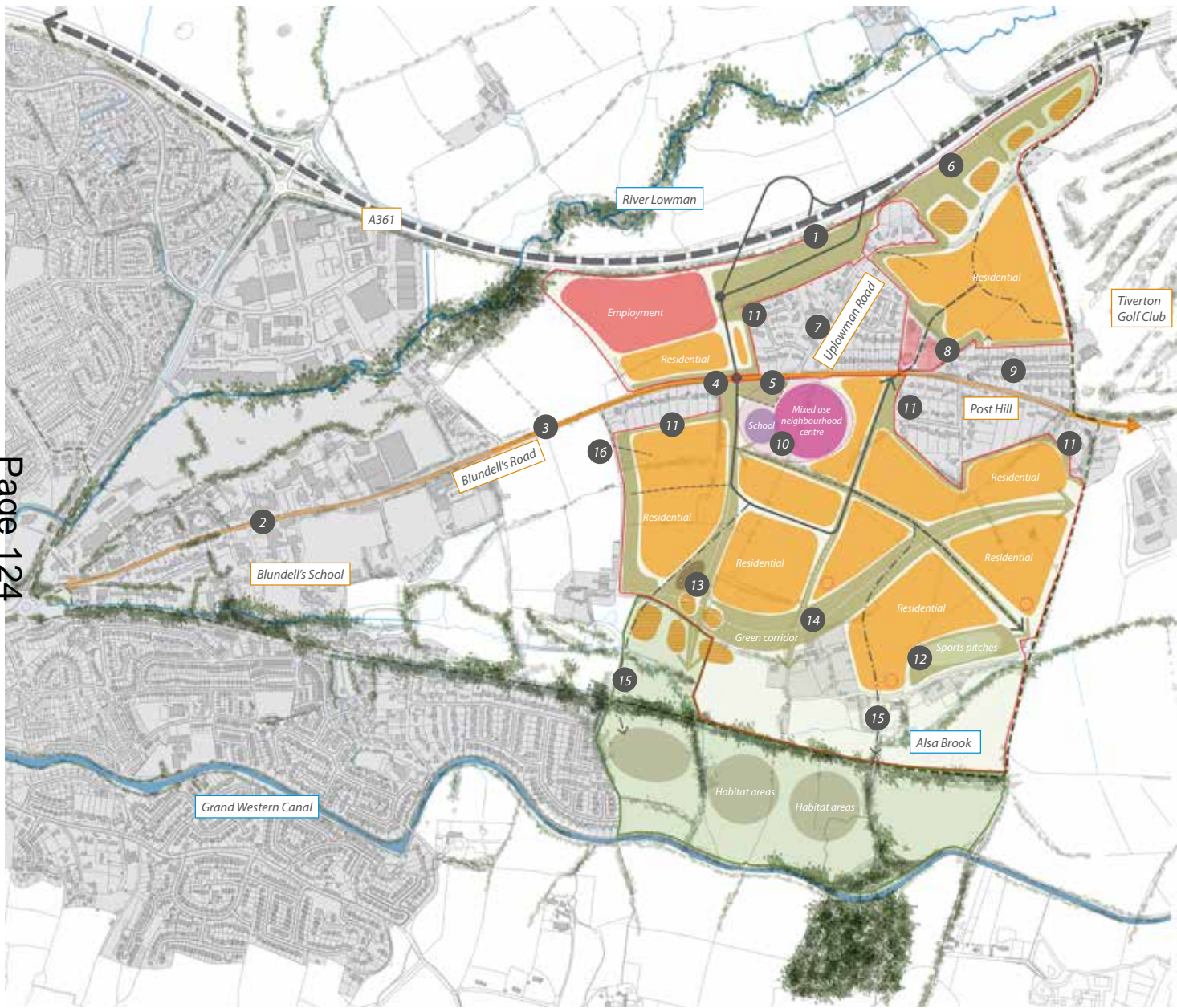
Post Hill is unique because of its outstanding natural assets. The diverse local green spaces which dominate its character have established a great backdrop for the new housing; this has been innovatively designed to be modern, comfortable, in keeping with local traditions and to minimise its impact on the planet.

At Post Hill, it is possible to live a life where all aspects of everyday living are available nearby. Residents can work from home or in one of the many supported local business spaces; go to the local primary or Blundell's School; walk, cycle or catch a bus into town or to the Railway Station for a train to Exeter, Bristol or London; visit the doctor or dentist at the local medical centre; shop at the Post Hill stores and post office; grow food in

the numerous local allotments and community orchards – including the re-established orchards which used to be a feature of the area.

What really sets Post Hill apart is the ability for people to live a modern lifestyle in an area that is part of Tiverton and where a parkland scene meets the countryside. This is made possible by the interplay of the landscape, the country park, and the leafy residential community. New energy efficient homes in Post Hill are sought after by people of all ages. People are choosing to live in what has become a mature and thriving garden neighbourhood set within a quintessentially Devon landscape in the heart of Mid-Devon.

Today's Post Hill is modern, green, vital with local flora and fauna, and really convenient. It is a stunning addition to Tiverton's built environment and today represents a model of how to design a new community in a market town. Its success is borne out by the pride that local residents have in where they live.



Legend

- 1 New junction onto the A361
- 2 Traffic calming at Blundell's School
- 3 Environmental enhancements along Blundell's Road
- 4 New junction on Blundell's Road linking to A361
- 5 Shared space and village green at neighbourhood centre
- 6 Open space with attenuation ponds
- 7 Highway improvements to Uplowman Road
- 8 Possible link to north eastern area
- 9 Possible link onto Fairway
- 10 Mixed use neighbourhood centre including school, shops and employment space
- 11 Green buffer to existing properties
- 12 Sports pitches
- 13 Allotments
- 14 Greenspace on steep ground
- 15 Links to southern area of Green Infrastructure
- 16 Possible secondary link to Blundell's Road

- Eastern Urban Extension Area AL/TIV/1-7
- Green Infrastructure Area AL/TIV/3GI
- Employment
- Employment (care home)
- Satellite Employment
- Residential
- Residential with rural character
- Education
- Open space and landscape
- Mixed use centre
- Playing fields
- Existing development
- Primary route
- Secondary routes
- Tertiary
- Other routes and connections

Above: Plan highlighting the key development concepts

3.2 Development concept

Development concept

A new garden neighbourhood for Tiverton

The concept layout for the new garden neighbourhood has five key land use components which, structured appropriately, will help to achieve the vision and meet the policy objectives. The components are:

A mixed use neighbourhood centre – at the heart of the area, well connected and easily accessible by existing and new residents.

The mixed use neighbourhood centre will have a public space focused around Blundell's Road, with shops, community uses and bus stops for routes into town and to the railway station;

A new primary school with community sports pitch – closely linked to the heart of the neighbourhood and easily accessible. It should be directly related to new areas of public open space for both recreational and learning benefits as well as enabling the school to be safely accessible by foot and bicycle from the whole neighbourhood. It should be positioned on relatively level ground and have suitable areas for sports pitches and play space;

Employment areas – should be on the most level ground and in locations visible from the road, that are directly accessible from the A361 following provision of the new junction. This will help to make them attractive to businesses and avoid lorries needing to gain access through residential areas. Smaller scale 'satellite' light employment should be considered within residential areas in order to provide opportunities for a range of employment types on a mixed use basis. The opportunity for employment in the local centre should also be considered;

Public open space – should be multifunctional – retaining and enhancing the existing valued landscape and ecological features of the area, have informal and formal recreation opportunities and help to create a setting and identity for the new garden neighbourhood. Public open space should be used to link the various parts of the neighbourhood together, encouraging walking and cycling. The green space within the development should be complementary to and link with the parkland area to the south.

Open space is arranged to help retain and enhance the landscape and ecological assets of the site and provide links to the Green Infrastructure area, the Grand Western Canal, county wildlife site and wider landscape. Public open space will create a green network connecting the neighbourhood together and will help to give it a distinct identity.

Residential development – Residential development should be located around the other facilities and amenities in order that jobs, the school, shops and open space are all easily accessible. Development densities should reflect location, constraints and distance to the neighbourhood centre. The arrangement of uses should encourage sustainable modes of transport such as walking cycling and use of public transport;

A variety of housing types and tenures should be provided helping to meet local housing need and ensure that a balanced community is developed.

The concept layout

The layout is arranged around the identified constraints and opportunities with the mixed use neighbourhood centre at the heart of the neighbourhood on Blundell's Road. It is closely linked to the school and has higher density housing, community and employment uses. This location will enable the neighbourhood centre to become a hub and a focus for the community, easily accessible by all. The school is positioned alongside the neighbourhood centre with a green outlook. Open space is arranged so that residents can access the neighbourhood centre and school via green spaces from the whole garden neighbourhood. This will help to encourage walking and cycling rather than car use.

The employment area has been located so that it is in easy walking distance of the neighbourhood centre and can be accessed by vehicle from the new junction onto the A361.

The concept plan provides for approximately 30,000sqm of employment space, up to about 1520 dwellings, a school, open space and recreational areas and a neighbourhood centre with various community facilities and shops.



Above: Aerial photograph highlighting structuring elements of the Post Hill area

3.3 Guiding Principles



This chapter draws together the planning policy aspirations and the key messages from the vision into a series of guiding principles from which the development concept and subsequent masterplan will be drawn.

A. Character

A. Establishing a garden neighbourhood character

The new neighbourhood will be an extension to the existing town and as such it is important that its character and appearance is derived from Tiverton and most especially Post Hill.

An overarching guiding principle is that the new place establishes a mature garden neighbourhood that takes its cues and inspiration from the character of the locality.

A defining character of Post Hill is the simple arrangement of houses in gardens set within a mature landscape setting. Originally developed during the inter war years, many of the design principles that guided the development of the area were taken from those of the garden city movement - these were responsible for new towns such as Letchworth and Bourneville.

More remote housing in the area such as the residential clusters on West Manley Lane have a more traditional rural character.

The challenge is to create a garden neighbourhood that is inspired by the best of the past and yet is relevant to today's requirements - this means creating a place with suitable densities,

guided by sustainable design principles and responsive to the character of the site and the locality.

In order to secure a garden neighbourhood the following characteristics of Post Hill and garden city design should be considered in by designers in shaping the new place:

A1 Structuring elements

A united and cohesive layout - making the most of natural contours and features - a green and leafy open character - a clear overall structure to streets and spaces - views to the surrounding countryside - straight roads - straight hedgerows - consistent and straight building lines - simple rectilinear geometry - the layout of houses creates a rhythm with regular spacing and regular gaps - cul-de-sacs - single and two storey buildings - detached houses in gardens - landscape dominated streets - glimpse views of houses through landscaped front gardens - wide frontage housing - informal layout in some areas - privates lanes - retention of existing routes - detached, semi detached and terraces set in front gardens - grid street patterns - open spaces and recreational areas - tree lined streets - grass verges - existing trees and hedgerows -landscape dominated streets - streets radiating from the centre - meandering country lanes - rural character in more remote areas - individual houses in the countryside -farm complexes on West Manley Lane



Above: Images representing different characteristics of the Post Hill area



3.3 Guiding Principles

A2 Detailed design

Architecture inspired by local design and the arts and crafts movement – gables – garden city aesthetic – white render – red brick – variety in architectural styles – grass verges – tree lined streets – stands of trees – timber – devon banks – hipped roofs – chimneys – beech hedges – stones walls – individual trees – some mature evergreen trees – rural lanes – slate roofs and clay tiles – hedges – painted timber

3.3 Guiding Principles



B. Urban Design - Placemaking and quality design

Building for Life and Safer Places

The new garden neighbourhood should be designed in accordance with best practice in urban and rural design and as such should respond to Building for Life 12 and Safer Places criteria. These represent a tangible measure for determining how successfully a new neighbourhood has been designed with emphasis on creating a community.

Integrating into the neighbourhood

B1 Connections

The scheme should integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site.

B2 Facilities and services

The development should provide (or be close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafés appropriate to the scale of the development.

B3 Public transport

The scheme should have good access to public transport to help reduce car dependency.

B4 Meeting local housing requirements

The development should have a mix of housing types and tenures that suit local requirements and need.

Creating a place

B5 Character

The neighbourhood should create a place inspired by the defining characteristics of Tiverton and its immediate surroundings with the aim of achieving a high quality environment.

B6 Working with the site and its context

The scheme should take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimate.

B7 Creating well defined streets and spaces

New buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

B8 Easy to find your way around

The development should be designed to make it easy to find your way around.

Street & Home**B9 Streets for all**

Streets should be designed in a way that will encourage low vehicle speeds and allow them to function as social spaces.

B10 Car parking

Resident and visitor car parking should be sufficient and well integrated so that it does not dominate the street and building frontages.

B11 Public and private spaces

Public and private spaces should be clearly defined and designed to be attractive, well managed and safe.

B12 External storage and amenity space

Adequate external storage space for bins, recycling, vehicles and cycles should be properly considered.

Safer Places

The Planning System and Crime Prevention

The seven attributes of sustainable communities that are particularly relevant to crime prevention are:

B13. Access and movement

The scheme should have well defined routes, spaces and entrances that provide for convenient movement without compromising security;

B14. Structure

The neighbourhood should be structured so that different uses do not cause conflict;

B15. Surveillance

Proposals should ensure that all publicly accessible spaces are well overlooked;

B16. Ownership

The development should promote a sense of ownership, respect, territorial responsibility and community;

B17. Physical protection

The neighbourhood should include necessary, well-designed security features;

B18. Activity

The scheme should be designed to ensure that the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times;

B19. Management and maintenance

The place should be designed with management and maintenance in mind, to discourage crime in the present and the future.

3.3 Guiding Principles

C. Movement - transport

Policy AL/TIV/2 sets out requirements for transport provision to support the proposed EUE. The policy includes provision of a new junction onto the A361 along with other enhancements. Appendix 1 identifies where the masterplan deviates from policy.

Higher levels for the provision of highway infrastructure and routes have been reappraised based upon greater understanding of the likely highway impacts of the development. The revised triggers have set out in 6.1 Implementation and Phasing.

One major change is the lack of provision for a second strategic highway connection (to Heathcoat Way) within this masterplan. DCC Highway Authority has confirmed that with the expected traffic generation and highway mitigation works proposed, this second link is not needed until 2000 houses are completed. This is beyond the amount of development now proposed. A northern route from Gornhay Cross has been investigated, but is not suitable nor deliverable.

With the exception of identified areas of deviation, MDDC expects that policy and the following guiding principles will be met.

C1. The new garden neighbourhood will have a network of movement corridors and connections with the existing town that ensures the promotion of sustainable modes of transport and the reduction of the need to travel by private motor car.

C2. The structure of the development should create a well connected and walkable neighbourhood focused around a mixed use neighbourhood centre. This should include good pedestrian

and cycle connections throughout the area and provision for public transport.

C3. The new neighbourhood should have a clear and legible hierarchy of streets and spaces to respond to different travel and movement needs.

C4. There should be strong links and connections between the existing community, adjacent neighbourhoods, Tiverton town centre and the new community.

C5. Where appropriate streets should be designed to provide pedestrian priority.

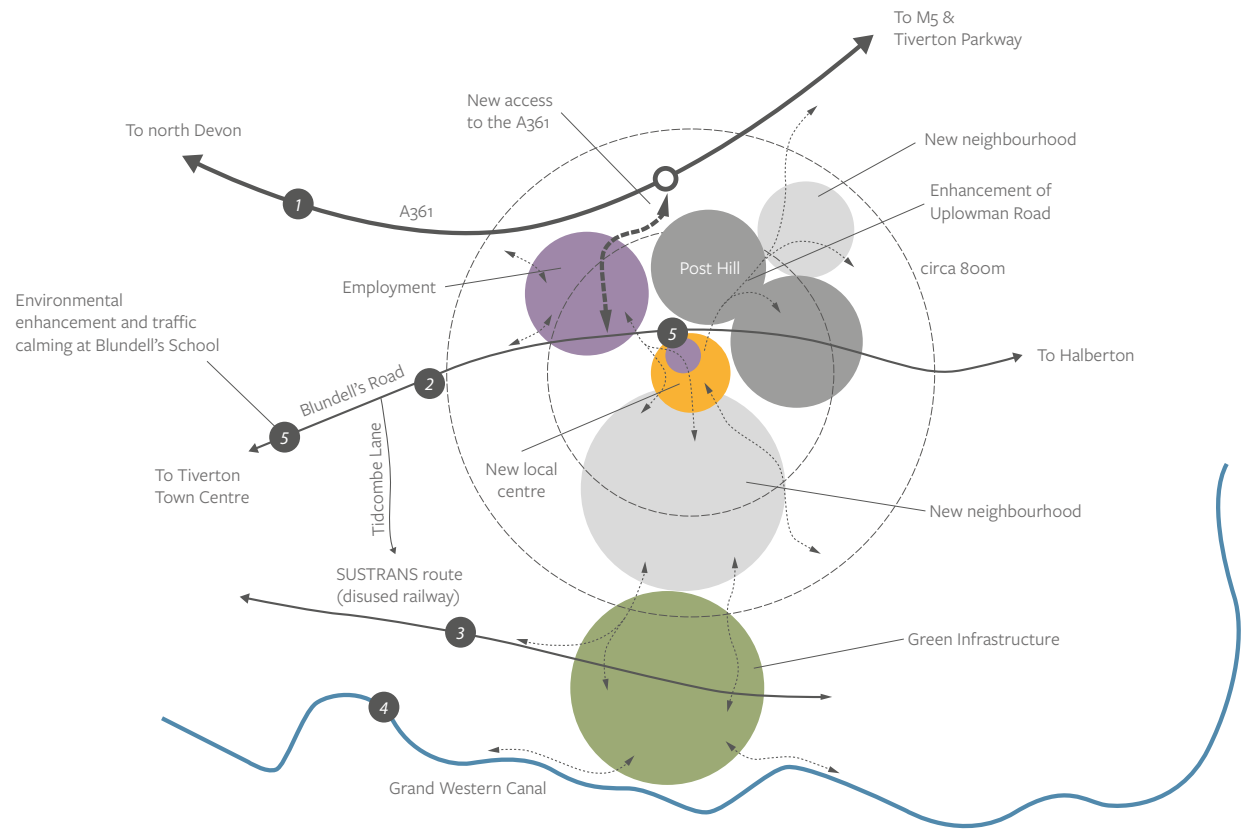
C6: Provision should be made to enhance connections and the ability to travel by cycle.

C7. Environmental enhancements and traffic calming should be introduced on Blundell's Road at the neighbourhood centre. This should include a village green focused on local facilities and give consideration to Tidcombe Lane.



- 1 A361 to North Devon, the M5 and Tiverton Parkway
- 2 Local road connections to Tiverton and villages
- 3 Pedestrian and cycle routes to town and countryside
- 4 Pedestrian and cycle routes to town and countryside
- 5 Shared surface, 20mph zone at key locations

- Neighbourhood centre
- Employment
- Green Infrastructure and open space
- Proposed development
- Existing development
- Existing routes
- Grand Western Canal
- Walk distances
- Connections



Above: A well connected & walkable neighbourhood focused around the neighbourhood centre

3.3 Guiding Principles

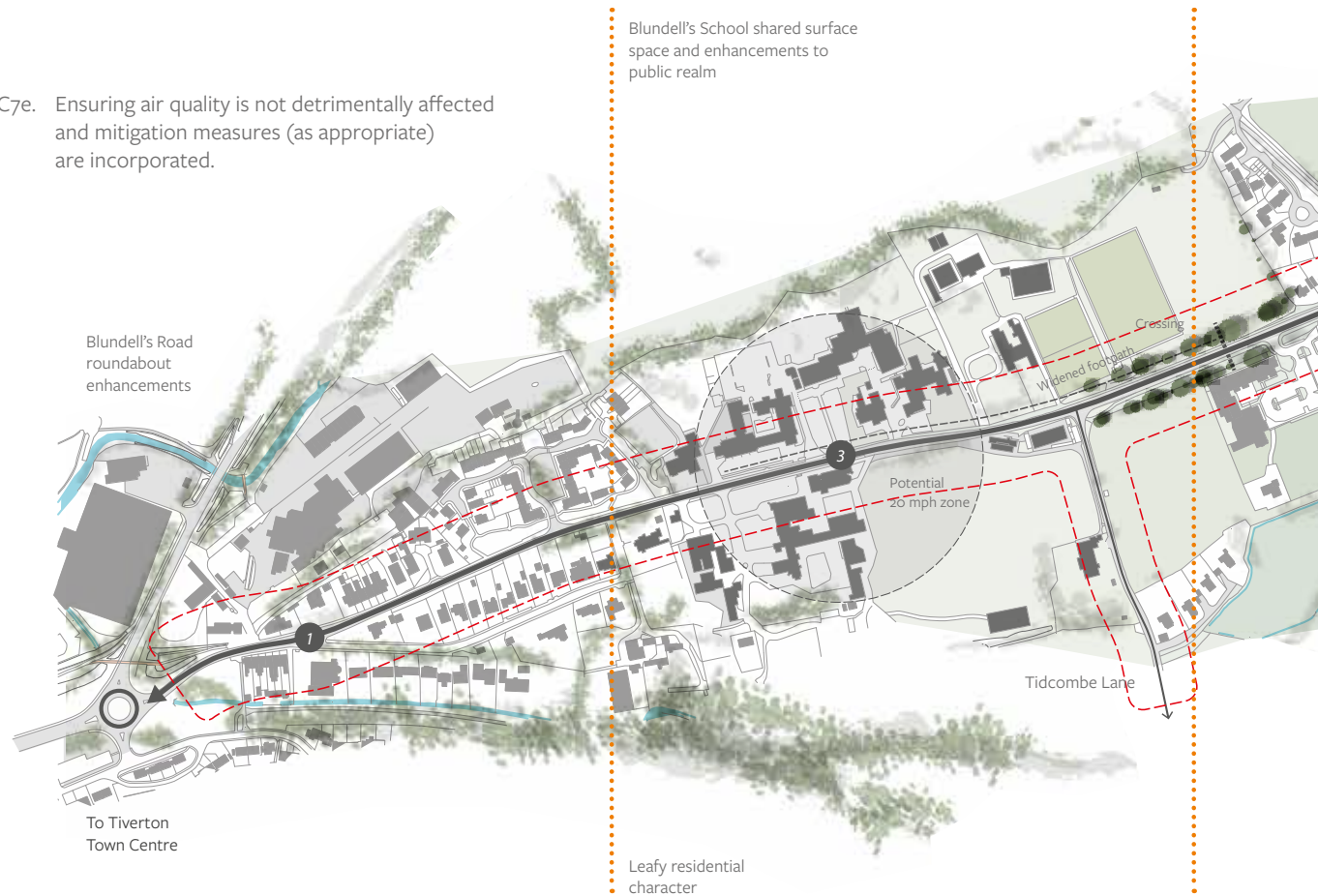
C7. Blundell's Road will continue to play an important transport role in the way that the area relates to the wider town. AL/TIV/2 (c) requires traffic calming and environmental enhancement to Blundell's Road to ensure suitable transport management. It is to be retained as a through route, however a range of measures are proposed. The study area will also include Tidcombe Lane.

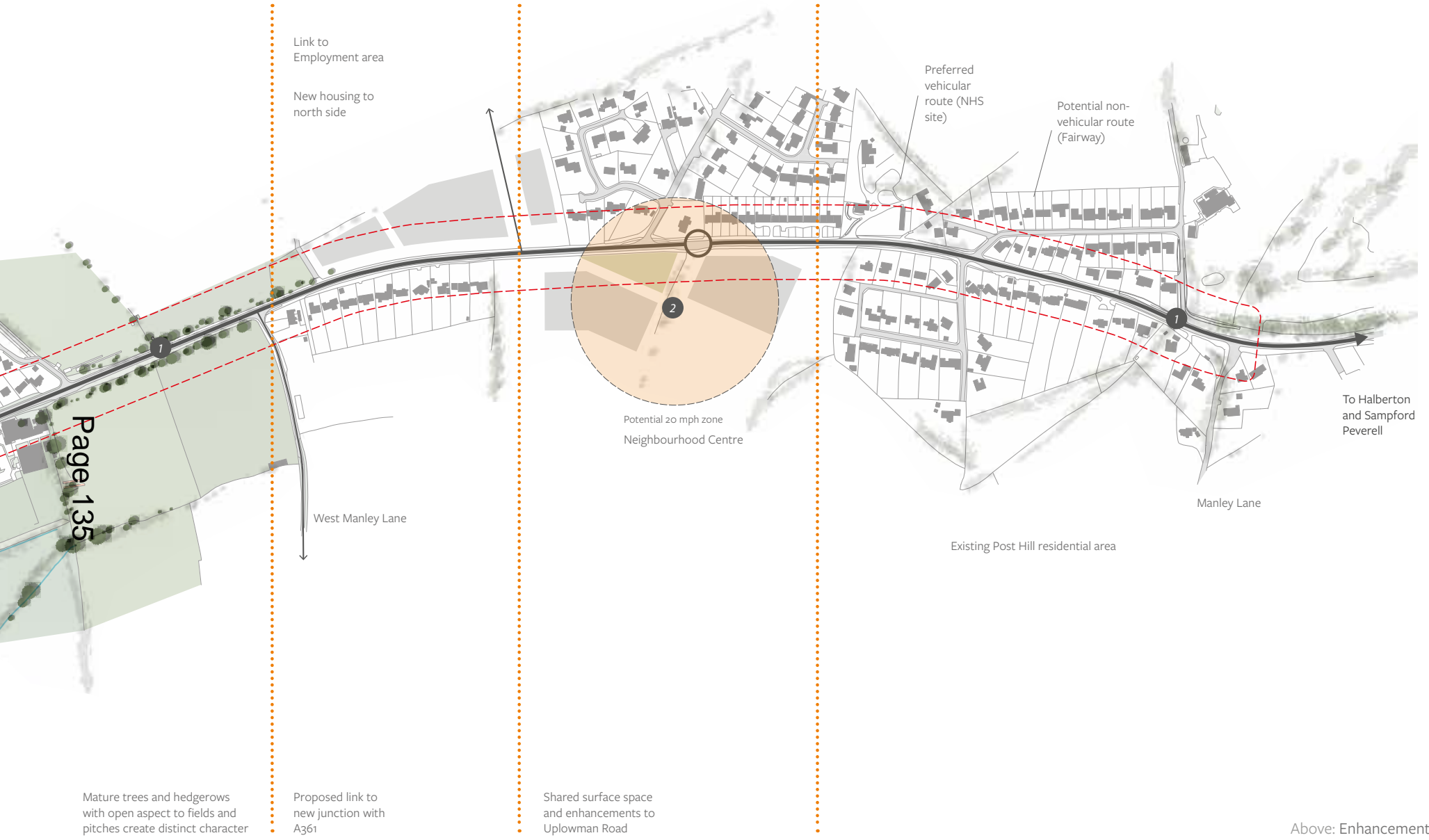
These could include; shared surface and potential 20mph zones at the neighbourhood centre and Blundell's School; improvements to Blundell's roundabout, new pedestrian crossings and an enhanced cycle lane. Traffic calming and environmental enhancement of Blundell's Road will be considered as a comprehensive strategy over the full length between Manley Lane to the east and the junction with Heathcoat Way to the west and incorporating Tidcombe Lane. The impact of traffic upon air quality (especially at the western end of Blundell's Road) will need to be taken into account in the design of the scheme.

Guiding principles for the detailed design of this traffic calming and environmental enhancement scheme should include:

- C7a. Reducing traffic speeds;
- C7b. Reducing pedestrian / traffic conflict and ensuring safe pedestrian crossings;
- C7c. Enhancing cycle provision; and
- C7d. Creating an attractive traffic calmed environment reflective of the significance of Blundell's Road as a gateway to Tiverton from the east.

C7e. Ensuring air quality is not detrimentally affected and mitigation measures (as appropriate) are incorporated.





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Mature trees and hedgerows with open aspect to fields and pitches create distinct character

Proposed link to new junction with A361

Shared surface space and enhancements to Uplowman Road

Above: Enhancements to the Blundell's Road corridor

3.3 Guiding Principles

D. Landscape, open space and recreation

Policy AL/TIV/3 sets out policy requirements for green infrastructure including open space, sports and recreation provision and environmental protection and enhancement, to support the proposed EUE. Appendix 1 in the separate appendix document (section 3) identifies these requirements and areas where the masterplan deviates from policy. The new garden neighbourhood will comprise significant areas dedicated to landscape, open space, Sustainable Urban Drainage Systems (SUDS) and wildlife habitats commensurate to the scale of development.

Policy AL/TIV/6 sets out policy expectations for the delivery of infrastructure as part of the overall approach to the phasing of the development. This includes triggers for the provision of areas of green infrastructure. Based upon deliverability and the likely sequence of build, variation from these green infrastructure triggers is required as set out in 6.1 Implementation and Phasing. Proposed areas of public open space within the first phases of the development will need to be supplemented by temporary public open space potentially within the local centre area until main areas of green infrastructure to the south and the school can be accessed and delivered.

With the exception of identified areas of deviation, MDDC expects that policy and the following guiding principles will be met.

D1. The structure of the development should be shaped around the existing character and features of the landscape, reinforcing the qualities of the neighbourhood.

D2. Development should protect and enhance existing important fauna and flora across the site.

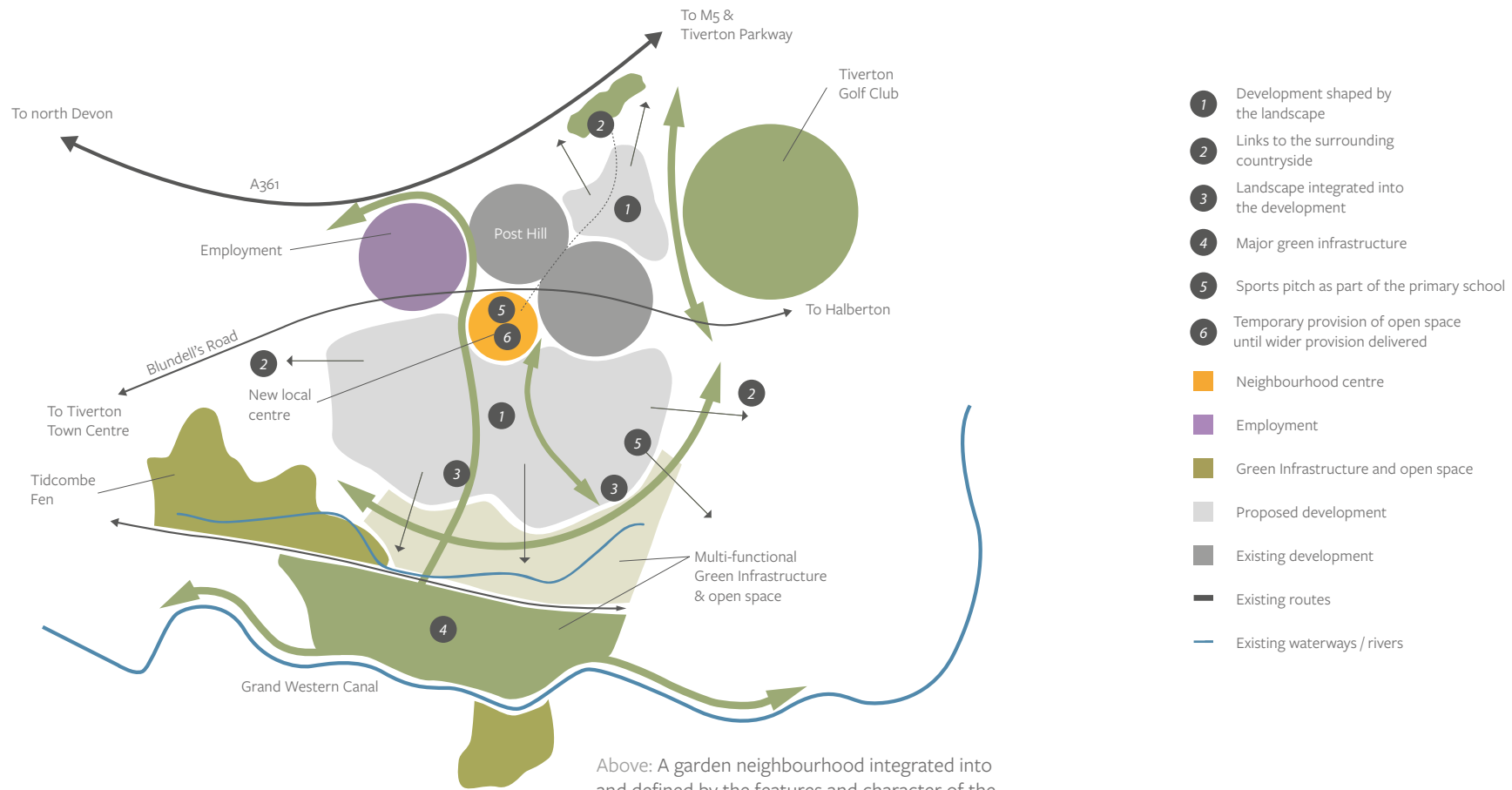
D3. Development should ensure that landscape and open space is integrated into the new community, and is used to connect the various parts of the neighbourhood together, creating strong green links and corridors into the wider landscape.

D4. The landscape and greenspaces should be multi-functional, incorporating water attenuation (SUDS), food growing (allotments and orchards), informal, formal and children's play and recreation.

D5. Provision should be made for appropriate management regimes to be put in place to ensure ongoing maintenance and stewardship of the landscape areas and SUDS.

(Tidcombe Fen, its catchment and buffer zone to the west of Pool Anthony Railway Bridge is identified as GI (Green Infrastructure) in the AIDPD - no change is proposed to this area).





Above: A garden neighbourhood integrated into and defined by the features and character of the landscape. Green links connecting the community and landscape together.

3.3 Guiding Principles

E. Socially equitable

The role of the EUE will be as a new neighbourhood for Tiverton that is self sustaining, respectful of the existing Post Hill community and part of the wider town. The new neighbourhood should be designed to be equitable, balanced and fair.

E1. In the new neighbourhood there should be access for all to employment opportunities - either within the community or within easy reach.

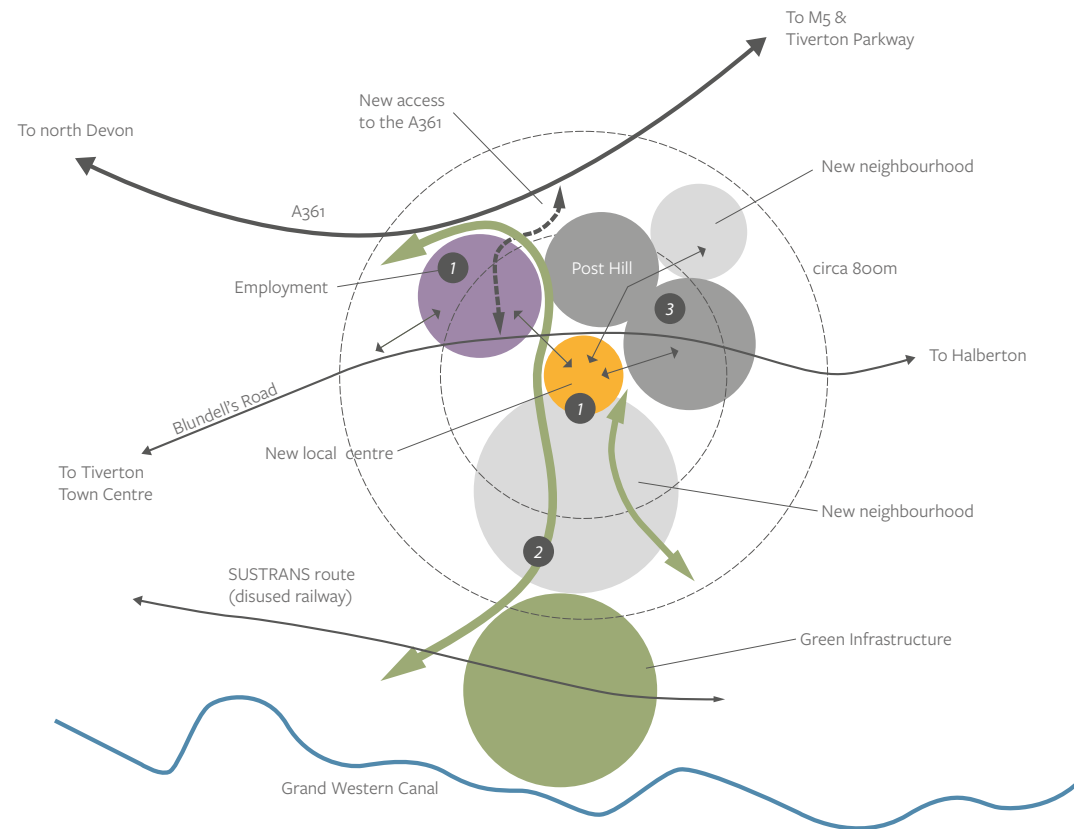
E2. There should be access for all to nursery and primary education. Wider opportunities should be available for secondary, further and adult education.

E3. In the new neighbourhood there should be access for all to health facilities, either within the community or within easy reach.

E4. Open space and landscape should be an integral part of the new community. Opportunities for food growing, safe walking and cycling, sports and play should be available to everybody.

E5. The new neighbourhood should have a suitable a balance and distribution of housing comprising homes of all types and tenures including; affordable housing (target of 35% subject to viability) intermediate (shared equity) and social rented and at least 5 pitches for gypsies and travellers.

E6. The neighbourhood should be designed so that it respects and integrates positively with existing communities and so that they share the benefits.



Above: A balanced neighbourhood where everyone is able to access facilities and services

- 1 Employment, services and facilities accessible by all
 - 2 Open space and landscape integrated into the development
 - 3 Existing communities at Post Hill
-
- Neighbourhood centre
 - Employment
 - Green Infrastructure and open space
 - Proposed development
 - Existing development
 - Existing routes
 - Grand Western Canal
 - Walk distances
 - Connections



3.3 Guiding Principles

F. Economy and employment

Policies AL/TIV/1 & 6 set out a requirement for between 95,000sqm and 130,000sqm of employment floorspace to be provided during the plan period and phased in relation to the delivery of housing and infrastructure.

The quantum of floorspace identified in the policy cannot be achieved whilst also maintaining appropriate levels of residential land and supporting community and transport infrastructure. As a consequence the level of employment has been rebalanced in line with the revised scale of housing and infrastructure.

The Mid Devon Employment Land Review (January 2013), recommends that the EUE provide 10ha of employment land adjacent to the A361. Whilst this is possible in theory, due the requirements of the A361 junction design and various other site constraints this quantum cannot be met. The reduced level of employment provision (approximately 30,000 sqm) also takes into account the need to create a high quality, attractive approach to Tiverton along the Blundell's Road corridor.

Appendix 1 of the separate appendix document (section 3) identifies where the masterplan deviates from policy. With the exception of identified areas of deviation, MDDC expects that policy and the following guiding principles will be met. Whilst the major of employment land will be provided north of Blundell's Road adjacent to the new A361 junction opportunity also exists to provide small 'satellite' clusters within the proposed residential areas.

It is important that the character and appearance of the employment area contributes positively to the sense of place of the new neighbourhood. The following guiding principles should be considered in shaping the form and character of the area.

Integrating into the neighbourhood

F1 Visibility and connections

The scheme should integrate into its surroundings by reinforcing existing connections and creating new ones; ensuring employment land is located to give businesses the best chance of success. The scheme should provide accessible employment land in a high quality environment at the heart of the community.

F2 Facilities and services

The employment land should be located (or be close to) residential areas, community facilities and amenities in the neighbourhood centre as well as being well connected to services in the wider town.

F3 Public transport

Employment land should be positioned so that businesses will be directly linked to the new and existing communities in order that people can walk, cycle and use public transport to get to work.

F4 Meeting local employment requirements

Enterprises in the new neighbourhood should where possible support existing business and the wider Tiverton economy helping to meet local requirements and need. The new neighbourhood should provide a varied range of employment opportunities from different sectors and at different scales.

Creating a place

F5 Character

The employment area should create a place that is locally distinctive and complements the wider neighbourhood.

F6 Working with the site and its context

Employment land should be located on land that is generally flat to ensure that the larger floor plates of buildings can be accommodated satisfactorily from an environmental and viability perspective.

F7 Creating well defined streets and spaces

New employment buildings should be designed and positioned with landscaping to define and enhance streets and spaces. They should also be designed to turn street corners well.

F8 Easy to find your way around

The employment area should be designed to make it easy to find your way around.

Street & workplace

F9 Streets for all

Streets should be designed to take account of all transport modes and servicing and access requirements within an attractive public realm.

F10 Car parking and servicing

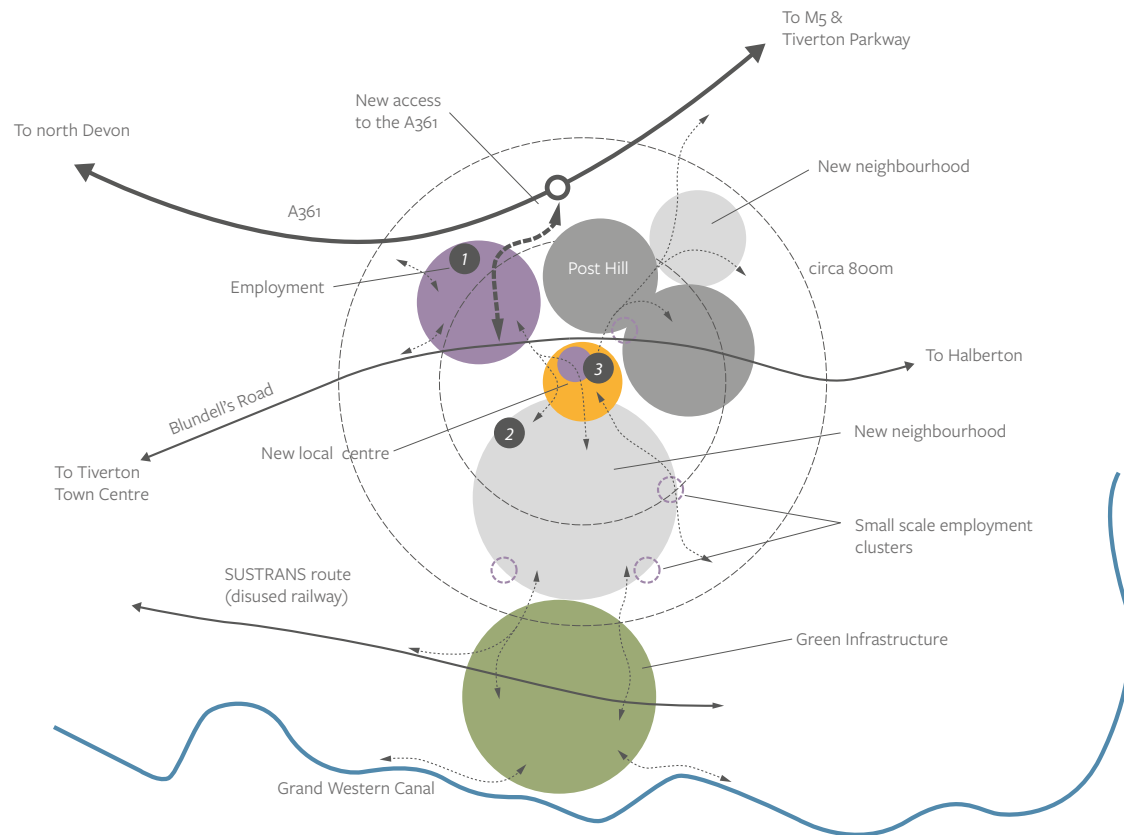
Car parking and servicing arrangements should be sufficient and well integrated so that it does not dominate the street and building frontages.

F11 Public and private spaces

Public and private spaces should be clearly defined and designed to be attractive with well managed and safe service areas.

F12 External storage and amenity space

Adequate external storage space for bins, recycling, vehicles and cycles should be properly considered.



Above: Employment integrated into the heart of the neighbourhood, located to ensure the best chance of success

1 Employment with excellent access in a prominent location

2 Employment directly link to existing and new residential areas

3 Employment at the heart of the new community



3.3 Guiding Principles

G. Energy and resource efficiency

Policies AL/TIV/5 and AL/IN/6 set out the requirements for carbon footprint reduction. MDDC expects that policy and the following guiding principles will be met. Appendix 1 of the separate appendix document (section 3) identifies relationship between policy and this SPD.

The policies require that 10% (rising incrementally to 20% by 2020) of the energy to be used in the development comes from decentralised on site renewables and / or low carbon sources.

At the time of preparing this SPD Devon County Council is considering options for the provision of an Energy from Waste facility to serve North and Mid Devon. One option is for this to be provided within the EUE area. The potential for this facility on the site will need to be assessed and if deliverable and viable, associated infrastructure will need to be provided in step with development.

It is anticipated that reduced carbon levels will be achieved across the site through a combination of enhanced building fabric and provision on site renewables e.g. solar thermal and photovoltaic panels, where appropriate.

The new neighbourhood should be designed to be as energy and resource efficient as possible - across the development time line and in full life cycle terms. Planning applications will need to include a sustainability and energy assessment.

G1. Development layout and massing should be designed to maximise solar access for domestic properties - allowing passive heating and maximising natural day lighting.

G2. Streets, blocks, plots and buildings should be designed to maximise the ability for renewable energy technologies to be introduced. This can be achieved for example by providing south facing roof slopes, large south facing gardens and larger windows on the south facing elevations.

G3. Consider the design of streets and buildings to enable passive solar control - avoiding summer overheating and permitting the benefits of solar gain in winter.

G4. Better buildings - consider the adoption of high standards of fabric efficiency to reduce the requirement for space heating.

G5. Consider the introduction of energy efficiency controls so that they are user friendly and can operated as they are intended by residents. For example provision of solar hot water.

G5. A water management strategy should be put in place across the new neighbourhood that ensures that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site.

G6. Water harvesting and reuse should considered.

G7. Opportunities to provide permeable surfacing of streets and landscape should be maximised.

G8. Neighbourhood wide initiatives to minimise Co² emissions within the new and existing communities including the development of an Energy from Waste facility should be considered together with the provision of associated infrastructure.

G9. The new neighbourhood should be designed to reinforce the importance of waste recycling and the efficient treatment of waste.

G10. The masterplan should be designed and delivered to ensure that residents and employees are encouraged to travel in the most sustainable ways. This should be achieved by distributing land uses, residential densities, public transport, pedestrian and cycle routes and community facilities in convenient and inter-related locations. Applications will need address these issues and submit a comprehensive travel plan. Electric vehicle charging points should be incorporated. Proposals should also consider a wide range of green travel initiatives. This may include the provision of a car club scheme.

“... by so laying out a garden city that, as it grows, the free gifts of nature - fresh air, sunlight, breathing room and playing room - shall be still retained in all needed abundance.”

Page 113
Garden Cities of To-morrow
1902 Edition
Ebenezer Howard



Legend

- | | |
|------------------------------|----------------------------------|
| A A361 | Residential |
| B Blundell's Road | Residential with rural character |
| C Post Hill | Employment |
| D Grand Western Canal | Employment (care home) |
| E Blundell's School | Mixed-use |
| F Tiverton Golf Club | School & sports pitch |
| G River Lowman | Landscape |
| H Als Brook | Fen, catchment & buffer zone GI |
| I Tidcombe Fen | Area B |

Urban interventions

- 1** Neighbourhood centre
- 2** Primary school
- 3** Community facilities and shops
- 4** Employment at the heart of the community
- 5** Employment uses
- 6** A new junction onto the A361
- 7** Residential development at a varied densities
- 8** A clear hierarchy of streets and spaces
- 9** Possible location for Energy from Waste plant
- 10** Possible location for gypsy / traveller pitches
- 11** Preferred vehicular link through NHS site
- 12** Potential non-vehicular link through Fairway

Landscape interventions

- 13** Pedestrian and cycle connections
- 14** The Sustrans cycle route
- 15** Green Infrastructure area
- 16** Wetland habitat areas
- 17** Woodland
- 18** Sports and recreation areas
- 19** Children's play areas
- 20** Green corridors and routes formed around retained hedgerows
- 21** Landscape community hubs - a focus for the multi-functional landscape
- 22** Landscape spine
- 23** Buffer to Post Hill properties
- 24** Neighbourhood allotments
- 25** Community orchards
- 26** Attenuation ponds throughout the area



4.1 Masterplan

Masterplan

The Masterplan provides a spatial representation of the Tiverton's new garden neighbourhood at Post Hill – a physical illustration of how the character areas, streets, parks and open spaces, land uses and transport corridors could be arranged in order to ensure that the vision, concept and guiding principles are delivered in the right way.

The plan is designed around a number of structuring elements that will define the quality and sense of place of the new neighbourhood. These are shaped and knitted together by the guiding principles.

In respect of Area B there will be a further stage in the development of the masterplan following more detailed survey and analysis of that part of the allocation. Refer to 1.7 Design process.

Terms of the masterplan

The plan is illustrative and as such is designed to provide guidance about the quantity and location of different land uses as well as where key connections should be made throughout the neighbourhood. The plan is intended as a flexible tool so that the shape of different aspects of the new garden neighbourhood can be designed in many ways to respond to different circumstances. The actual position and alignment of routes, shape of blocks, streets and open space will of course vary from what is illustrated in the plan.

A neighbourhood centre*

The plan is focused on a mixed-use centre at the heart of the neighbourhood. The centre would be an important focal point for life in the area, it could comprise a new primary school, shared community facilities, crèche, café, bar, hair dressers, hot food takeaway, shops, some smaller scale employment opportunities, new homes and public open space - this would include formal sports and recreation provision. The new 'village green' would provide a defined entrance into the area and a respectful landscape adjacent to existing houses on the north side of Blundell's Road. With a combination of town houses and apartments, the residential density here would be in the region of 40 - 50dph. The neighbourhood centre would also be a hub for bus services into the town centre.

Walkable neighbourhood

The residential community has been designed so that all homes are in easy walking distance of the neighbourhood centre, other community amenities and facilities and in turn to the wider town. Most homes are within 800m or a 10 - 15 minute walk of the neighbourhood centre and employment opportunities on the north side of Blundell's Road, and within a 2 minute walk to local allotments, parks, play areas and orchards. There are safe and attractive parkland and green street and lane walks linking residential streets to all amenities and public transport facilities. The plan ensures that Blundell's Road, the Great Western Canal and the cycle routes into the town centre are all easily accessible. The plan sets out to promote the walking, cycling, and the use of public transport ahead of car use.

An important structuring element of the walkable neighbourhood is that the neighbourhood centre and employment areas at the heart of the new community have strong and easy connections to the whole of the new neighbourhood and the surrounding countryside.

A garden neighbourhood

The overall design of the masterplan is based around a series of design principles that seek to create a new garden neighbourhood with a character and appearance inspired by the defining characteristics of Tiverton and its immediate surroundings and that is reminiscent of a garden city environment. Whilst the plan is designed around modern requirements and standards (including making efficient use of land for the provision of new homes) and takes account of sustainability objectives; it seeks to establish a firm foundation for a place that is green, leafy with generous private gardens, making the most of sunlight and natural daylighting, and creating opportunities for community recycling and food production.

The plan has been designed so that all of the developed areas have an easy, safe and attractive relationship with the beautiful surrounding Devon countryside.

A hierarchy of streets

The masterplan illustrates a clear hierarchy of streets, lanes, tracks, footpaths and public open spaces that connect the neighbourhood centre and employment area with the

4.1 Masterplan

surrounding residential areas and in turn, to the parkland that forms an integral and defining part of the new community.

The principal street in the area hierarchy would be Blundell's Road with a secondary vehicular 'loop' in the vicinity of the neighbourhood centre providing access to the residential areas in the southern part of the site. An access from Blundell's Road



to the north connects through the employment area to a new junction onto the A361. A series of streets radiate out from the neighbourhood centre to the parkland area in the southern section of the site and there is also a connection from the centre to new housing in the northern area along Putson Lane and through the former NHS site. This framework of streets provides the structure for the new place - a network of inter-connected residential streets forms the finer grain of the residential community.

Clarity in the hierarchy of street types is important as it establishes a richer townscape and landscape that is easier for people to orientate within (find their way around). The resulting plan is permeable; providing lots of choices for pedestrians, and legible; creating memorable and recognisable public spaces.

Changes in density

Changes in density are an important structuring element that contributes to the sustainability of the settlement, reinforces the sense of place of character areas across the neighbourhood, and ensures that there is a variety and balance of housing types throughout.

In general, the neighbourhood is designed so that the highest density residential areas are closest to local facilities, the school, employment opportunities and public transport services, and the lowest density areas are furthest away. In response to this simple strategy, the neighbourhood has been designed assuming

that densities in the neighbourhood centre would be about 40 - 50dph and that densities would reduce outward towards the parkland to densities of around 15 - 20dph in some edge of neighbourhood areas in the southern section of the site. Many of the intermediate housing areas would comprise residential streets with densities of between 25 and 40dph.

The proposed densities would enable a townscape and landscape to be structured with a strong parkland character.

A new parkland

The new parkland open space will provide a defining characteristic of the garden neighbourhood and for this reason the masterplan has been designed so that the residential communities feather into it and are intertwined with it.

The parkland would have the character of a country park providing a landscape resource comprising: wetland areas; woodland areas; areas of pasture; retained veteran trees; new tree planting in streets, open spaces and in the parkland; flat landscaped areas and steeper areas such as the landscaped spine that cuts through from south west around Tidcombe Fen to the north east towards Manley Lane; attenuation ponds and other SUDS features; allotments and orchards throughout the parkland providing easy access from all parts of the community; informal areas for play and recreation; enhanced biodiversity; and retained ecology and enhanced hedgerows.

The masterplan identifies the Tidcombe Fen, its catchment and buffer zone to the west of Pool Anthony Railway Bridge as Green Infrastructure. There is no change proposed to this area.

Some areas of the park will feel remote from housing and others will be overlooked directly. The new parkland will provide a fabulous resource for the community and the town, as well as a beautiful setting for the new neighbourhood.

Making the most of local features

The masterplan has been designed so that the new place is responsive to the specific character of Tiverton and its locality. There are many features of the site that have been incorporated into the masterplan to ensure that the new community is established out of the character and qualities of the existing place. This is important in creating a richer environment, making the most of existing assets and so that the collective community memory that knows the area well and has done for many years, is a factor that shapes the new community. The proposal will also need to respect the existing dwellings in Post Hill and on West Manley Lane.

Establishing a new community of the scale that is proposed can be a challenging process involving significant change – ensuring that there is some continuity and that existing features of the landscape are maintained and respected is an important aspect of the plan.

The plan has sought to work with many of the existing features and designations that characterise the site. These include: the setting of Pool Anthony House and other listed buildings; the possibility of a new conservation area centred around Blundell's Road; the setting of existing houses and gardens in Post Hill; the setting of the long barrows around the northern area of the site; water courses; local landform; the network of hedgerows and veteran trees; wetland areas; features of local historic significance such as the bridge over the former Bristol and Exeter Railway; the Grand Western Canal; buildings on Manley Lane, West Manley Lane, Upwoman Road and Blundell's Road; and the historic drovers track.

Local employment

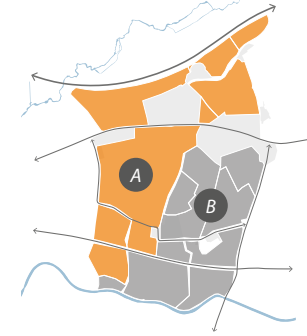
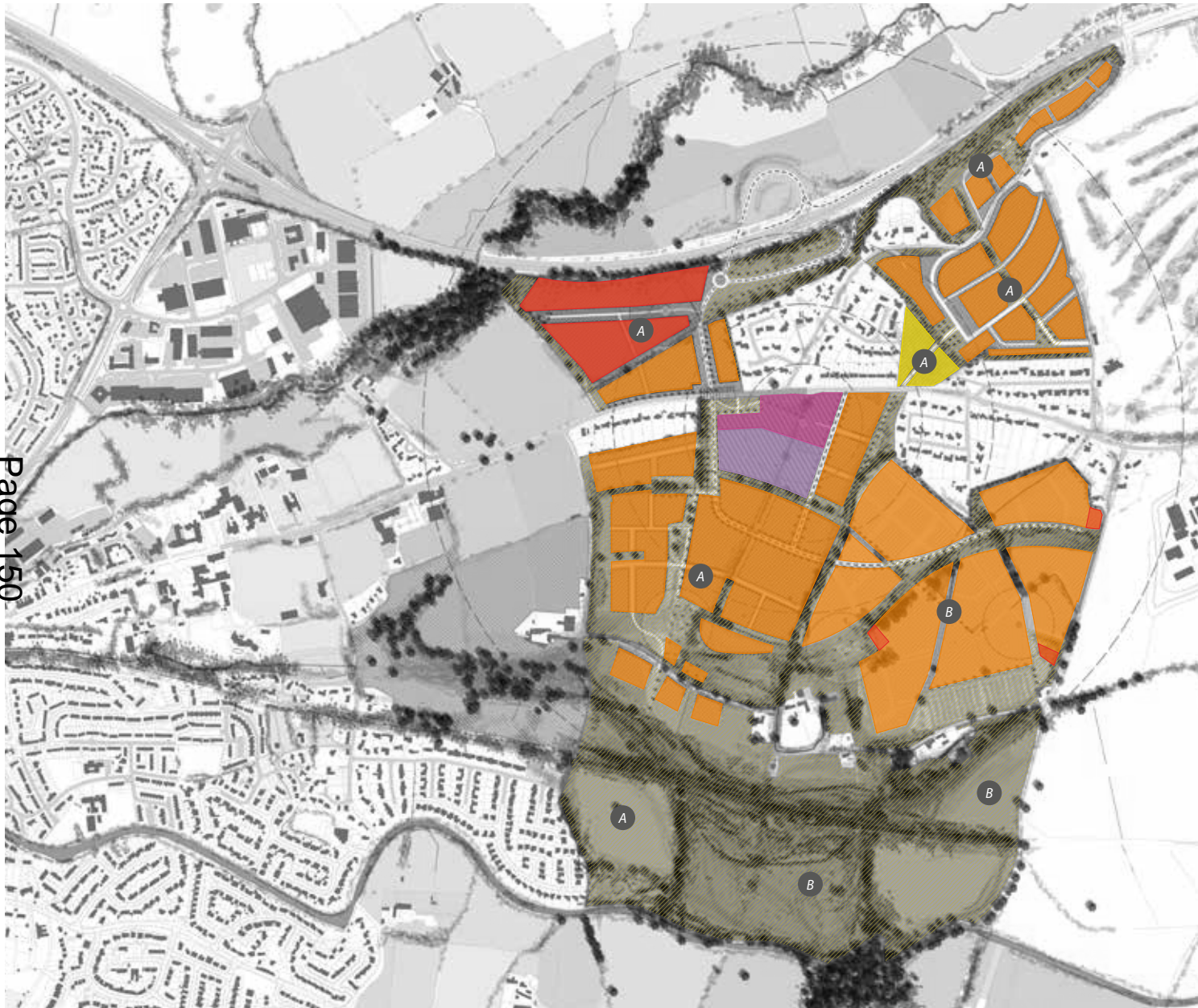
The masterplan has been structured in order that an appropriate level of employment space is at the heart of the community so that; it is in close proximity to the neighbourhood centre, can be easily accessed from the A361, is visible from the A361, is on level ground, is close to facilities at the neighbourhood centre to bus routes connecting with the town centre and other parts of Tiverton.










The plan provides for different employment types and opportunities in part of the area north of Blundell's Road and south of the A361. Provision has also been made for some employment space within the neighbourhood centre, employment associated with a care home on the NHS land and as smaller satellite provision in residential areas.

A sustainable settlement

The plan has been shaped so that it provides a suitable foundation for achieving a sustainable development form. This is manifest in a number of the key characteristics of the proposed neighbourhood:

- The land uses are distributed so that the neighbourhood centre and employment area are in easy walking distance of housing;
- The neighbourhood centre is well served by buses;
- A school and community facilities are at the heart of the neighbourhood;
- Housing is arranged in different densities with the highest near the centre and lowest furthest out;
- Opportunities are provided for community food production close to home;
- Play, sports pitches and attractive parkland areas provide the basis for a healthy lifestyle;
- Proposals to enhance biodiversity throughout the plan area are numerous;
- Sustainable water management is proposed;
- Streets, plots and open spaces have been designed to maximise the potential to utilise sunlight and daylight positively in the design of the new neighbourhood;
- Opportunities for community energy and sustainable waste disposal are under consideration; and
- The site is in a sound and sustainable location that is well connected to the wider community of Tiverton and beyond.



-  Neighbourhood centre, shops and community and employment
-  Employment
-  Employment (care home)
-  Education
-  Residential
-  Satellite employment
-  Open space and landscape
-  Area A
-  Area B



4.2 Amount and use (land use budget)

Tiverton Eastern Urban Extension						
Area B						
Area A	Phase 1a	Phase 1b	Phase 1c	Total	Total	Total
Residential	5.9ha	10.6ha	9.54ha	26.04ha	16.26ha	42.3ha
Avg resi density 36dph	200 dwellings (34dph)	445 dwellings (42dph)	324 dwellings (34dph)	969 dwellings	553 dwellings (34dph)	1522 dwellings *
Employment	4000sqm (circa 0.8ha @ 50%)	8,500sqm (circa 1.7ha @ 50%) [§]	15,000sqm (circa 3ha @ 50%)	27,500sqm (5.5ha) [§]	2,500sqm (0.5ha)	30,000sqm (6ha) [§]
Neighbourhood centre	n/a	0.5ha	1.5ha [±]	2ha [±]	n/a	2ha [±]
School (inc sports pitch)	n/a	1.93ha (land / delivery of 1 st part)	(build out continues)	1.93ha	(build out continues)	1.93ha
Total	6.7ha	14.73ha	14.04ha	35.47ha	16.76ha	52.23ha
Allotments	n/a	n/a	2.25ha	2.25ha	0.2ha	2.45ha
POS including children's play	1ha	5.38ha	19.74ha	26.12ha	28.33ha	54.45ha
Formal sports	0	On school site (circa 0.4ha) accounted for above	0	0	2.23ha	2.23ha
Water attenuation	1ha	0.4ha	0.78ha	2.18ha	0.72ha	2.9ha
Infrastructure	2ha	1.5ha	2.6ha	6.1ha	2.06ha	8.16ha
Total	4ha	7.28ha	25.37ha	36.65ha	33.54ha	70.19ha
Grand total	10.7ha	22.01ha	39.41ha	72.12ha	50.3ha	122.42ha

* Target quantum. Actual number delivered may vary subject to detailed understanding of constraints. Figure includes 5 gypsy pitches. More information on phasing is at 6.3 Approach to development phasing

[§] Assumes 2500sqm care home on NHS land

[±] Refer to 4.4 Land use. Quantum to be reviewed subject to market demand



- 1 New junction to A361
- 2 Neighbourhood centre potential zomph zone.
- 3 Blundell's School potential shared surface zomph zone
- 4 Grand Western Canal tow path
- 5 Sustrans cycle route
- 6 Environmental enhancement and traffic calming on Blundell's Road & Tidcombe Lane
- 7 Link to employment area from Blundell's Road
- 8 Enhancement to Blundell's Road roundabout
- 9 Enhancement of Uplowman Road & Putson Lane
- 10 Preferred vehicular link through the NHS site
- 11 Proposed non-vehicular link through Fairway to north eastern site*
- 12 Secondary connection onto Blundell's Road via the end of West Manley Lane

- Primary route (existing)
- - - Secondary route (existing)
- Secondary route (proposed)
- Tertiary route
- Green route
- ... Footpaths
- - - Cycle routes



4.3 Movement

The plan for transport and movement is to encourage walking, cycling and public transport ahead of car use, whilst ensuring that the masterplan is pragmatic and designed to ensure that cars are catered for sensibly in the illustrative layout.

The masterplan is based upon walkable neighbourhood principles where all facilities are within easy reach of all houses. The development is focused upon the neighbourhood centre and buses connected to the wider town will be available from here.

The neighbourhood is positively connected to a number of strategic pedestrian and cycle routes. The development site is in an accessible location in relation to amenities and facilities in the Tiverton and as such is considered to be in a sustainable location.

A new junction is proposed from the A361. This will provide additional capacity and enable access to the employment sites in the north west of the area. Its early delivery (in part) can also act as a primary access for construction vehicles (The primary construction access from the A361 will be subject to highway safety assessments).

Strategic transport proposals

Policy AL/TIV/2 sets out strategic transport proposals that are required in support of the new neighbourhood. The masterplanning process has identified a number of interventions that need to be carried out to make the development acceptable and ensure that transport is properly managed on site and in the surrounding area.

This work has identified the need for:

- A new junction onto the A361;
- Traffic calming and environmental enhancement of Blundell's Road including potential shared surface and 20mph zones at Blundell's School and the neighbourhood centre, study area to also include Tidcombe Lane;
- Provision of bus, pedestrian and cycle routes;
- Cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way;
- Bus service enhancements;
- New and improved off site pedestrian and cycle links including improvements to the wider green infrastructure network;
- Improvement to roundabouts on Heathcoat Way;
- Enhancements to M5 Junction 27 (signalisation).

Alternative routes for strategic access have been investigated and found to be not suitable nor deliverable.

With the level of development proposed the following are not required:

- A new access road linking to Heathcoat Way;
- Closure of Blundell's Road to through traffic other than to cycles and buses.

MDDC will expect those proposals that are required to be implemented in accordance with agreed trigger points as set out in 6.1 Implementation and phasing.

Blundell's Road and Tidcombe Lane

The masterplan proposes a number of traffic calming and environmental enhancement measures to improve transport management along Blundell's Road. These are identified in 3.3 Guiding principles - movement and 5.1 Reinforcing the structure.

Local connections

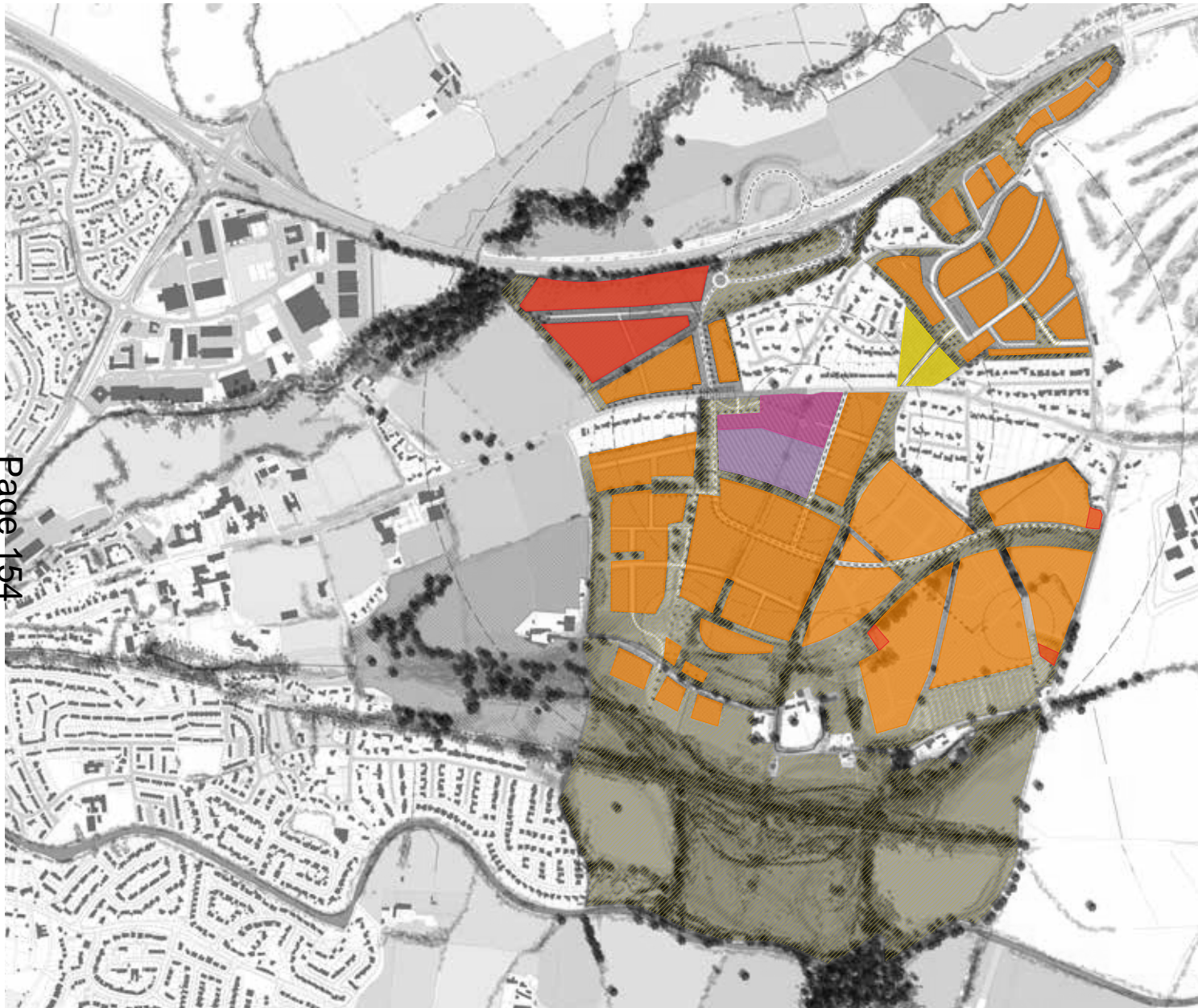
There are a number of new local connections and works that will help to link the new neighbourhood with its surrounding area and in turn the wider town. These will reduce the impact of the development and include:

- Enhancement of Uplowman Road and Putson Lane;
- Provision of a vehicular link through the NHS site (preferred);
- Provision of a non vehicular link from the north east parcel through Fairway to the neighbourhood centre*;
- A secondary access to Blundell's Road via the end of West Manley Lane;
- New pedestrian links between Railway Walk, Grand Western Canal, nearby rights of way and the new neighbourhood;
- Changes to Manley Lane and West Manley Lane to restrict access;

Policy

There are a number of other policy requirements of AL/TIV/2 which MDDC will expect developments to bring forward as part of their proposals. These include improvements to walking, cycling and public transport provision, as well as travel plan implementation to reduce carbon footprint and air quality impacts.

* Not required once NHS link provided



- Neighbourhood centre, shops and community and employment
- Employment
- Employment (care home)
- Education
- Residential
- Satellite employment
- ▨ Open space and landscape



4.4 Land use

The masterplan defines a new development that will establish a well-balanced community that is positively integrated with existing facilities in the town.

The garden neighbourhood will include:

Residential

A mix of housing types and tenures including affordable housing at a variety of densities, associated community infrastructure, at least five gypsy and traveller pitches will also need to be located within the site as part of the overall affordable housing provision. An affordable housing target of 35% will be sought, subject to viability. Whilst the average residential density is calculated at 37dph (giving circa 1520 units), housing will be developed at different densities across the area in response to site circumstances. For example housing in the neighbourhood centre will be developed at densities of between 40dph and 50dph, whilst housing on the park edge is likely to be developed at around 15 - 20dph. The number of houses should be considered as a target that may be less subject to a more detailed understanding of constraints;

Employment

Areas for new and relocated businesses which will principally fall within uses classes B1a and B1c are proposed within development parcels with a typical plot ratio of between 40% and 50% (achieving circa 25,000sqm). In addition a further 5,000sqm of space is envisaged in small clustered satellite areas within the neighbourhood centre and residential areas and through the provision of a care home on the NHS site (2,500sqm).

Neighbourhood centre - mixed use (primary school and community buildings)

Primary school site of 1.93ha and mixed use community centre with local shops, community buildings and facilities of 2ha. There are also opportunities for small scale employment within the centre of the community and some residential on upper floors on a mixed use basis.

Uses / facilities within the centre could include a community hall and meeting rooms, local health care (such as a GP outreach surgery), café/ bar, pub, convenience store and other local shopping, crèche, hairdressers and hot food takeaway. Recreation, formal sport and play facilities will also be expected within the area. (This list is not intended to be exhaustive. Other community uses and facilities will be considered).

The scale of this provision is in accordance with the requirements of policy AL/TIV/4 and assumes opportunities for shared sports facilities (at least 90m x 45.5m[§], under 17 / under 18 / senior football pitch) between the school and the community. This will need to be clarified once arrangements for the school are known. It is also proposed that community needs in terms of the land take for community buildings and facilities be reassessed in relation to other uses during phase 1c and at the start of phase 2a. In the event that the full 2ha of land allocated for community uses is not required*, alternative uses including additional small scale employment and residential will be considered.

Green infrastructure

A new multi functional parkland comprising - community orchards and allotments, informal publicly accessible areas, children's play areas, habitat areas and water attenuation ponds;

Energy from Waste

The site is considered in the Devon County Council Waste Local Plan as an option for the location of an energy from waste facility. If selected it is most likely that it would be located in the employment area towards the north west of allocation, close to the new A361 junction.

Refer to 4.2 Amount and use

* In assessing the extent of community uses that are required deliverability and market demand will be important considerations

[§] Dimensions exclude run off area



- 1 Landscape and community hub
- 2 Green links and connections
- 3 Allotments and orchards
- 4 Play areas
- 5 Retained hedgerows and trees
- 6 Sports pitches
- 7 Enhanced and new areas of woodland
- 8 Retained and enhanced wetland and marshy areas
- 9 Open parkland on steep ground
- 10 Areas for informal recreation
- 11 Attenuation pond



4.5 Landscape and public open space

Green Infrastructure

The principal defining feature of the garden neighbourhood will be the extent and quality of public open space within the developed areas and the extensive multi-use parkland that wraps around the southern boundary of the scheme incorporating the area of Green Infrastructure identified in policy AL/TIV/3.

The developed area will be characterised by a green and leafy character inspired by garden city principles of placemaking. As such the area will comprise tree lined streets, streets with front gardens, green lanes, allotments, orchards, wooded areas, formal green spaces, retained species rich hedgerows and veteran trees, incidental green spaces, and attenuation areas.

Public open space will provide a multi-functional green space in easy reach of all homes in the garden neighbourhood and existing communities. The extent of greening across the area is in response to the identified landscape and site features that currently exist and other constraints such as topography. The majority of retained hedges have been incorporated into public open space. Some hedgerows may need to be removed within developed areas but should be retained wherever possible and integrated into the development.

The open space is proposed to take the form of a parkland setting and will be a local landscape that has a variety of complementary recreational and ecological functions:

- Wetland areas;
- Woodland areas and retained veteran trees;
- Areas of pasture;
- Flat landscapes and steeper areas;
- Areas for informal recreation;
- Attenuation ponds and other SUDS area;
- Allotments and orchards;
- Formal and informal play areas – including a NEAP, LEAPS and LAPS;
- Sports pitches*;
- Enhanced biodiversity;
- Enhanced hedgerows including historic and species rich hedgerows;
- Green corridors.

Strategic planting

There will be a number of areas of strategic planting across the allocated area. These include:

- Landscape buffer planting to the A361;
- Landscape buffer planting between existing housing at Post Hill and proposed residential areas;
- Planting around the proposed junction onto the A361;
- Strengthening of hedgerows and other landscape features and habitats;
- Areas of ecological mitigation.

Tidcombe Fen

Tidcombe Fen is a Site of Special Scientific Interest (SSSI). It is a rare type of wetland habitat comprising a variety of plant species and rare fauna.

The masterplan seeks to take account of the environmental and ecological sensitivities of the Fen. It will need to be demonstrated at the application stage that the SSSI and its hydrological catchment area will not be adversely affected by development. The plan is designed in mind of the Fen, its catchment, the Alsa Brook and the marshy areas to the south of the site that feed the wetland.

Planning applications will be expected to demonstrate how green infrastructure areas will be managed and maintained. Specific arrangements may vary according to the type of space and its function but are expected to include access and management agreements with landowners and the creation of a management company. Local organisations may also come forward to manage some of the areas for public benefit.

It is important that the delivery of green infrastructure areas takes place in step with the development. 6.1 phasing and implementation deals with this issue. Due to the likely sequence of phasing, temporary public open space will need to be provided at the neighbourhood centre or in an alternative location until the permanent areas to the south can be delivered and accessed.

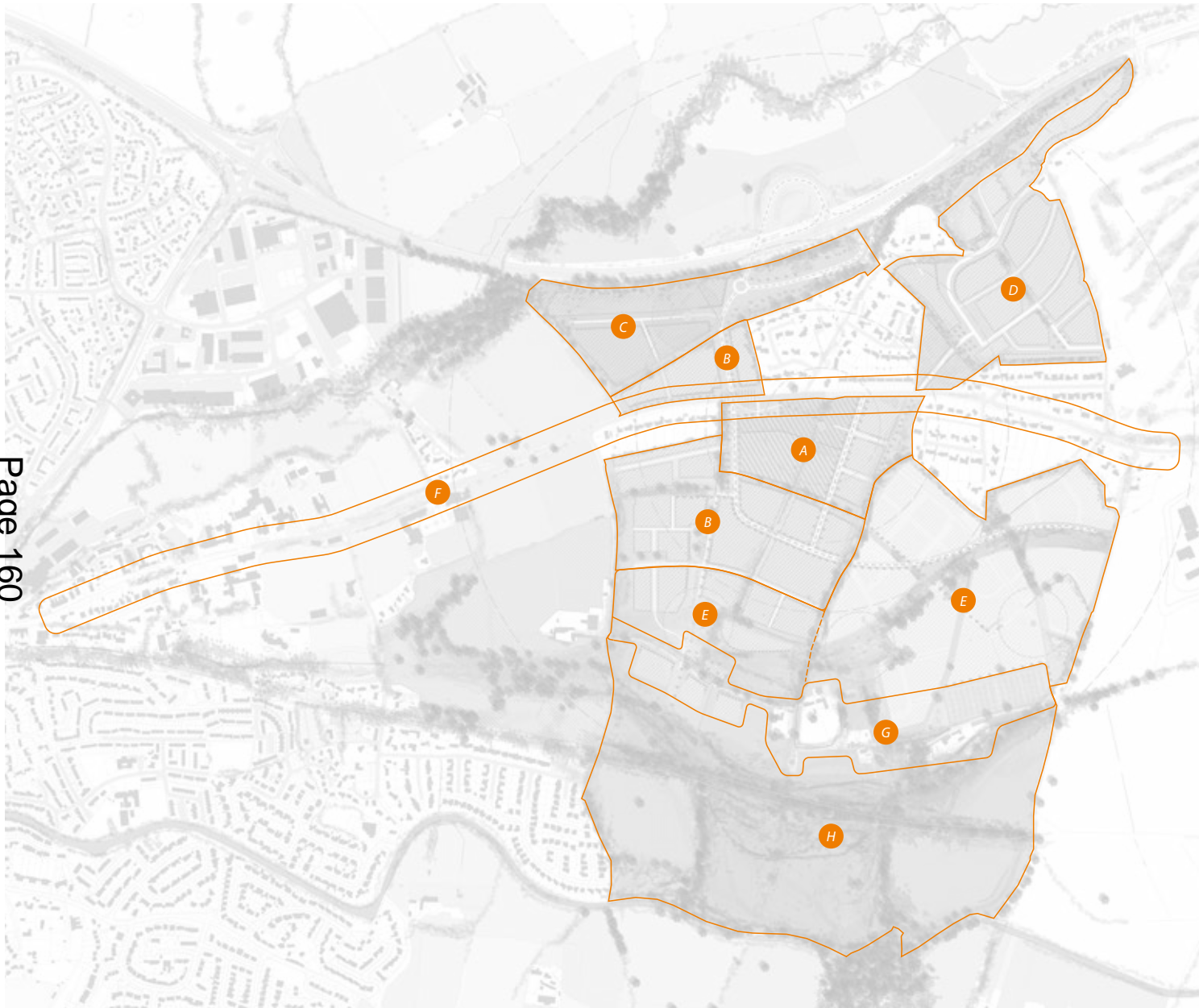
* It is envisaged that the requirements for formal sports provision will be partly met on site and partly through off-site enhancement and expansion of existing facilities within the Tiverton area

“ the way in which public space has been organised has in all periods exercised a powerful influence on the design of private houses.”

Urban Space
Rob Krier

Achieving a quality place

5.0 Creating the place



- A** Neighbourhood centre including primary school
- B** Residential core
- C** Employment area
- D** North east area
- E** The park edge and south east area
- F** Blundell's Road
- G** West Manley Lane
- H** The Parkland



5.1 Reinforcing the structure

The masterplan can be sub divided into eight areas that have a distinctive character of their own and which will come together to define the wider whole. Whilst it is important that the neighbourhood has a continuity and definable sense of place, the character areas respond in different ways to their particular role and location within the development.

Design approach

The proposed character areas are intended to form the foundation for more detailed guidance that will be prepared as part of a coordinated design approach for the new neighbourhood set out in 1.7 design process. This design approach elaborates on the structuring principles that are illustrated in this SPD to ensure that there is a consistent approach to design across the whole area and that individual character areas reflect to their particular role, function and distinctive position within the neighbourhood.

The character areas take into account the existing landscape, ecological and topographical characteristics of the site. As such they will be quite different, ranging for example, from the Blundell's Road corridor to the undeveloped landscape Parkland in the southern area of the allocation. Residential densities and therefore the character and appearance of housing areas will graduate across the site.

The highest densities will be at the heart of the neighbourhood centre (although this would need to take account of relationships with existing low density housing at Post Hill), and lower densities

on the edges of the park allowing the built form to feather into the landscape at the edge of the development. The southern edge of the residential area reflects this approach.

The design process and additional design work required in 1.7 should use these character area principles as a starting point for more detailed guidance together with developing a clearer understanding of local building traditions and characteristics.

Character areas

The eight are:

A: The neighbourhood centre

This mixed-use centre will be at the heart of the community fronting onto Blundell's Road comprising the primary school, community facilities, shops, employment space, apartments, town houses, a village green, formal recreational space, bus stops and other associated facilities;

B: The residential core

This predominantly residential area wraps around the southern edges of the neighbourhood centre will be defined by terraced and semi detached houses with gardens. It will also include residential development fronting onto the north side of Blundell's Road to reinforce the character of Post Hill;

C: The employment area

The focus for a variety of employment buildings, the area will comprise principally B1a and B1c classes in a landscaped setting accessed from the proposed A361 junction;

D: The north east area

This residential area is east of Uplowman Road and north of Fairway. Housing and landscaping will need to take account of the more challenging topography and step down with the contours;

E: The park edge and south east area

This predominantly residential area falls between the residential core and the park edge and includes the south east area, large sections of which front onto the parkland. Housing will be designed to be at lower densities comprising mainly semi-detached and detached properties with gardens. The housing edge will be softened to feather into the greenspace beyond.

F: Blundell's Road

This is the primary movement corridor in the area. It has a changing character that will link the new neighbourhood with the town centre. Enhancement works will deliver environmental improvements, especially at the core of Blundell's School;

G: The parkland

This multi purpose landscaped public open space wraps around the southern edge of the built up area.

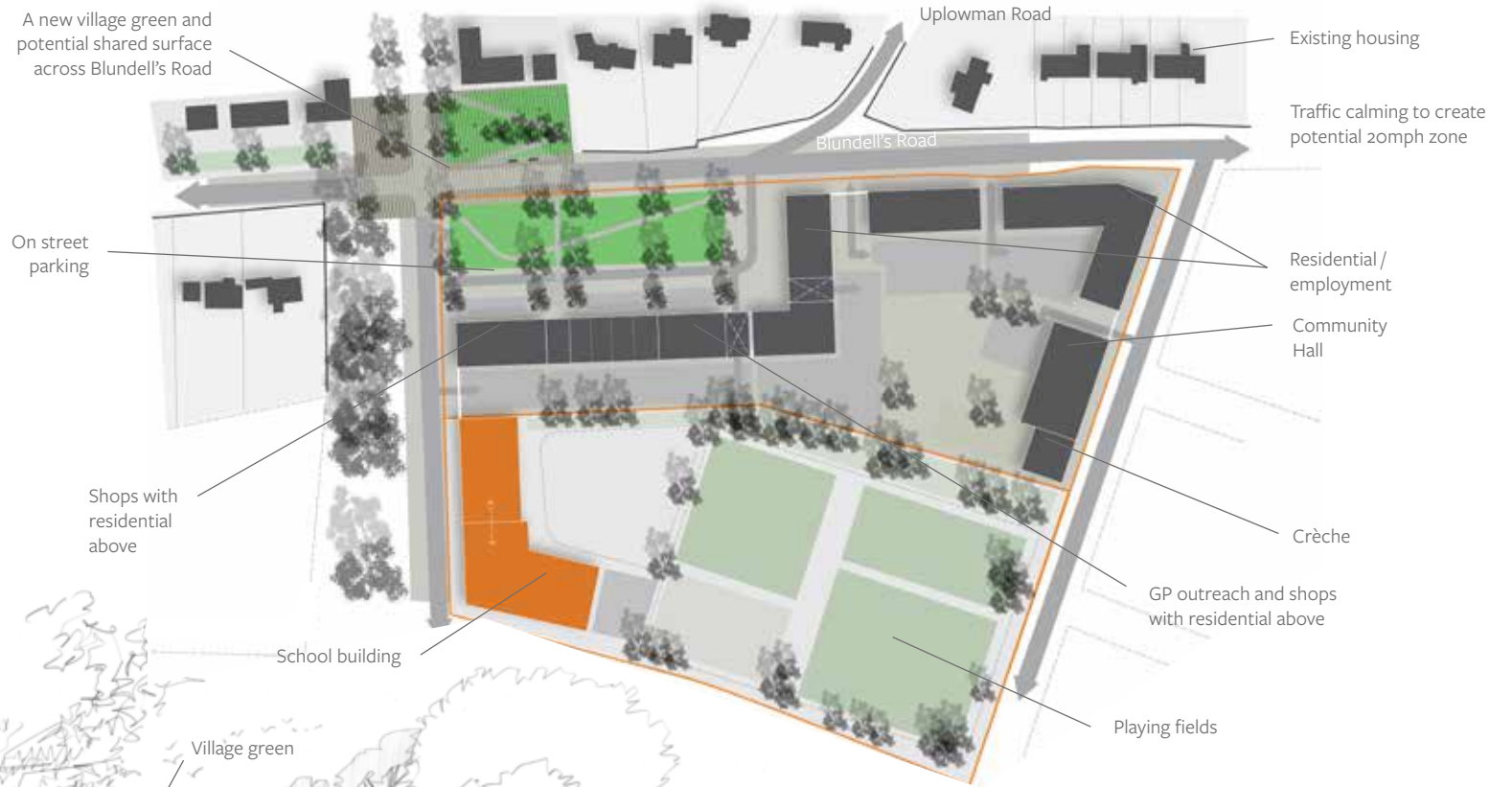
H: West Manley Lane

This existing lane has an enclosed rural character bounded by hedgebanks with clusters of buildings.

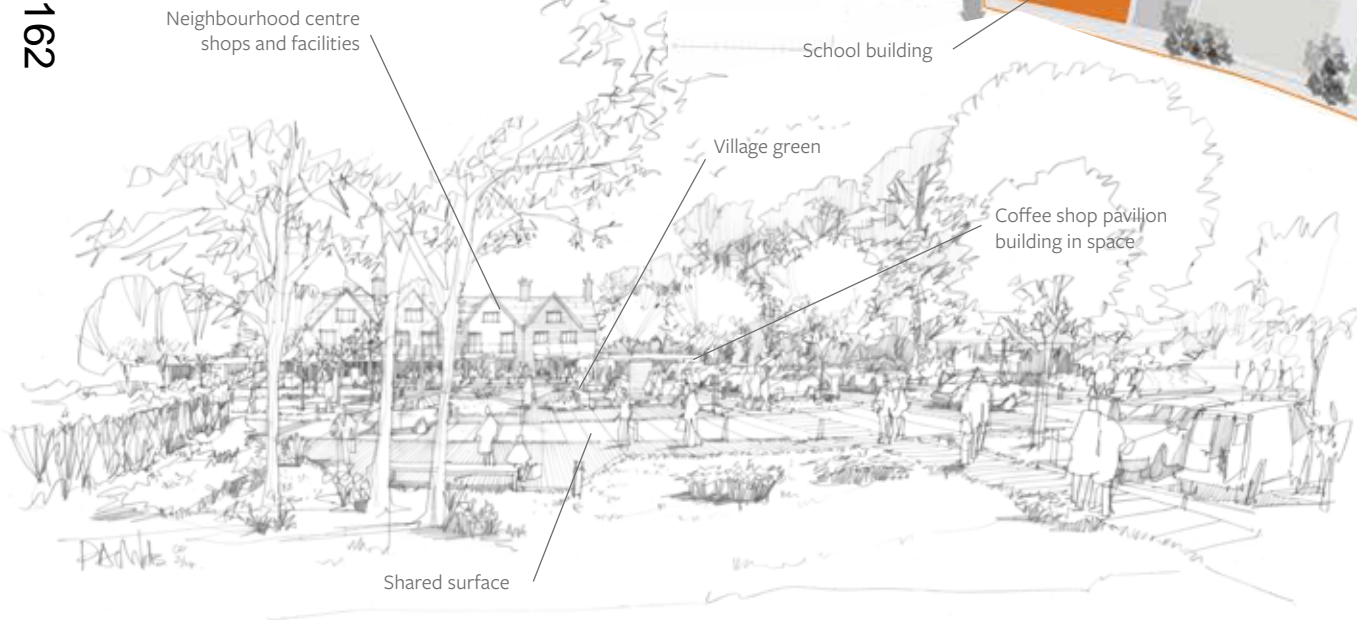
The following chapter provides some guidance about the traits that should define the different character areas.

Illustrative plan

The illustrative plan shows a notional interrelationship between different parts of the neighbourhood centre comprising a 'village green' to Blundell's Road, the position of the primary school at the heart of area, mixed use development blocks enclosing the streets and spaces and the position of existing houses at Post Hill. The plan shows how the scale of development can create enclosure to streets and that active ground floor uses such as shops, café and community uses can be combined with housing and offices in the upper floors of mixed use blocks to create variety, flexibility and vitality.



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Above: An artist's impression looking across the 'village green and potential shared surface space across Blundell's Road into the neighbourhood centre



A: Neighbourhood Centre

The centre would be the focus of community life in the new area. It would comprise a broad mix of land uses that are positioned adjacent to Blundell's Road and clustered around the new primary school and bus services into town. It is envisaged that a new 'village green' space would be introduced onto Blundell's Road and this would mark the heart of the neighbourhood. The centre is likely to comprise town houses, apartments, landscaping, formal sports provision, a small shop, a satellite medical centre, crèche, community facilities, small offices and a café. Green routes from the centre would connect out to the surrounding residential areas and parkland/ countryside beyond.

Layout and density

An urban garden city character centred on a new village green with a density between 40 and 50dph.

Amount and land use

Mixed use comprising residential, primary school, community space, shops and employment space (1.93ha for primary school and 2ha* for community buildings and open space).

Scale and form

Generally two storeys with some elements of three storeys to mark the neighbourhood centre if they are appropriate. Upper floors provide opportunities in terms of community uses and facilities.

Streets, public open space and landscape

Formal streets with trees and good enclosure from buildings. Some active ground floor frontage.

Village green space.

School / community playing fields.

Buildings at back of pavement.

Car parking in small courtyards, on street and in public space.

Left: Precedent photographs capturing the character and content that might be possible in the neighbourhood centre



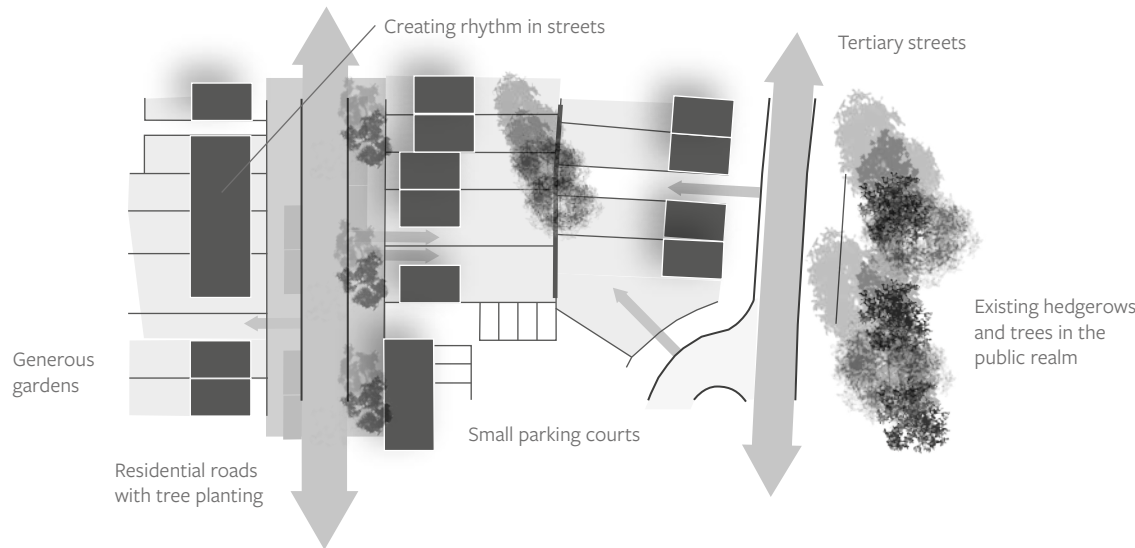
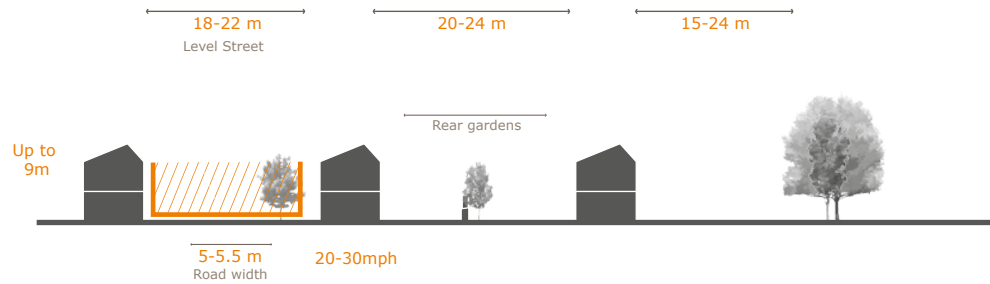
Three storey contemporary housing

Two storey terraced housing in Tiverton

Existing housing in the locality

Existing local housing

Positive pedestrian and cycle routes



B: Residential Core

The residential core is located around the neighbourhood centre. Residential accommodation will be delivered mainly in the form of houses with gardens. The housing will be mostly terraced with some semi detached and would be arranged in streets and plots that seek to maximise the benefits of solar access. The area is within a 5 minute walk of local community facilities including the primary school and surrounding parkland. The area would be characterised by residential densities of between 25dph and 40dph with the highest densities closest to the neighbourhood centre.

Layout and density

Housing in gardens with densities of between 25 and 40dph creating an formal garden city character.

Amount and land use

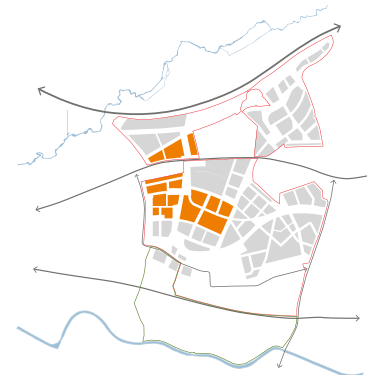
Predominantly housing with some community open space including allotments, orchards, incidental open space and play areas.

Scale and form

Mainly two storey terraced and semi detached houses, some with front gardens and some with no or small front gardens.

Streets, public open space and landscape

Streets with narrow carriageways – potential 20mph. On street, on plot and limited courtyard car parking. Some incidental green space.



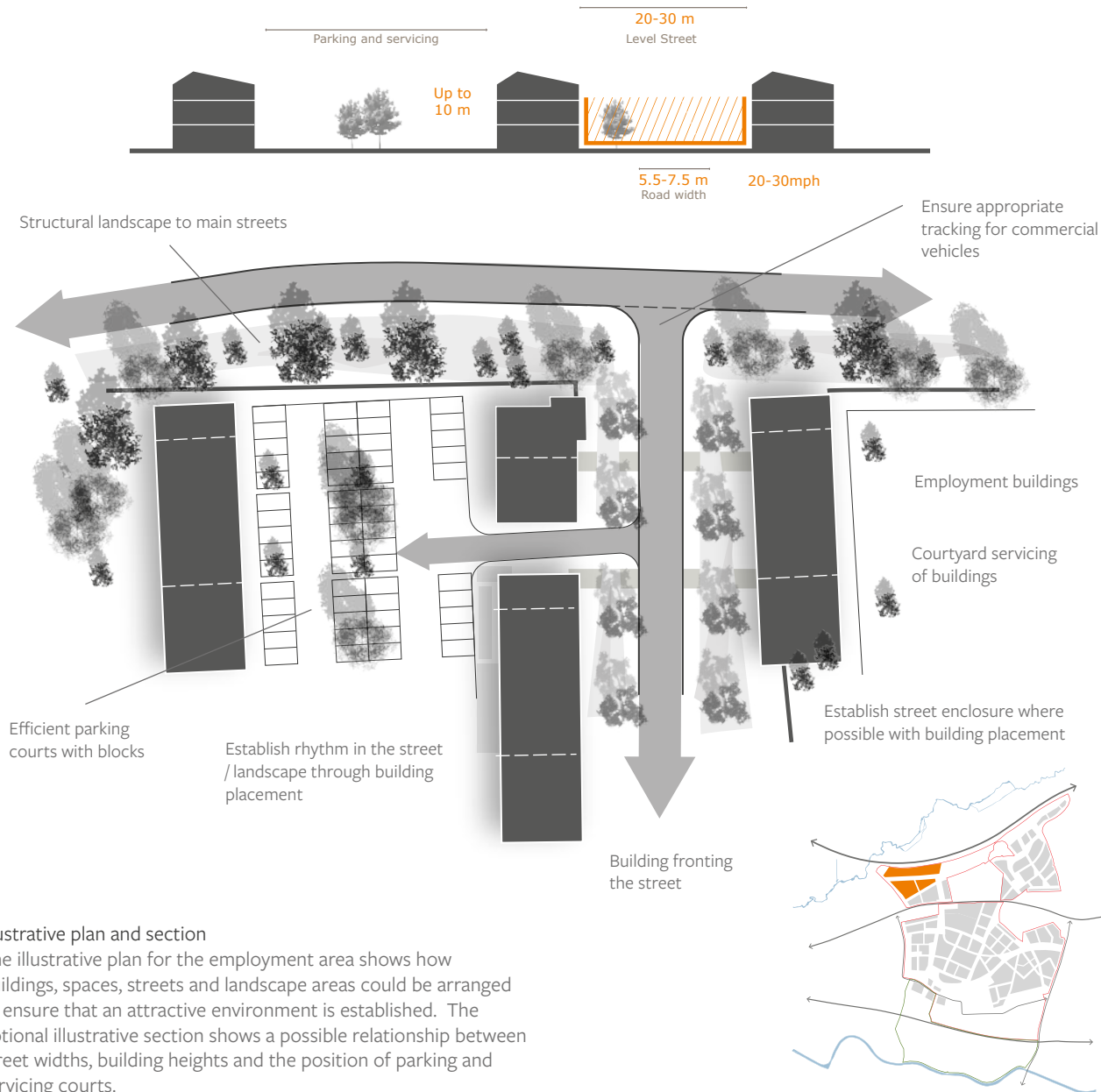
Illustrative plan and section

The illustrative plan shows how housing in this area might be laid out with mainly terraced housing and some semi-detached housing fronting onto streets. The plan shows good sized front gardens and opportunities for parking in streets, on-plot and in small courtyards.

The illustrative section gives an idea of the sort of street widths, enclosure and back to back distances that might be appropriate in some parts of the residential core.



Above: Photographs from elsewhere capturing opportunities to create an attractive employment environment



Illustrative plan and section

The illustrative plan for the employment area shows how buildings, spaces, streets and landscape areas could be arranged to ensure that an attractive environment is established. The notional illustrative section shows a possible relationship between street widths, building heights and the position of parking and servicing courts.

C: Employment

The employment area lies north of Blundell’s Road and adjacent to the new junction on to the A361. It is the flattest area of the site. Businesses would be in close proximity to bus services, the primary school, crèche, and the neighbourhood centre. This will make it a good location for new and relocated businesses which will principally fall within use classes B1a and B1c. The townscape, landscape and architecture would be designed so that it is simple and structured in a way that is complementary to the adjacent neighbourhood and landscape setting of the town.

Layout and density

Employment buildings of different scales and density with associated car parking and parkland landscaping.

Amount and land use

Principally B1a and B1c employment uses at plot ratios of between 40-50%.

Scale and form

Generally two storey with consistent form and related scale. Building form varied to respond to different building and user requirements. Scope for increased height in some areas subject to review and considered justification.

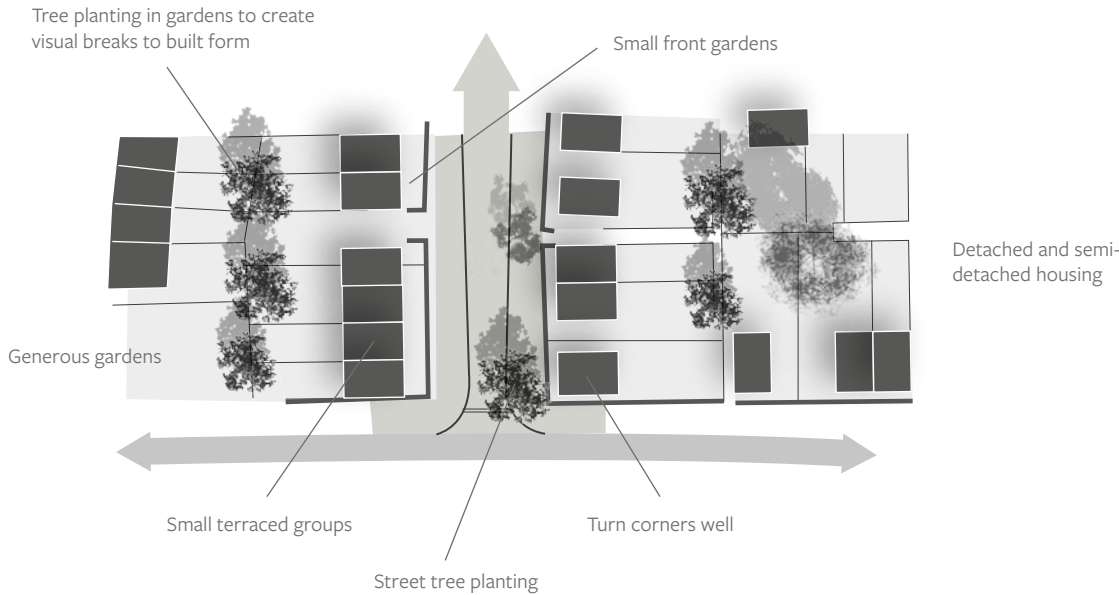
Streets, public open space and landscape

Tree lined streets and spaces with associated landscaping. Permeable surfaces. Attenuation ponds. Car parking areas adjacent to buildings. Car parking and servicing designed so that they don’t dominate the environment.

Refer to 3.3 Guiding Principles - F. Economy and employment



Above: Precedent photographs capturing the character that might be possible in the north east area



Illustrative plan and section

The illustrative plan for the north east area indicates detached, semi detached, and short terraces that create structured streetscapes that are attractively landscaped. Housing is set within good sized gardens. The notional section illustrates two storey housing with tree planting on street and in gardens to soften the appearance of the built form. The section shows development on the gradual slope that characterises the north east area.

D: North east area

The north east area of the site lies on sloping terrain with principally north and west facing slopes. The A361 is to the north and is very visible from different vantage points within and around the site. The area is characterised by a mature stand of trees that runs along the western boundary. Housing comprises mainly semi detached and detached properties in gardens. They are positioned along the natural gradient of the land form and come together to establish a leafy residential environment that steps down the site with the contours. Landscaping will need to be structured to visually break up and soften the proposed housing. The Long Barrow provides a point of historic and cultural interest in the north west of the area and its setting must be respected. There are extensive views to the wider countryside north of the A361.

Consideration should also be given to the provision of gypsy and traveller pitches. These will need to be accompanied by good quality landscaping proposals.

Layout and density

Housing in gardens with densities of between 15 and 40dph creating a garden neighbourhood character. Housing to the north of Uplowman Road will have a more rural character.

Amount and land use

Predominantly housing with some community open space including allotments, orchards, landscaping, incidental open space, play areas and surface water attenuation.

Scale and form

Mainly two storey detached and semi detached houses with front and rear gardens, that step down with the contours.

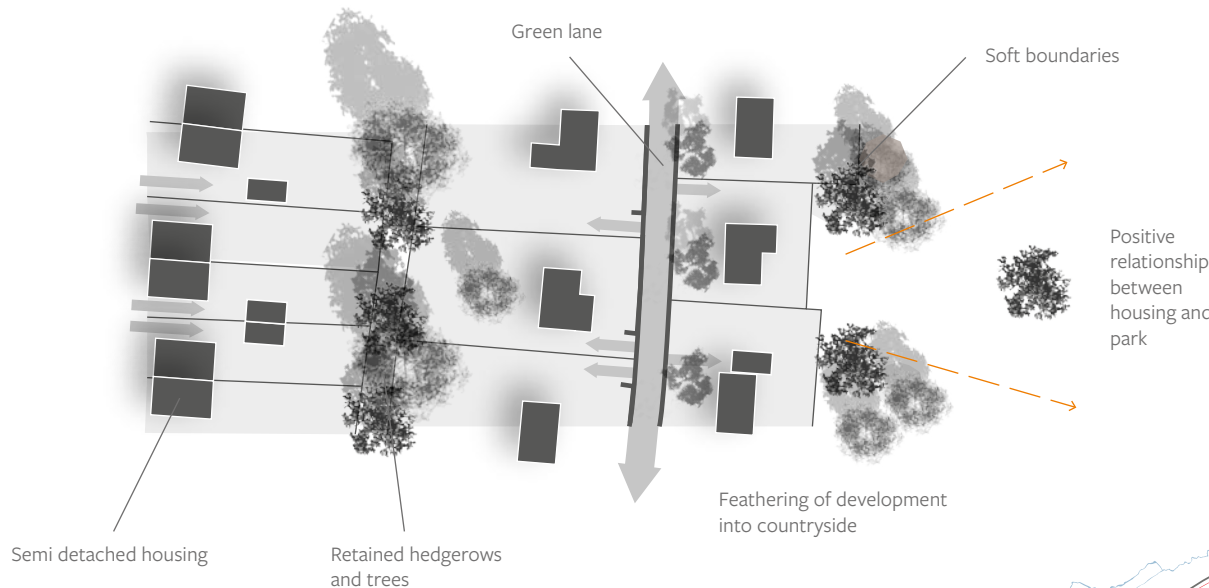
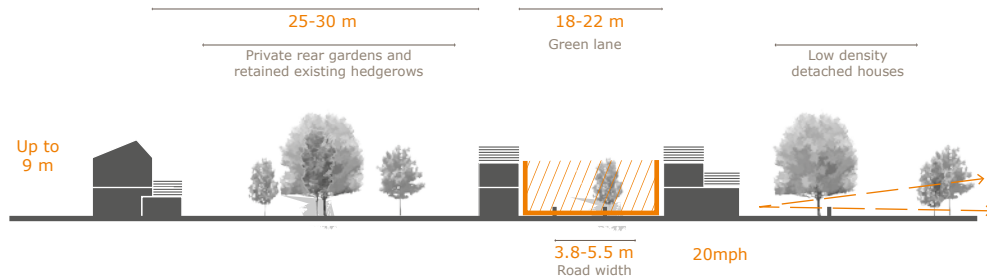
Streets, public open space and landscape

Streets with narrow carriageways – potential 20mph. On street, on plot and limited courtyard car parking. Some incidental green space. Attenuation ponds. Some tree lined streets.



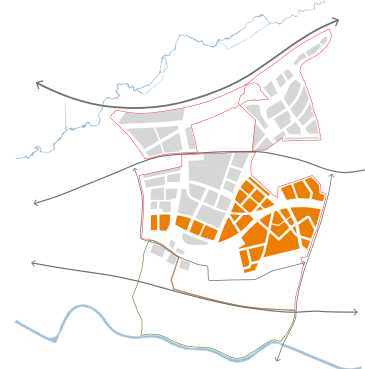


Above: Precedent photographs capturing the possible character of the park edge in the south east area



Illustrative plan and section

The illustrative plan shows a notional area for part of the south east area that would be on the park edge and of a lower density. The possible relationships between street widths, plot layout and building height is illustrated in the section. The character of this part of the south east area is envisaged as green and leafy.



E: The park edge and south east area

This area comprises the park edge, which is characterised by lower density housing (about 15 - 20dph) and the south eastern area comprising a number of different densities. The average density of housing in this area is about 37dph but in some parts where the developed areas meet the parkland public open space, lower densities are recommended as the built up areas feather into the countryside. This area will be subject to a second stage masterplanning process and guidance may change when more is known about the constraints and opportunities.

The park edge residential areas have good rural aspect and are in close proximity to the canal tow-path, the Sustrans cycle route and many countryside walks. The route of the drovers trail begins in the parkland, cuts through the parkland edge and the neighbourhood core into the neighbourhood centre. This is to be utilised to provide convenient access to the neighbourhood centre by foot/ cycle.

Layout and density

Housing in gardens with densities of about 15 - 20dph. Informal organic character.

Amount and land use

Predominantly housing with some satellite employment spaces and community open space including allotments, orchards, incidental open space and play areas.

Scale and form

Mainly two storey detached and semi detached houses in generous front and rear gardens. Houses fronting onto the parkland and other green spaces. Opportunity for bespoke housing design and self-build in some areas. A leafy environment that feathers into the landscape and provides a soft edge onto Manley Lane.

Streets, public open space and landscape

Streets with narrow carriageways – Potentially 20mph. Mainly on plot car parking with limited on street visitor parking. A setting characterised by the adjacent parkland and community open space. Landscaping on plot to reinforce the parkland edge character.



86
Creating a sense of place



87
Shared surface



88
Shared surface



89
Existing view of entrance to Blundell's School



90
Shared space on a green



91
Shared space on a green

F: Blundell's Road

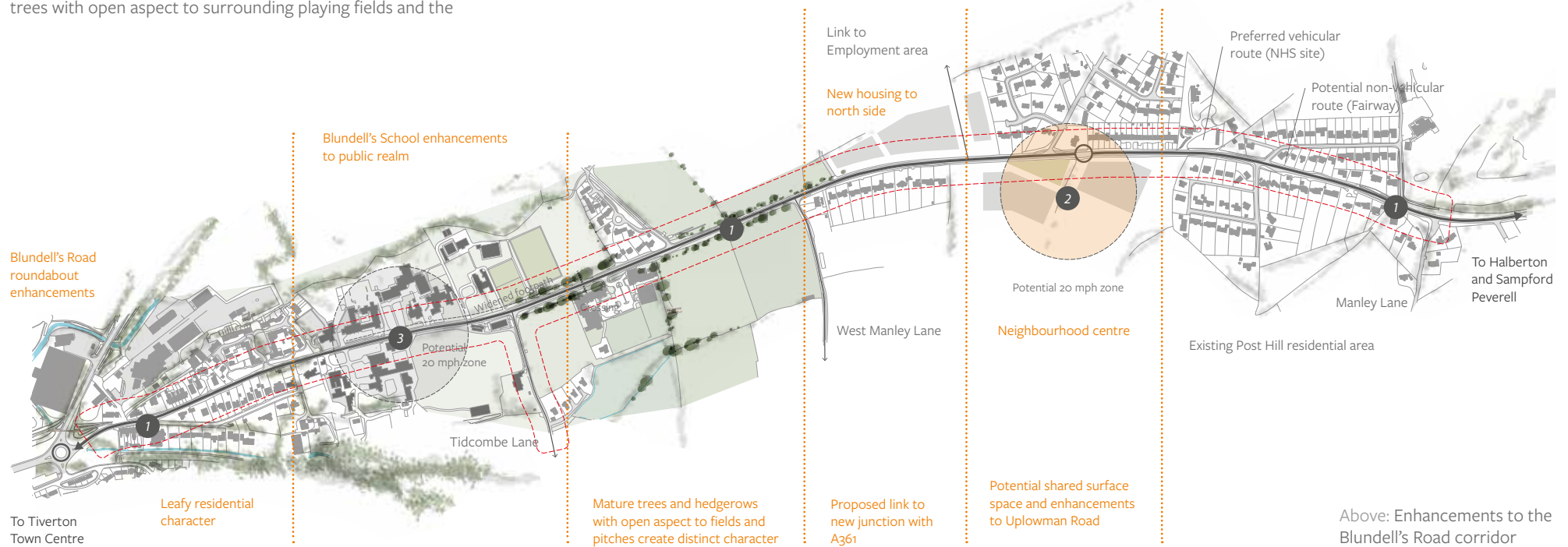
Blundell's Road is an important movement corridor in the area and a key approach into Tiverton from the east. This will remain the case. The corridor has a distinct and varied character along its length - an area centred on Blundell's School is being considered for conservation area status. In order to ensure that it performs a successful role in managing transport in the future, and that the impacts of that traffic are addressed in accordance with Policy AL/TIV/2, a number of environmental enhancement and traffic calming measures are suggested. This may include consideration of 20mph shared surface zones at Blundell's School and at the 'village green' at the centre of the neighbourhood - these could provide incident along an otherwise straight road corridor and will add to the sequence of characters that are distinctive of the route.

There is a sequence of character sub areas which include: Post Hill, the proposed neighbourhood centre, a boulevard of mature trees with open aspect to surrounding playing fields and the

countryside, the Blundell's School entrance 'quad', and the leafy residential area between the school and the roundabout. Other enhancements along the corridor are expected to include an upgraded cycle route, improved pedestrian crossings and the roundabout at the western end of the road.

Enhancement and traffic calming along the length of Blundell's Road (and into Tidcombe Lane) will perform an important role in ensuring that the new neighbourhood relates positively to the town. Enhancement work at Blundell's School and in forming a new open space on Blundell's Road in the new neighbourhood centre will play a significant role in helping to enhance the character of the corridor, achieve a distinctive sense of place and manage transport modes.

The detailed design of the environmental and traffic calming improvements will need to have regard to the character and appearance of the area in light of the proposed conservation area designation.



Above: Enhancements to the Blundell's Road corridor



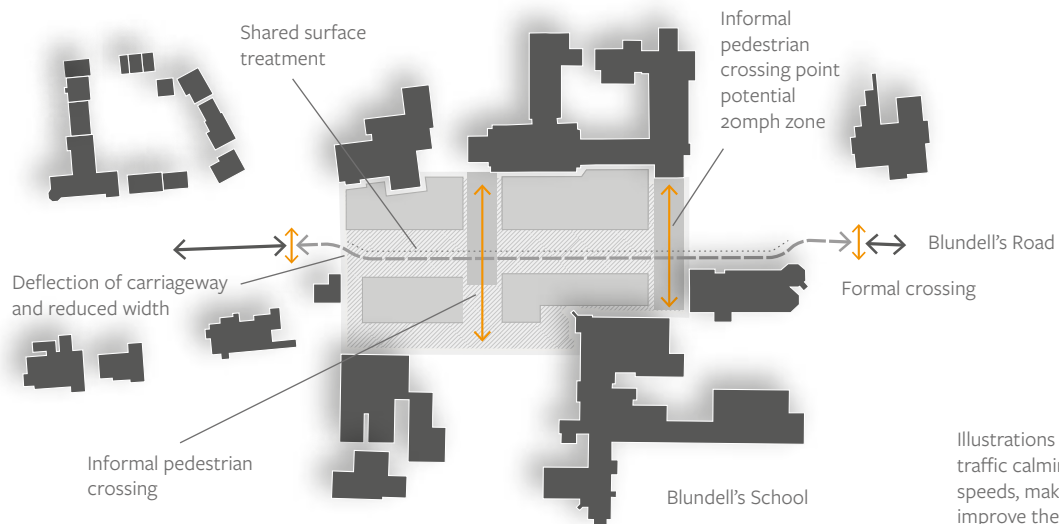
Photograph of the existing Blundell's School



Shared space



Creating a sense of place



Illustrations of the environmental enhancement and traffic calming at Blundell's School to reduce traffic speeds, make a safer pedestrian environment and improve the appearance of the public realm.



Photograph of the existing Blundell's Road



Shared space next to a green

Blundell's School Enhancement

The grouping of historic buildings and the space that they enclose at the entrance to Blundell's School is currently an attractive incident in the townscape/ landscape along the length of the existing road corridor. It is considered an undesignated heritage asset with potential conservation area status. The road carriageway width is very wide and traffic speeds have been recorded to be too high for such an environment. Moreover, the visual impact of the wide road detracts from the quality and historic setting of the school quadrangle. In order to improve this, a range of measures are proposed which will be subject to future detailed design, these could include deflection of the alignment of the road, reduction of its width, introduction of a new surface finish and new crossing points. It is intended that the resulting design when implemented will substantially reduce traffic speeds with potential for a 20mph zone, in order to create a safer pedestrian environment, help to improve accessibility between the north and south sides of the school and a much improved physical environment that is more befitting of the historic setting of the school.

Proposed Neighbourhood Centre

The masterplan illustrates that the neighbourhood centre will be positioned adjacent to Blundell's Road and this will provide a new and distinctive focal point for Post Hill – as such it will perform an important role as a new gateway into Tiverton from the east as well as marking the centre of the neighbourhood. In order to create a clear and distinct sense of place and a safe environment for all, a number of measures are proposed. The centre will be focused upon a new green space and this would be characterised by a broad mix of complementary activities, including for example: housing, a primary school, formal sports provision, community facilities, some small shops, cafés, small offices and associated infrastructure. Measures to breakdown barriers to pedestrian movement between the north and south of Blundell's Road will be proposed. This could take the form of a 20mph zone. These measures will form an integral part of the public space. It is intended that the public space would establish itself as the heart of the community and the plan provides an impression of how the space might be arranged.





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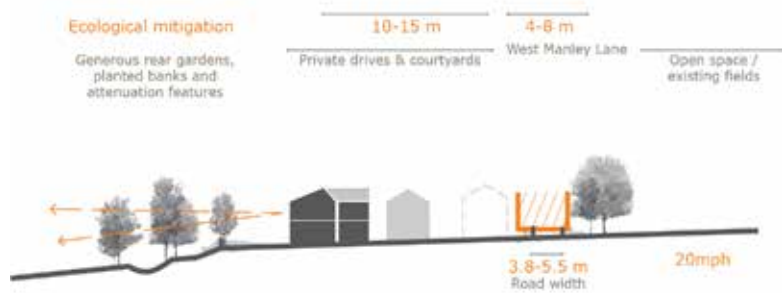


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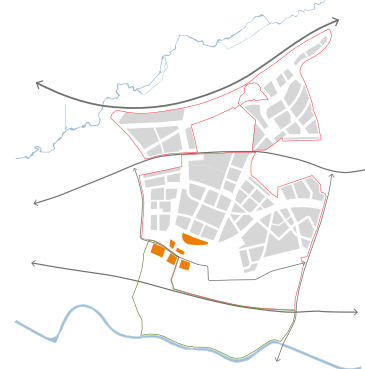
102

Above: Precedent photographs capturing the character of development that might be possible along West Manley Lane



Illustrative plan and section

The illustrative plan and section for the West Manley Lane area indicates low-density housing in small groups with large gardens accessed from private roads and courtyards off of West Manley Lane. The plan shows that housing would be two storey and the integrity of the hedgerows on the lane would be maintained.



G: West Manley Lane

The character of the southern extremity of the site around West Manley Lane is different from that of the wider area. It is defined by a more rural landscape dominated appearance made up from mature hedge banks, tree groups and fields enclosed by hedge boundaries. It is also one of the lowest areas of the site and therefore needs to incorporate appropriate measures for water attenuation.

In order to reflect the character of existing development in the area and retain the character of the lane itself, small groups of low-density housing are proposed. The groups would comprise relatively large homes set within generous gardens and around courtyards. New housing should be designed so that it evokes the rural character of existing development in and around the lane.

By introducing small housing clusters, it will be possible to ensure that landscape and ecological mitigation and SUDS measures can be properly incorporated.

Layout and density

Principally detached housing in gardens at low densities of less than 15dph creating a rural character.

Amount and land use

Housing in small clusters with landscape, and ecological mitigation and SUDS.

Scale and form

Up to two storey, detached and semi detached houses arranged in small groups with informal layout and distinctive rural character.

Streets, public open space and landscape

Small private drives accessing courtyards for up to five houses off of West Manley Lane. The existing character of the lane to be retained. The existing character and function of the lane for local access to be retained together with opportunities along it for walking and cycling.



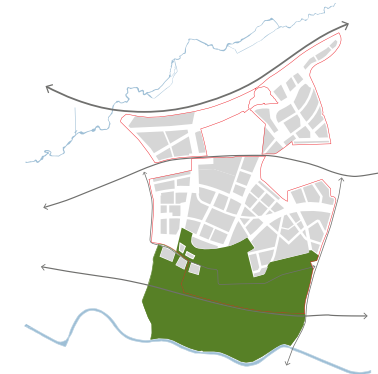
Above: Photographs capturing the character of the parkland landscape



H: The parkland

The parkland wraps around the southern edges of the new garden neighbourhood. The landscape will have the feel of a country park and will be a defining feature of the development.

The parkland will provide a landscape resource comprising; wetland areas; woodland areas; areas of pasture; retained veteran trees; new tree planting; landscaped areas of varying character; attenuation ponds and other SUDS features; allotments and orchards; informal play areas – including a NEAP, LEAPS and LAPS; new sports pitches to the south east; enhanced biodiversity; improved access to the canal and cycle path; and a reinforced network of hedgerows.



Achieving a quality place

6.0 Delivering the place

6.1 Infrastructure planning and delivery

Approach to infrastructure planning and delivery

Policy AL/TIV/6 of the Allocations and Infrastructure Development Plan Document states that a phasing strategy will be required to ensure that the development and infrastructure come forward in step, minimising the impact of the development, yet taking account of the need for development to remain viable. It further states that the phasing requirements of this policy should be taken into account and any variation from them carefully justified. The policy sets out policy expectations for the phasing of employment and housing, green infrastructure, highway improvements, bus service enhancements, transfer of land and funding for the primary school.

Since the adoption of this policy, further studies and consultation with both statutory bodies and the wider community have taken place. These have resulted in the need to reassess the triggers and sequence of infrastructure delivery set out in the policy. For example the policy requires the delivery of a second strategic highway link prior to the occupation of no more than 1000 dwellings. The Highway Authority now advises that based on the likely quantum of development for the urban extension (up to 1520 dwellings and approximately 30,000 sqm employment) this second strategic road link will not be required until traffic generation reaches the equivalent of 2,000 dwellings. This masterplan SPD therefore no longer includes the provision of a strategic highway link to Heathcoat Way in connection with this development.

The Council has set its Community Infrastructure Levy (CIL) charging rate at £40 per sqm for residential development only and at the time of writing this document is currently expected to start charging CIL from the beginning of June 2014. CIL introduces a new way of financing the delivery of infrastructure across the District as a whole. The Council's Regulation 123 list arising from section 123(2) of the Community Infrastructure Levy Regulations 2010 indicates infrastructure to be funded in whole or part by CIL, as opposed to via site specific S106 agreements. The Council's Regulation 123 list currently indicates that infrastructure of the types required in connection with this development are intended to be funded through CIL. However, whether this remains the best way to deliver the infrastructure required in connection with the development will be reviewed and the Reg 123 list amended as necessary. Important to this review will be an understanding of the likely number of planning applications to be received for the urban extension as a whole due to the limit on the ability to pool S106 contributions for the site's infrastructure delivery. Once the Council has started charging CIL or from April 2015 (whichever is first), no more than five S106 agreements may be entered into for the funding or provision of an infrastructure project or type of infrastructure.

External funding sources will also be identified. A bid has been made by Devon County Council to the Local Transport Board of the Heart of the South West Local Enterprise Partnership for £5.1 million towards the delivery of the new grade separated junction to the A361 and works to junction 27 of the M5 required in connection with this development.

In compiling a list of infrastructure in relation to this allocation, the Council has had regard to the infrastructure tests set out in section 122(2) of the Community Infrastructure Levy Regulations which state that it must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fair and reasonably related in scale and kind of development.

The success of the masterplan will ultimately be judged by what is delivered and the approach taken to delivery will therefore be key. It is essential that the development is taken forward in a co-ordinated and cohesive manner with the bigger picture clearly in mind, in this way the overall vision and aims of the area can be achieved.

CIL may be taken via land as an alternative to financial payment and if regulations permit, the provision of infrastructure.

The Council will be undertaking a review of the CIL charge as part of the review of the Local Plan. The CIL charge may change as the development progresses and may also become applicable to other forms of development. Regardless of this review, the CIL charge will rise annually to take account of increases in build costs.

6.2 Assumptions about the rate of housing delivery

Assumptions around the rate of housing delivery

The Allocations and Infrastructure Development Plan Document sets out an expected year on year trajectory for the provision of housing. On this site it anticipates delivery of the first 50 units in 2015-16 rising to 100 units per year between 2016 and 2026. In reflection of the current economic conditions up to 75 units per year is considered to be more realistic up to 2018 / 2019. The expected completion figures assume two or more house builders on site at the same time. Build out of the urban extension is anticipated to be in excess of 10 years and up to, if not beyond 2026.

It is assumed that development could potentially start on site in 2015/2016. The first homes will be provided after the up-front provision of highway infrastructure forming the first part of the new grade separated junction to the A361 and connection road linking it to Blundell's Road.

The sequencing of development and provision of supporting infrastructure set out in this SPD has been structured to provide appropriate flexibility over where and when development takes place. It seeks to ensure that the necessary infrastructure is provided in a timely and viable way in the interests of delivery of the vision and aims of the area in a co-ordinated and comprehensive manner.

Assumptions on housing mix and population profile

The Allocations and Infrastructure Development Plan document does not set a percentage target for affordable housing within policies associated with the urban extension. Instead it establishes

that the development will need to provide a proportion of affordable housing subject to further assessment of viability. The target for this proportion will be 35%. It is recognised that developments must be viable and that affordable housing may make a considerable difference to viability, especially due to the lack of ability to negotiate the CIL charge. This development will need to contribute significant sums towards the cost of infrastructure which will have a significant impact upon viability, particularly in the early phases. Further viability testing and assessment will therefore be needed to establish the level of affordable housing. The Council will also consider whether the provision of affordable housing should be deferred, reduced in early phases or varied between phases as significant transport infrastructure is required to be brought forward early in the development. Once provided, affordable housing should be delivered in step with market housing. Such decisions will need to be based upon the submission of robust viability evidence.

Affordable housing provision will need to have regard to needs assessment within the Tiverton area. The Council has already identified that at least 5 pitches for gypsies and travellers will be needed as part of the affordable housing provision via policy AL/TIV/1 of the AIDPD.

Based on an average household size of 2.3 persons in Mid Devon it is anticipated that up to 1520 dwellings could result in a population up to approximately 3,496.

Residential development on the site must have regard to housing mix in terms of type, size, tenure and location (intermixing of

affordable and market) and be designed so that affordable housing is indistinguishable from market housing. A policy on minimum home sizes is contained within Development Management Policies (Local Plan Part 3).

Tiverton EUE anticipated housing completions		
	Annual completions	Running total
2013 / 2014	-	-
2014 / 2015	-	-
2015 / 2016	12	12
2016 / 2017	75	87
2017 / 2018	75	162
2018 / 2019	75	237
2019 / 2020	150	387
2020 / 2021	150	537
2021 / 2022	150	687
2022 / 2023	150	837
2023 / 2024	150	987
2024 / 2025	150	1137
2025 / 2026	150	1287
2026 / 2027	150	1437
2027 / 2028	83	1520

6.3 Approach to development phasing

Approach to development phasing

The delivery of infrastructure and phasing of the development has been approached in accordance with the following principles:

Infrastructure should be provided in a timely way in order to reduce/mitigate the impact of the development;

Given the scale of the project, there is a need to balance certainty of delivery of key infrastructure with the need to maintain flexibility over the delivery of the development and infrastructure, especially as delivery is likely to take place over a period in excess of 10 years;

- A coherent and coordinated approach to infrastructure delivery, construction management and development phasing is needed between land ownerships in order to ensure that the overall policy aspirations are met;
- Avoiding in so far as possible the creation of parcels of land or pockets of development that do not relate to their surroundings or are isolated from each other;
- The early provision of transport infrastructure is recognised as being a key requirement in order to reduce the impact of the development upon the existing local highway network. However this must be balanced with the need to maintain development viability;

- It is expected that development will first take place to the north of Blundell's Road following the early provision of transport infrastructure associated with the new grade separated junction to the A361 combined with traffic calming improvements to Blundell's Road and improvements to roundabouts on Heathcoat Way. The provision of a construction access off the A361 will be subject to highway safety assessment. It is expected that funding for the provision of half of the cost of the grade separated junction to the A361 will be from external (non-developer) sources. A bid has been made to the Local Transport Board of the Heart of the South West Local Enterprise Partnership. Should that prove unsuccessful, other funding will be sought for the remainder of the cost of the new junction. This will be sought from other external sources. Whether development on the urban extension will be able to afford to fund all the associated infrastructure will need to be robustly demonstrated via viability evidence;
- The need to provide employment development in step with housing will deliver 5ha of serviced employment land (to provide approximately 25,000 sqm floorspace) within the part of the site to the north west of Blundell's Road early in the development. A further 5,000 sqm would be provided in small clusters in later phases of the development within Area B, within the neighbourhood centre and within the NHS land.
- Development is then expected to move sequentially in a southerly direction as access becomes available starting

immediately to the south of Blundell's Road and providing the commencement of the local centre and land for the primary school alongside residential development and other associated infrastructure;

- The final phases of development are expected to be to the south east of the allocated site with access through earlier phases to the north west.

As this development is expected to take place over a period of at least 10 years, it is recognised as important that an element of flexibility is retained in order that the development can respond to changing circumstances over time.

It is expected that a process of monitoring and review of delivery will be undertaken by the District Council in conjunction with the landowners / developers.

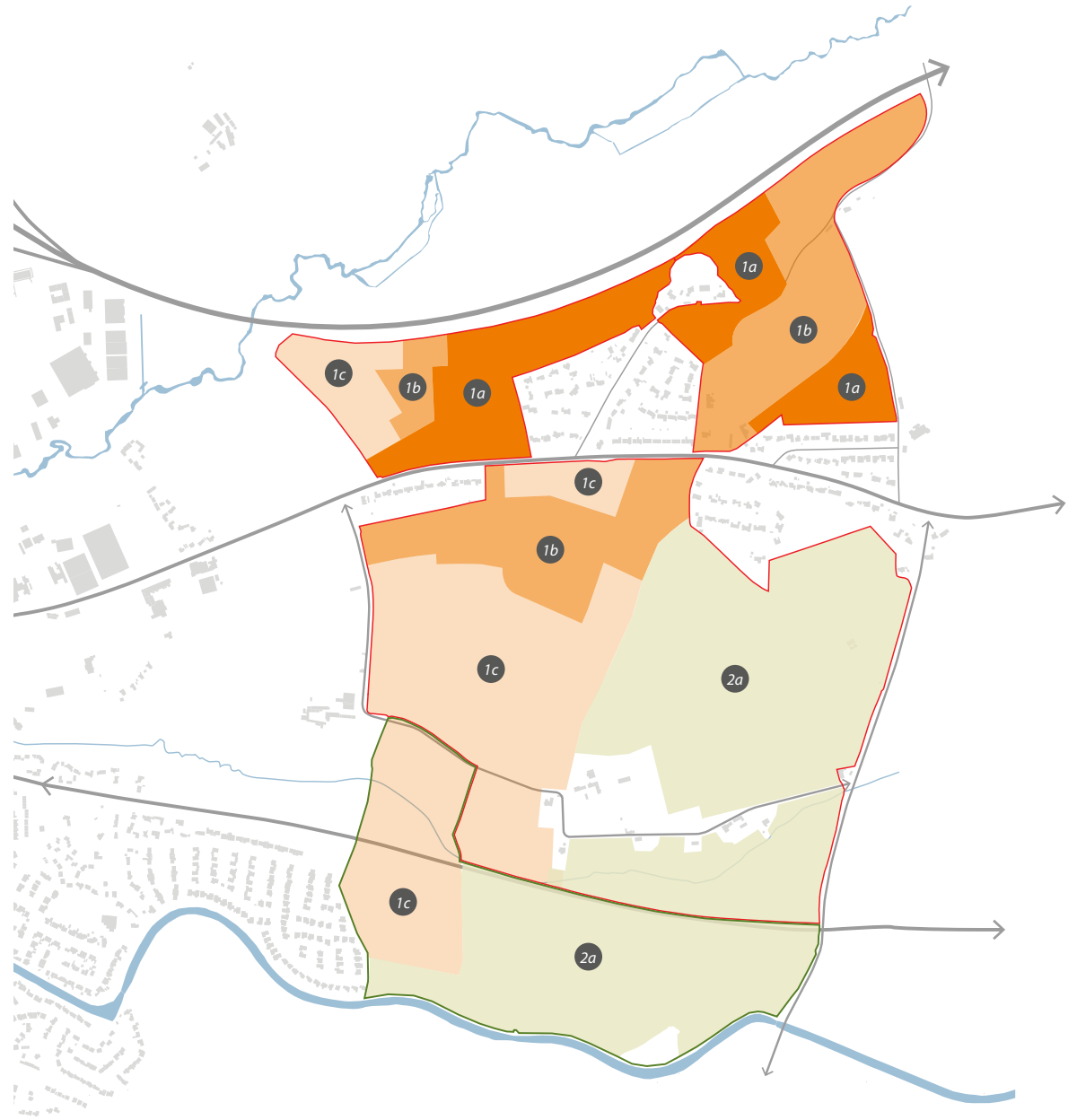
In considering proposals to vary phasing from that set out in this document the District Council will have regard to:

- How the supporting infrastructure specified in this SPD for the specific number of units proposed in the application will be secured;
- How appropriate sustainable access for new residents can be achieved between the housing development and supporting infrastructure (e.g. primary school) where appropriate;

- Whether the development proposed will prejudice delivery of other land holdings within the urban extension or the whole master plan, or result in an unacceptable impact on existing residents;
- How the proposed phasing complies with policy AL/TIV/6 and any subsequent review of the Development Plan in relation to it;
- In the event that delivery of an earlier phase, part of a phase or land holding has stalled, proposals to bring forward later planned phases will be considered provided they do not undermine: delivery elsewhere within the overall site, the provision of supporting infrastructure and mitigation of the impacts of the development as a result of earlier delivery.

The overall approach taken towards phasing and infrastructure delivery in this SPD is to seek to ensure that each phase of development is as self-sufficient as possible whilst delivering necessary strategic elements of infrastructure in a timely manner and not prejudicing the ability of the following phases to do the same.

- 1a Area A Phase 1a
- 1b Area A Phase 1b
- 1c Area A Phase 1c
- 2a Area B Phase 2a



6.4 Infrastructure requirements

Infrastructure required and triggers for delivery *

The key elements of infrastructure required to support the vision and aims of sustainable development at Tiverton's new garden neighbourhood at Post Hill have been based on requirements set out in the Allocations and Infrastructure Development Plan Document together with information collected from stakeholders and the wider community.

The infrastructure necessary to support the urban extension must be delivered in a timely way in order to reduce the impact of the development. The key infrastructure requirements for the urban extension are identified within the Allocations and Infrastructure Development Plan Document. These are listed in the following table in relation to the anticipated phase of development and identified trigger points. This table concentrates upon infrastructure requirements common to different areas and ownerships where coordination over delivery is most required. Further site specific infrastructure will be required on a more local basis, for delivery under individual detailed planning permissions for the relevant phase of the development such as footpaths and streets and non-strategic habitat mitigation. A range of utilities related infrastructure will also be required such as power, water and foul drainage. Provision for these will need to be made in step with the requirements of each phase of development and ensuring that provision is coordinated between phases. It is important that the necessary provision of utilities is borne in mind in considering the viability of the development.

Key infrastructure required	Anticipated phase for delivery and trigger point where known	Lead delivery organisation
Access and transport		
On and off slip roads south side of A361 to form construction access	Prior to any development	DCC
Left in / left out south section of junction to the A361 and highway link between this junction and Blundell's Road	Phase 1a - Prior to the occupation of any development	DCC
Phase 1 of traffic calming scheme at Blundell's School and improvements to roundabouts at Heathcoat Way and Lowman Way	Phase 1a - Prior to the occupation of no more than 200 dwellings or 4,000 sqm employment	Developer/DCC
Completion of full movement grade separated junction to A361 and phase 2 of traffic calming Blundell's Road (between Post Hill and Heathcoat Way)	Phase 1b - Prior to the occupation of no more than 600 dwellings or 10,000 sqm employment	Developer/DCC
M5 Junction 27 enhancements	Phase 1b	DCC/HA
Bus service enhancements	Phase 1b – prior to the occupation of no more than 600 dwellings	Operator / developer
Cycle and pedestrian links to the railway walk, Grand Western Canal and nearby public rights of way	Phased delivery from occupation of first dwelling	Developer

NB. Amounts of development are cumulative from the beginning of phase 1a.

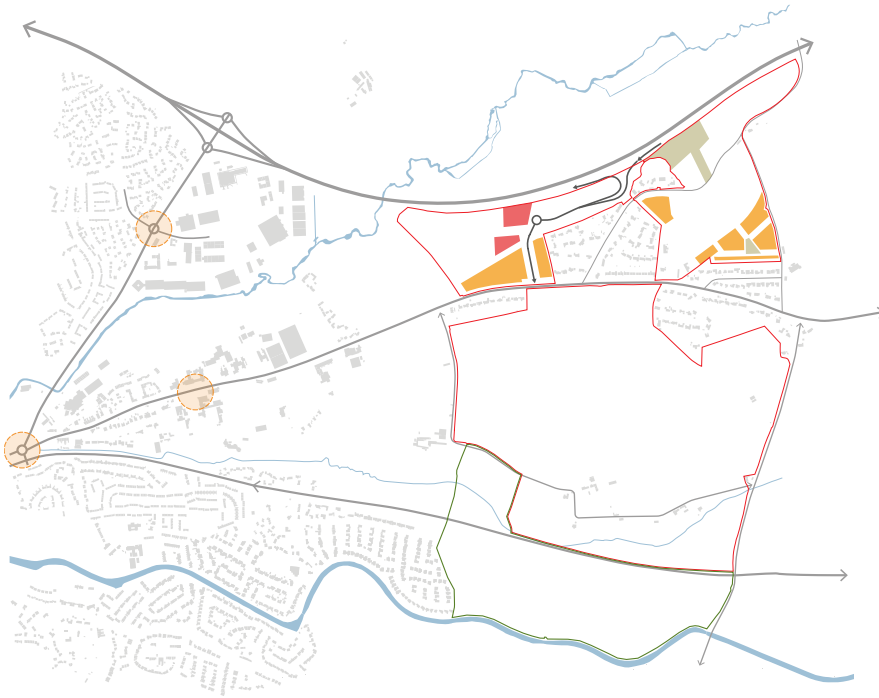
* Some triggers are expressed as 'before no more than a number of dwellings' or 'no more than an amount of employment floorspace'. Breaching either of these limits will trigger the requirement to deliver the infrastructure in question. For clarity, housing numbers and employment floorspace (with associated traffic generation) should not be considered in combination.

Key infrastructure required	Anticipated phase for delivery and trigger point where known	Lead delivery organisation
Education and early years		
Education provision - transfer of land for primary school and it's access to the Local Education Authority	Beginning of Phase 1b - prior to the commencement of construction south of Blundell's Road.	Developer/DCC
Provision of serviced site for primary school	Phase 1b - prior to the first occupation of development south of Blundell's Road	Developer
New primary school provision	Phase 1b - delivery of first phase prior to the occupation of no more than 400 dwellings	Developer/DCC*
Enhancements to/extension of existing secondary school	Phased delivery according to need as development comes forward.	Developer/DCC*
Community infrastructure		
A site of 2ha for a neighbourhood center (local shopping and community facilities including a community centre / hall, youth and child provision)	Phase 1b	Developer
Provision of local shopping and community facilities	Phases 1b and 1c	Developer
Open Space, recreation, play and green infrastructure		
Provision of open space to north of Blundell's Road	Phase 1a / 1b - delivery phased in step with housing	Developer
Provision of temporary open space on future school and neighbourhood centre site	Phase 1b - Prior to the occupation of 400 dwellings (as alternative temporary provision until GI to the south is provided)	Developer
Management / funding arrangements for the fen, catchment and buffer zone GI to the west of Pool Anthony Railway Bridge.	Phase 1c – prior to the occupation of 600 dwellings	Developer
Provision of green infrastructure between Pool Anthony Bridge and Manley Railway Bridge within Area A with necessary management / funding arrangements	Phase 1c – prior to the occupation of 1000 dwellings	Developer
Provision of green infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within Area B with necessary management / funding arrangements	Phase 2a – prior to the occupation of 1250 dwellings	Developer
At least 2ha of children's play areas; 8ha of sports pitches (or equivalent); and 2ha of allotments	Phased delivery as development comes forward (formal sports pitches to be delivered partly on-site and partly off-site through enhancement of existing provision)	Developer
Sustainable Urban Drainage Systems (SUDS)	Phased delivery as development comes forward	Developer

* Contributions will be sought in accordance with DCC 'Education s106 infrastructure approach'

6.5 Development phasing and infrastructure

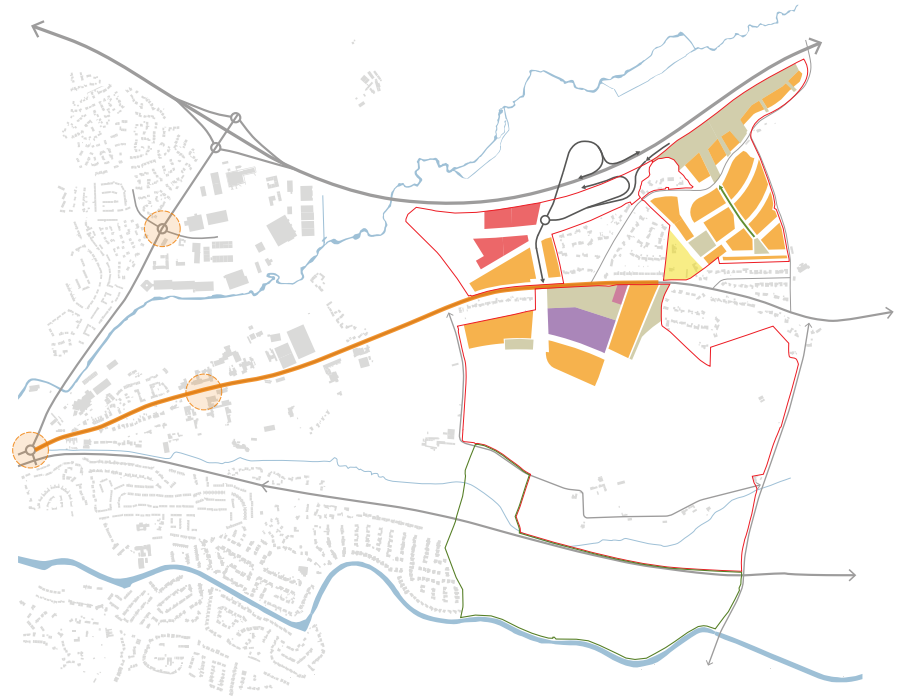
Area A Phase 1a



Area A Phase 1a

Commencement of development following enabling works phase. Provision of partial A361 junction, residential and employment development and associated infrastructure.

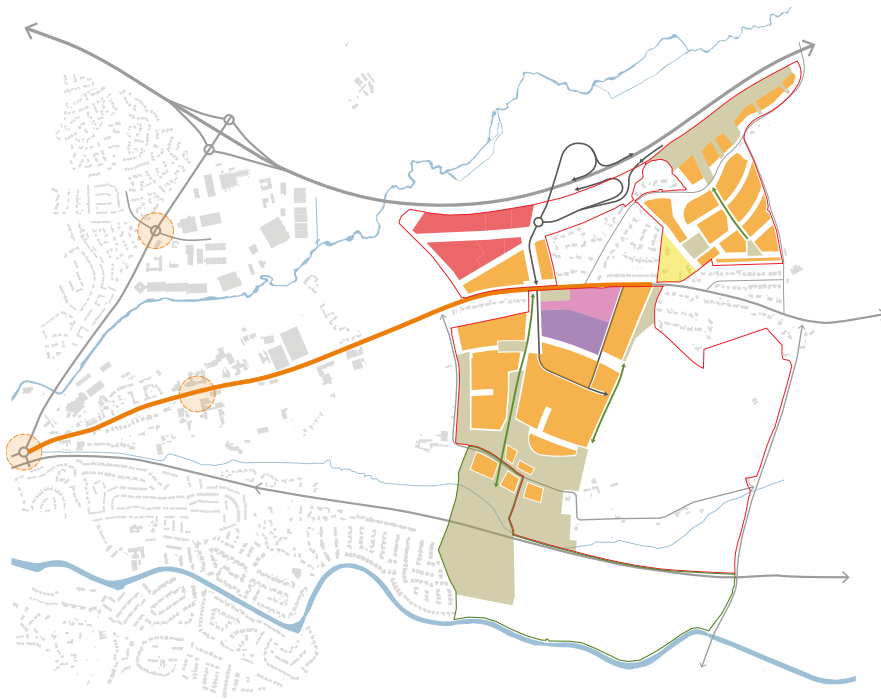
Area A Phase 1b



Area A Phase 1b

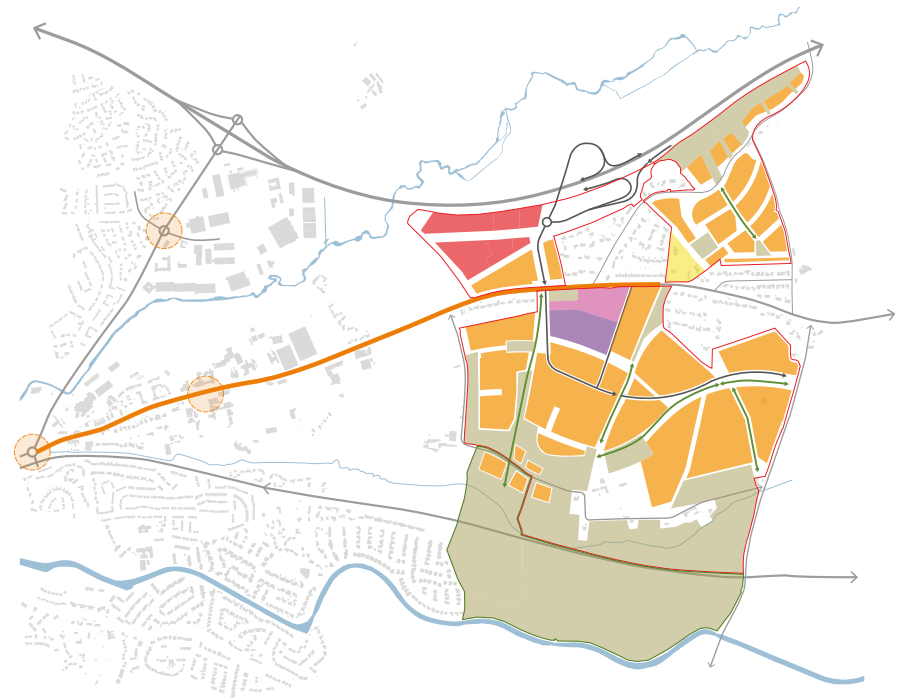
Second phase of the development - full junction to A361 completed, employment on NHS site, local centre commenced, further housing development north and south of Blundell's Road. School site laid out as temporary POS. School site transferred and serviced, school started.

Area A Phase 1c

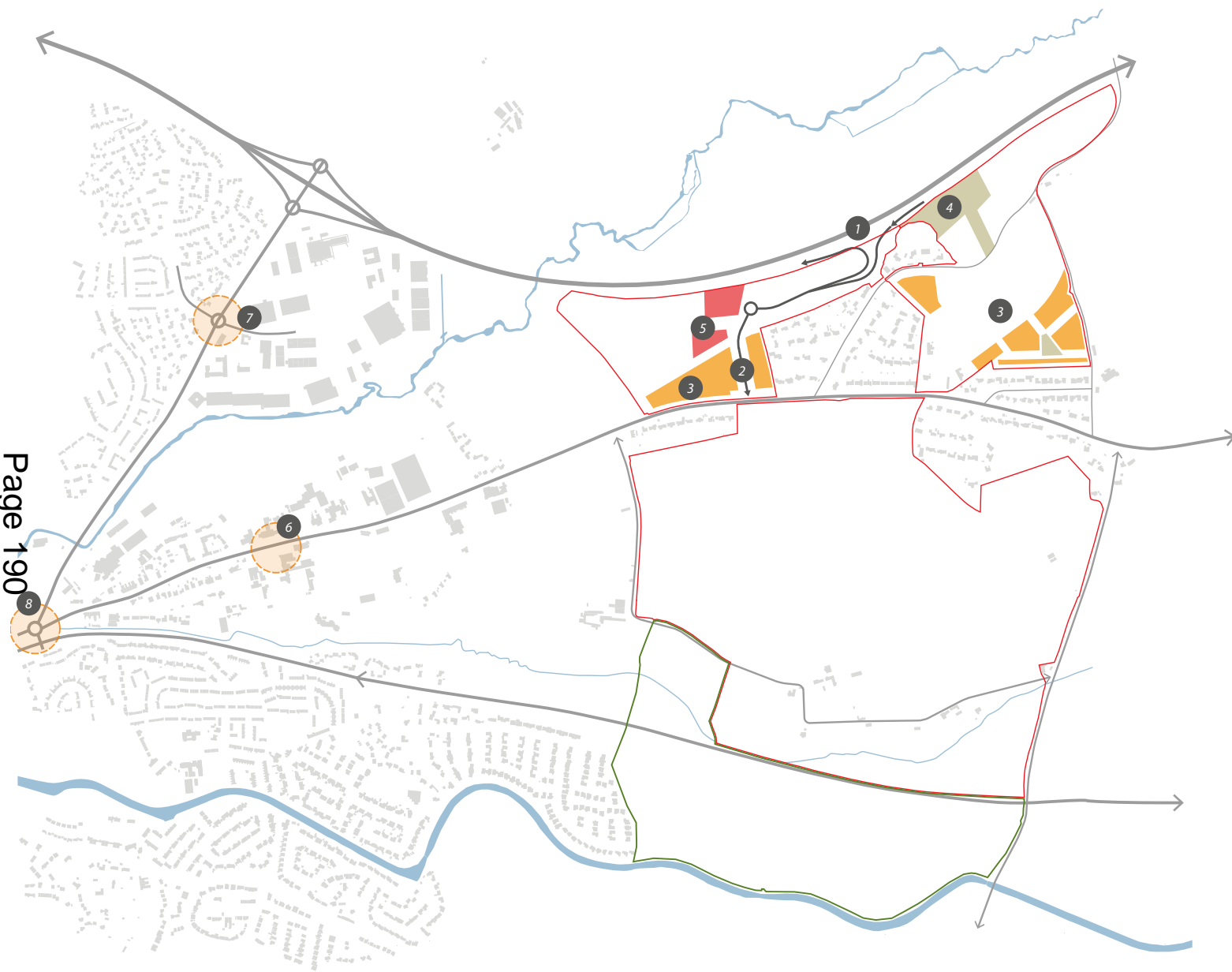


Area A Phase 1c
Completion of Area A development. Development mainly focused on area south of Blundell's Road and employment land to the north west.

Area B Phase 2a



Area B Phase 2a
Final phase of the development. Subject to review following two stage masterplanning process. The remainder of residential and employment development along with associated open space and infrastructure.



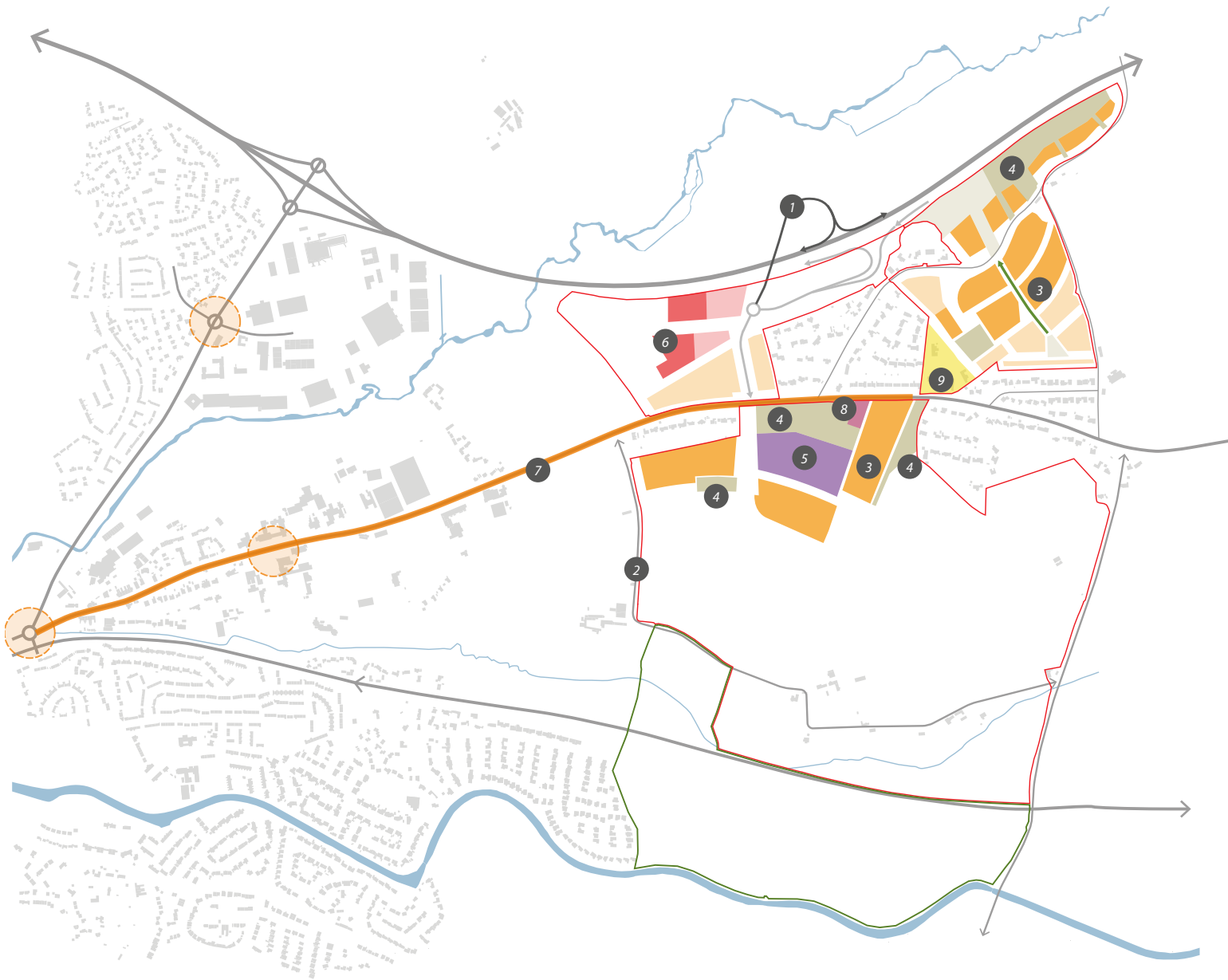
Area A Phase 1a
 Commencement of development following enabling works phase. Provision of partial A361 junction, residential and employment development and associated infrastructure.

- Legend
- Neighbourhood centre, shops and community
 - Employment
 - Education
 - Residential
 - Open space and landscape

- 1 Left in left out A361 junction
- 2 Highway link from A361 to Blundell's Road
- 3 Up to 200 dwellings
- 4 Public open space (circa 1ha)
- 5 Up to 4000sqm of employment
- 6 Traffic calming at Blundell's School
- 7 Improvements to Lowman Way roundabout
- 8 Improvements to Heathcoat Way roundabout

NB. Amounts of development are cumulative from the beginning of phase 1a.





Area A Phase 1b

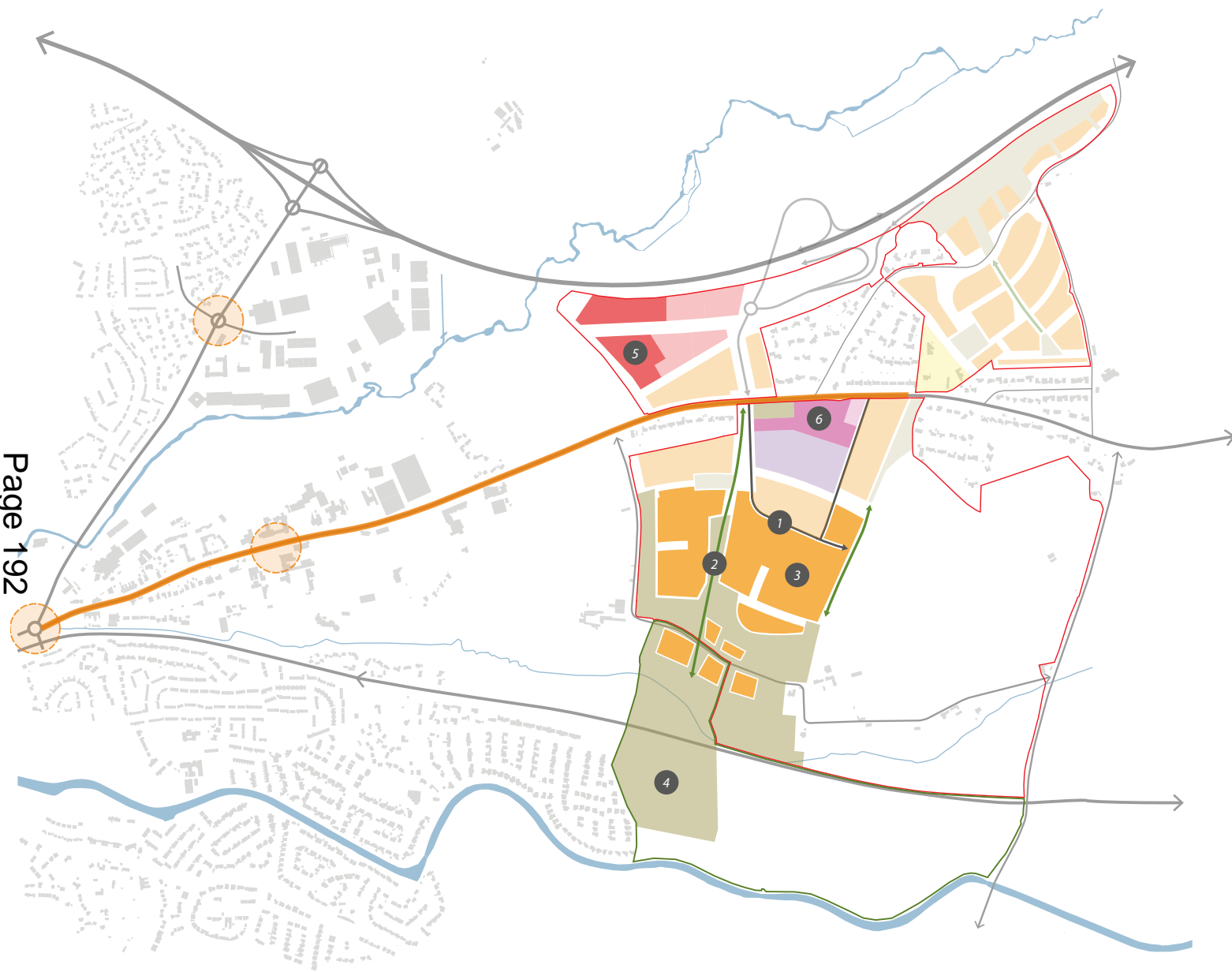
Second phase of the development - full junction to A361 completed, local centre commenced, further housing development north and south of Blundell's Road. Transfer of land for primary school and access prior to first occupation of land south of Blundell's Road, servicing of this site prior to the first development south of Blundell's Road. First phase of school prior to occupation of no more than 400 dwellings.

Legend

- Neighbourhood centre
- Employment (care home)
- Employment (previous phases)
- Residential (Previous phases)
- Open space (Previous phases)

- 1** Full movement junction to A361
- 2** West Manley Lane pedestrian / cycle link to Grand Western Canal and railway Walk
- 3** Up to 600 dwellings and at least 5 gypsy / traveller pitches
- 4** Public open space and school / community sports pitches* (circa 4.38ha)
- 5** Temporary POS on future school site (1.93ha)
- 6** Up to 10,000sqm employment prior to full movement junction, beyond which up to 25,000sqm employment
- 7** Phase 2 traffic calming to Blundell's Road
- 8** Bus service enhancement and start of neighbourhood centre
- 9** Provision of additional 2,500sqm employment land with proposed link

NB. Amounts of development are cumulative from the beginning of phase 1a.



Area A Phase 1c
 Completion of Area A development.
 Development mainly focused on area south of Blundell's Road and employment land to the north west.

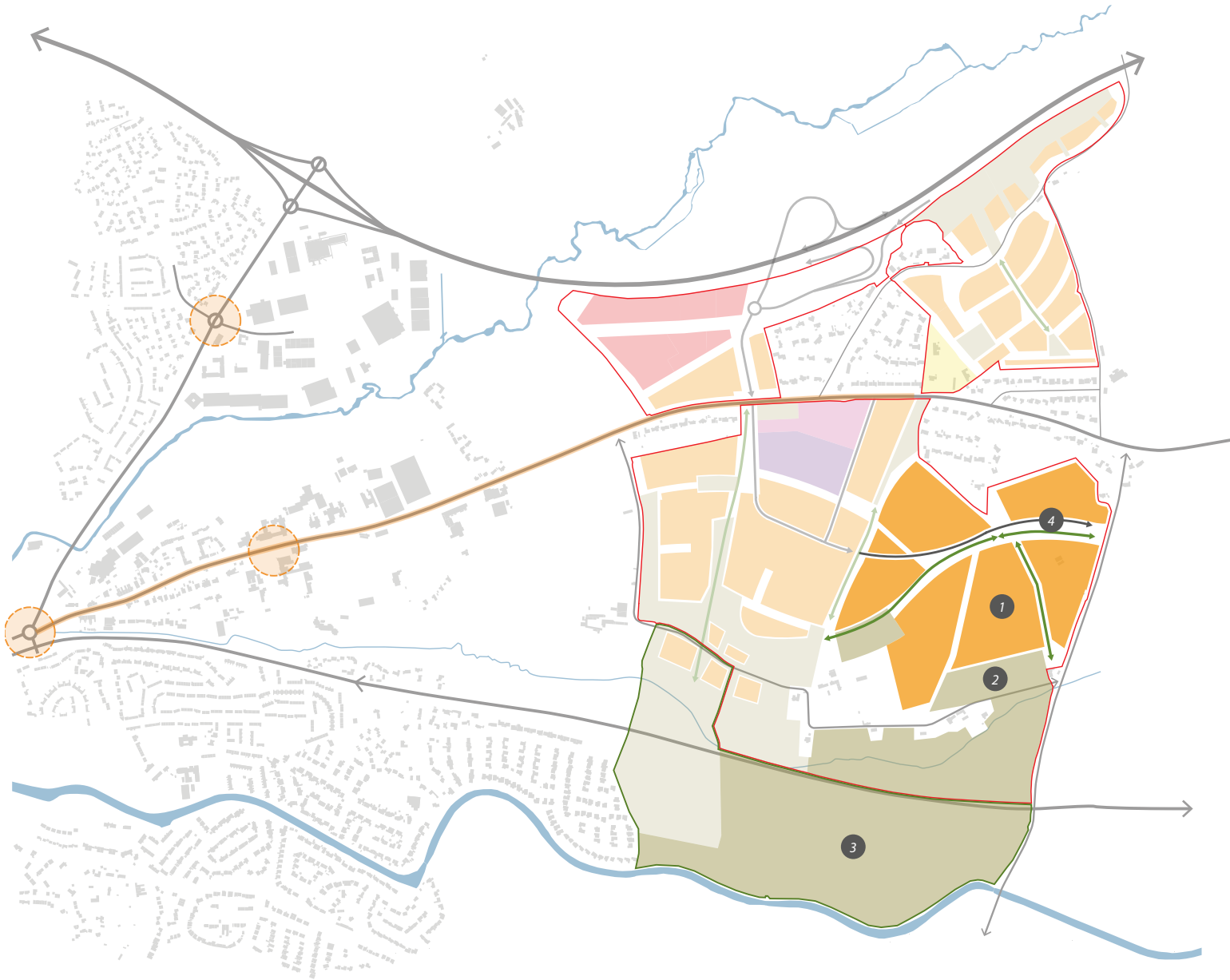
Legend

- Neighbourhood centre
- Neighbourhood centre (previous phases)
- Employment (previous phases)
- Employment (previous phases)
- Residential (Previous phases)
- Open space (Previous phases)

- 1 Internal loop road
- 2 North - south green link
- 3 Up to 1000 dwellings
- 4 Public open space and green infrastructure (26.12ha)
- 5 Up to 27,500sqm of employment
- 6 Completion of mixed use neighbourhood centre

NB. Amounts of development are cumulative from the beginning of phase 1a.





Area B Phase 2a
 Final phase of the development. Subject to review following two stage masterplanning process. Build out finishes and school provided, the remainder of residential and employment development along with associated open space and infrastructure.

Legend

- Neighbourhood centre (previous phases)
- Employment (previous phases)
- Employment (previous phases)
- Education
- Residential (Previous phases)
- Open space (Previous phases)

- 1** Up to 1520 dwellings and approximately 30,000sqm employment
- 2** Sports pitch provision (school and community) (circa 2.63ha)
- 3** POS and green infrastructure (circa 54.45ha)
- 4** Continuation of secondary route to south eastern area



NB. Amounts of development are cumulative from the beginning of phase 1a.

6.6 Delivery, monitoring and review

Viability and deliverability

Paragraph 173 of the National Planning Policy Framework emphasises consideration of viability and costs in plan-making and decision-taking – plans should be deliverable. The requirements around infrastructure provision and triggers for delivery set out have therefore been considered in light of this guidance. Viability testing will be reviewed beyond this SPD to ensure that the development envisaged is deliverable as far as is possible given the Council's aspirations for delivery of affordable homes, a highly sustainable development and the need to secure critical infrastructure.

Given the long timescale for delivery of the site and potential for uncertainty about the economy over that period, it will be appropriate to retest the viability of the scheme at later stages, likely when subsequent planning applications are submitted. This may mean that the level and / or timing of affordable housing provision required or the timing of provision of elements of infrastructure as set out in this SPD may need to be revisited. This may have implications for full provision of affordable housing in accordance with the 35% target. Where landowners / developers wish to retest scheme viability, the Council will require an open book approach on scheme viability to be taken. Any viability appraisals and supporting information received will be validated by an independent assessor to be appointed by the council and whose fees will be paid by the landowner / developer. The outcomes and implications of viability testing at application stage will be carefully evaluated by the Council in light of the aspirations and requirements set out in this SPD.

Implementation, delivery and monitoring

The success of the development will depend to a large extent on the continued partnership working of the landowners, the Council, and other key stakeholders to secure delivery of a high quality and sustainable place and supporting infrastructure in a timely way.

It will be possible to approach the further planning and development of the new garden neighbourhood at Post Hill in a number of ways. The SPD has been written to reflect this in terms of the proposed two stage masterplan approach and the related design and approval process outlined in Section 1. This approach has been devised, in part, to reflect the likelihood of the submission of a number of separate outline planning applications by individual landowners/promoters whilst recognising the importance of securing consistency in approach, quality and co-ordination between applications and the delivery of infrastructure in accordance with the provisions of this SPD.

The Council wishes to avoid the submission of planning applications which may prejudice the development of a high quality place in a sustainable fashion underpinned by the infrastructure necessary to support it. In this regard, the Council will expect the following information to be submitted with planning applications:

- To secure comprehensive development of sustainable neighbourhood and place making, the application must be accompanied by a development framework plan for the

entirety of the Area (Area A or Area B) to which it relates that is in accordance with this SPD;

- To secure delivery of comprehensive infrastructure, the application must be accompanied by an Infrastructure Delivery Plan for the Area (Area A or Area B) to which it relates that demonstrates compliance with this SPD;
- To enable transport requirements, traffic impacts and associated appropriate mitigation measures for the development as a whole to be properly assessed, a Transport Assessment for the whole of the SPD area shall be submitted.

The delivery of phases will be overseen by the Council working with landowners / promoters and stakeholders to ensure:

- A coordinated approach to infrastructure delivery in accordance with the relevant infrastructure delivery plans;
- The delivery of a consistently high quality of development in accordance with the guidance and principles set out in this SPD;
- Securing external funding where available to help infrastructure delivery;
- Securing agreement and delivery of long term management and governance arrangements for the development;
- Monitoring delivery in order to inform the Annual Monitoring report.

The Council will monitor implementation of this SPD and the extent to which the strategic policy objectives and vision are being achieved in the Annual Monitoring report. If implementation / delivery is considered to be failing, this will be reported together with an explanation and proposed remedial steps.

Long term management and maintenance

To maintain a high quality of community facilities and green infrastructure across the SPD area it will be important to set in place robust and consistent management arrangements. The Council will seek to prepare and agree a neighbourhood management plan jointly with the applicants prior to the commencement of development. This will be an application requirement. The plan should cover all open spaces and public buildings and cite all management objectives with the aim of establishing medium and long term objectives and arrangements.

This plan will also need to consider a robust governance structure which could take the form of a management trust/company and could also include a role for Tiverton Town Council.

In terms of funding, it is likely that the plan will look to generate revenue from an annual service charge from residents and business occupiers together with the potential for revenue from hire of building/facilities. Revenue will be subsidised by the developer in the early stages and additional revenue sources (grant funding, sponsorship and commercial opportunities) should also be explored.

6.7 Requirements for future planning applications

Requirements for future planning applications

The extension to Tiverton at Post Hill will be delivered over a time period in excess of 10 years and due to multiple land ownerships is likely to come forward as a number of outline and/or full planning applications. Outline applications will be followed by reserved matters applications that may be based on subdivision of the site into smaller sub phases. Each planning application will require the submission of supporting documents and information. Planning permissions granted are also expected to result in planning conditions, the discharge of which are also likely to require the submission and approval of further reports and documents on topics such as the design, construction and management of aspects of the development.

The Council is considering the best mechanism to deliver the required infrastructure associated with this development, whether it be by the Community Infrastructure Levy in whole or part, or via site specific S106 agreements. Important to the decision on which mechanism will be the most effective in delivering the necessary infrastructure will be an understanding of the likely number of planning applications in outline or full likely to be received for the urban extension as a whole. This is due to the limit on the ability to pool more than five S106 contributions for the same project or infrastructure type. In order to ensure that options are kept open for the most effective delivery of infrastructure, that infrastructure is provided in a coordinated and timely manner and that individual applications do not prejudice the ability to provide infrastructure on other parts of the site, the Council will seek to ensure that the whole

of the allocation area together with the green infrastructure area come forward as no more than a total of 5 outline / full planning applications. To this end the Council will encourage the development to come forward as a small number of larger applications in order to ensure that there are no more than 5 S106 agreements in total across the whole of the allocation area. Information forming part of a planning application must meet standard national requirements. In addition the Council's local validation requirements must also be met.

A list of information to be submitted as part of the planning application process for the development of the site is provided below. It should be noted that this list is not exhaustive and further requirements may be identified as a result of pre-application discussions. Some elements may also be more appropriately submitted at reserved matters stage dependent upon the scope of the application made at outline application stage. This list should be read in conjunction with the design process and delivery requirements outlined previously in this SPD.

Theme: Masterplanning and design

- Outline application: Development framework plan to illustrate development form at a greater degree of resolution for the whole of Area A / Area B as relevant to the application location
- Outline application: Design and Access Statement to include proposed character areas, street / space typologies, sample blocks and key areas including the neighbourhood centre referring back to this SPD and development framework

plan above. Conditions are likely to require the approval of illustrated urban design and architectural principles prior to the submission of reserved matters applications. More details are to be found within 1.7 Design process

- Reserved matters: Detailed design proposals for the area applied for. Compliance with this SPD and subsequent masterplanning and design stages above will need to be demonstrated
- Full applications: Will need to meet the requirements of both outline and reserved matters applications. Building for Life 12 self assessment (residential only)

Theme: Planning

- Planning Statement
- Retail Impact Assessment – to include floorspace schedule outlining indicative scale of proposed land uses at the neighbourhood centre
- Draft Heads of Terms for Section 106 Agreement (assuming site specific S106)
- Viability Appraisal and independent review with details to be agreed with Mid Devon District Council
- Affordable Housing Statement
- Statement of Community Involvement (SCI)
- Infrastructure Delivery Plan for relevant area (Area A or Area B)
- Neighbourhood Management Plans – to cover future maintenance of community spaces and buildings

Theme: Sustainability

- Sustainability & Energy Assessment incorporating a carbon reduction strategy – outlining the approach taken to integrate sustainability during the design process. This can include topics such as water use, materials, surface water run-off, waste, pollution, health and wellbeing, management, ecology and transport. This should also include estimated energy loads and consumption as well as predicted CO₂ (carbon) emissions of the overall development, in addition to the submission of design stage BREEAM and Code for Sustainable Homes assessments (the latter being subject to the outcome of current Government review)
- Waste audit statement – to demonstrate how waste will be managed according to the waste hierarchy

Theme: Traffic & Transport

- Whole SPD site Transport Assessment
- Whole SPD site Framework Travel Plan – outlining measures to encourage new residents and employees on site to use sustainable modes of transport
- Traffic pollution assessment – to consider the impact of traffic generated nitrogen oxides upon environmental assets including mitigation measures. (See also air quality assessment below)
- Whole SPD site Public Transport Strategy – outlining a strategy for providing viable sustainable transport options
- Public Rights of Way Statement – assessing the impact on existing access routes

- Highway design report and any other reports & modelling as required in consultation with Devon County Council Highways Department

Theme: Environmental Impact

- Environmental Statement
- Landscape and Visual Impact Assessment
- Arboricultural Survey & Landscape Plan, including tree and hedgerow removal details
- Biodiversity & Ecological Reports including Management Plan
- Archaeology Assessment
- Air Quality Assessment – to include Low Emission Strategy
- Noise Assessment
- Flood Risk Assessment
- Sustainable Drainage Strategy
- Heritage Statement including description of significance of any affected heritage assets
- External Lighting Assessment – to include assessment on habitat areas and where details of high-intensity lighting (e.g. MUGA floodlights) are included or indicatively shown near to sensitive/residential areas
- Land Contamination Assessment
- Site Waste Management Statement
- Construction Management Plans
- Utility Infrastructure Report

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Urban design, masterplanning and landscape architecture, graphic design, consultation, copywriting and report compilation

Mid Devon District Council Planning Team

Policy advice, consultation, copywriting and report editors

Waddetton Park Ltd

Market and property advice

Chesterton Humberts

Market and property advice

PCL Planning

Town Planning

PCL Transport

Transport planning

PFA Consulting

Civil Engineering and Transport Planning

Paul Carpenter Associates

Civil engineering

LvW Highways

Transport and Highways

Environmental Gain

Greenspace and ecology

Cotswold Archaeology Ltd

Cultural heritage and archaeology

Teign Consult

Hydrology

Geo consulting engineering Ltd

Ground conditions and contamination

Environ

Air Quality

With thanks to

ATLAS (Advisory Team for Large Applications (HCA))

Schedule of Changes

Page No.	Adopted Masterplan SPD	Proposed Change
22	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend the extract to remove the 3 housing clusters south of West Manley Lane.
42	Plan highlighting the key development concepts	Amend to remove the 3 housing clusters south of West Manley Lane.
64	Illustrative Framework Plan	Amend to remove the 3 housing clusters south of West Manley Lane.
66	Extract of Illustrative Framework Plan	Amend to remove the 3 housing clusters south of West Manley Lane.
68	Framework Plan for amount and use of development	Amend to remove the 3 housing clusters south of West Manley Lane.
69	Table of amount and use of land (Land Use Budget) Line 1, Column 4: 9.54ha Line 1, Column 5: 26.04ha Line 1, Column 7: 42.3ha	Table of amount and use of land (Land Use Budget) Line 1, Column 4: 8.55ha Line 1, Column 5: 25.05ha Line 1, Column 7: 41.31ha
69	Table of amount and use of land (Land Use Budget) Line 2, Column 4: 324 dwellings (34dph) Line 2, Column 5: 969 dwellings Line 2, Column 7: 1522 dwellings	Table of amount and use of land (Land Use Budget) Line 2, Column 4: 290 dwellings (34dph) Line 2, Column 5: 935 dwellings Line 2, Column 7: 1488 dwellings
69	Table of amount and use of land (Land Use Budget) Line 6, Column 4: 14.04ha Line 6, Column 5: 35.47ha	Table of amount and use of land (Land Use Budget) Line 6, Column 4: 13.05ha Line 6, Column 5: 34.48ha

	Line 6, Column 7: 52.23ha	Line 6, Column 7: 51.24ha
	Table of amount and use of land (Land Use Budget) Line 8, Column 4: 19.74ha Line 8, Column 5: 26.12ha Line 8, Column 7: 54.45ha	Table of amount and use of land (Land Use Budget) Line 8, Column 4: 20.73ha Line 8, Column 5: 27.11ha Line 8, Column 7: 55.44ha
69	Table of amount and use of land (Land Use Budget) Line 12, Column 4: 25.37ha Line 12, Column 5: 36.65ha Line 12, Column 7: 70.19ha	Table of amount and use of land (Land Use Budget) Line 12, Column 4: 26.36ha Line 12, Column 5: 37.64ha Line 12, Column 7: 71.18ha
70	Framework Plan for movement	Amend to remove the 3 housing clusters south of West Manley Lane.
72	Framework Plan for land uses	Amend to remove the 3 housing clusters south of West Manley Lane.
74	Framework Plan for landscape & open space	Amend to remove the 3 housing clusters south of West Manley Lane.
78	Framework Plan Reinforcing the Structure	Amend to remove the 3 housing clusters south of West Manley Lane.
80	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
83	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
85	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
87	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
89	Thumbnail extract of Illustrative Framework Plan	Amend to remove the 3 housing clusters south of West Manley

	showing the 3 housing clusters south of West Manley Lane	Lane.
91	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
95	Illustrative Section	'Hand' the section such that open space / existing fields; West Manley Lane; Ecological mitigation (generous sized plots, planted banks); private drive and courtyards. (Limited number of dwellings to West Manley Lane is on the northern side only).
95	Illustrative Plan	Retain plan but rotate 90 degrees clockwise. Remove point of access onto West Manley Lane, indicate access instead from the north.
95	Illustrative Plan and Section The illustrative plan and section for the West Manley Lane area indicates low-density housing in small groups with large gardens accessed from private roads and countryside off of West Manley Lane. The plan shows that housing would be two storey and the integrity of the hedgerows on the lane would be maintained.	Illustrative Plan and Section The illustrative plan and section for the West Manley Lane area indicates a very limited number of low-density dwellings in two small groups on the northern side of the lane with large gardens. These are to be accessed from within the main development to the north and not off West Manley Lane. The plan shows that housing would be two storey and the integrity of the hedgerows along the lane would be maintained.
95	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
95	Column 1, Para 1 The character of the southern extremity of the site around West Manley Lane is different from that of the wider area. It is defined by a more rural landscape dominated appearance made up from mature hedge banks, tree groups and fields enclosed by hedge boundaries. It is also one of the lowest areas of the site and therefore needs to incorporate appropriate	The character at the southern extremity of the site around West Manley Lane is different from that of the wider area. It is defined by a more rural landscape dominated appearance made up from mature hedge banks, tree groups and fields enclosed by hedge boundaries. It is also one of the lowest areas of the site and may need to incorporate appropriate measures for water attenuation.

	measures for water attenuation.	
95	Column 1, Para 2	A very limited number of low density houses are proposed in the vicinity of West Manley Lane (north side only) in order to safeguard its rural character and function as a natural southern boundary to development. This would comprise a small number of relatively large homes in small groups set within generous gardens and around courtyards. New housing should be designed so that it evokes the rural character of exiting development in and around the lane and to reduce its impact upon the character and appearance of the lane itself.
95	Column 1, Para 3 By introducing small housing clusters, it will be possible to ensure that landscape and ecological mitigation and SUDs measures can be properly incorporated.	Remove para 3.
95	Streets, public opens space and landscape Small private drive accessing courtyards for up to five houses off of West Manley Lane. The existing character of the lane to be retained. The existing character and function of the lane for local access to be retained together with opportunities along it for walking and cycling.	Streets, public opens space and landscape The existing character of the lane is to be retained. The existing character and function of the lane for local access is to be retained together with opportunities along it for walking and cycling.
97	Thumbnail extract of Illustrative Framework Plan showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
107	Area A Phase 1c showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
107	Area B Phase 2a showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
110	Area A Phase 1c showing the 3 housing clusters south of West Manley Lane	

110	Bullet Point 4: Public open space and green infrastructure (26.12ha)	Amend: Public open space and green infrastructure (27.11ha)
111	Area B Phase 2a showing the 3 housing clusters south of West Manley Lane	Amend to remove the 3 housing clusters south of West Manley Lane.
Sleeve	Illustrative Framework Plan	Amend to remove the 3 housing clusters south of West Manley Lane.
Adopted Masterplan SPD, Section 3 Appendix		No changes required

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 21 May 2018 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs C P Daw,
Mrs G Doe, T G Hughes, Mrs B M Hull,
F W Letch, Mrs J Roach, T W Snow and
N A Way

Apologies

Councillor(s)

Mrs F J Colthorpe and Mrs S Griggs

Also Present

Councillor(s)

R M Deed, C J Eginton and R L Stanley

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Mark Baglow (Group Manager for Building Services), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Andrew Jarrett (Director of Finance, Assets and Resources), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs S Griggs.

2 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2018/19.

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

Members made the following declarations:

Councillor	Minute	Interest
Mrs J Roach	15	Personal – as a trustee of Silverton Room 4U with an interest in the disposal of council assets.
F W Letch	15	Personal - as Chairman of Crediton Town Council

N A Way	15	Personal - as a Member of Crediton Town Council
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4 PUBLIC QUESTION TIME (00-04-41)

Mrs Faulkner referring to Item 12 (Scrutiny Officer Report) on the agenda stated: In order to understand the complexity of operations relating to Anaerobic Digesters, the committee will need the following expertise of the following:

- Agriculturist
- Planner
- AD Operation Advisor
- Biologist
- Organic Chemist

Will these people be involved?

Mr Faulkner referring to Item 12 (Scrutiny Officer Report) on the agenda stated: Is the Sub Committee a Member of the ADBA, this costs approximately £500. With regard to the new EA rules, what is stable and what is sanitised, how is the EA proposing to test or police it?

Do they realise that when making gas from vegetable matter that process produces 40% carbon dioxide. When the methane is burnt, even more carbon dioxide is produced. Were any methane to escape into the atmosphere, that is 30 times more effective as a greenhouse gas than carbon dioxide itself.

The Chairman indicated that the Director of Operations would provide a written response.

5 MEMBER FORUM (00-06-59)

There were no issues raised under this item.

6 MINUTES OF THE PREVIOUS MEETING (00-07-10_

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

7 DECISIONS OF THE CABINET (00-07-24)

The Chairman informed the Committee that he had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the Crediton Office) for consideration by the Scrutiny Committee in accordance with the Council's Constitution. This item would be discussed at agenda item 15.

The Chairman also informed the Committee that Cllrs: R M Deed, F W Letch, Mrs J Roach, T W Snow and Mrs N Woollatt had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the kitchen supply contract 2018-

2022) for consideration by the Scrutiny Committee in accordance with the Council's Constitution for the following reasons:

To consider:

- the framework process and how it has been applied to this particular procurement; and
- the reasons behind Mid Devon's Service Level Criteria and how they have been applied to the suppliers on the Framework;
- the conclusion that Suppliers A and B did not meet Mid Devon's Service Level Criteria

The Director of Operations stated that procurement exercises were compliant with the Official Journal of the European Union (OJEU). He explained the process that had taken place with regard to the supply of kitchens explaining the specification required, which involved cost per kitchen, the delivery of supplies including parts and timings for delivery, all this data was then fed into a Cirrus Kitchen Materials Supply Framework and businesses had been invited to tender. He highlighted the importance of the specification and that supplies would have to be available when required. There were two stages to the process, stage one was completed by Cirrus and stage two had been carried out by the Procurement Service, the latter process involved selecting the highest ranked supplier and discounting them if they had not met the Mid Devon District Council service level criteria. He stated that Supplier A and B had been discounted as they had not met the absolute criteria set. He added that in hindsight adding the words "in order to meet the absolute criteria" at paragraph 5 to the report after "Suppliers A and B were discounted as they could not provide a local depot" may have provided a better description of the reason for being discounted from the selection process. In terms of absolute criteria, the time criteria chosen was minded to the turnaround time for works associated with voids; the intent being to minimise the time in-between tenancies; with an already demanding target of 16 days having been reduced to 14 days for the current year.

Discussion took place regarding

- The specific criteria and how points were awarded
- The process of excluding some companies as they did not meet the criteria
- The reasons for suppliers to be discounted
- Whether the decision of the cabinet had been based on incorrect information

At this point as Members wanted to discuss specific issues with regard to the suppliers therefore it was agreed that the matter be discussed in closed session and therefore it was:

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

(Proposed by the Chairman)

Returning to open session it was

RESOLVED that the decision of the Cabinet be accepted.

(Proposed by the Chairman)

Notes:

- i) Report * previously circulated and attached to Minutes.
- ii) Cllr Mrs J Roach requested that her vote against the decision be recorded
- iii) Cllr Mrs J Roach left the meeting at the conclusion of the debate on this matter.

8 CHAIRMAN'S ANNOUNCEMENTS (00-29-05)

The Chairman had no announcements to make:

- He reminded the meeting that if Members had concerns regarding the minutes of the previous meeting then they were requested to raise them in advance so that some preparatory work could take place.
- He reminded Members of the informal Scrutiny workshop that would take place on 11 June.

9 PARTNERSHIP WORKING GROUP UPDATE (00-30-07)

The Committee had before it and **NOTED** a *report of the work of the Partnership Working Group. The Director of Corporate Affairs and Business Transformation outlined the contents of the report stating that the work of the Group had initially taken place in 2015 and it was felt that the findings of the work should be reported to the Committee for consideration and that the issue be revisited on an annual basis.

Consideration was given to:

- the current partnership working that was taking place
- the details of the LEADER programme

Note: Report * previously circulated and attached to Minutes.

10 COUNCIL TAX REDUCTION SCHEME (00-34-50)

The Committee had before it and **NOTED** a *briefing paper of the Director of Finance, Assets and Resources providing an update on the Council Tax Reduction Scheme.

He outlined the contents of the report informing the meeting of the introduction of the Council Tax Reduction Scheme in 2013 and the recent changes that had been agreed by Cabinet in November 2016. He outlined the work that had taken place

with other Devon authorities to produce a scheme that was broadly consistent across the county. He also identified the criteria of the original scheme which was estimated in 2012 to affect 2600 existing claimants:

1 - Everyone should pay something. All working age claimants would be required to pay a contribution towards their Council tax. This would restrict the level of support to 80% - i.e. the claimant would be required to pay 20% of their Council Tax charge.

2 - Limit the amount of Council tax support to a Band D charge. This change would affect 97 customers.

3 - Reduce the savings limit from £16,000 to £8,000. This change would affect 47 customers.

4 - Stop Second Adult Rebate. This would affect 18 customers.

5 - Additional support for exceptional cases of hardship.

He reported the number of claimants had reduced since the introduction of the original scheme.

Consideration was given to the effect of the scheme on Town and Parish Councils precepts and that those Councils should contact the Finance Team if they required further explanation.

Note: Report * previously circulated and attached to Minutes.

11 **FORWARD PLAN (00-44-43)**

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

Note: - Forward Plan * previously circulated and attached to Minutes.

12 **SCRUTINY OFFICER UPDATE (00-46-34)**

The Committee had before it and **NOTED** information * from the Scrutiny Officer regarding various areas that he had been asked to look into on their behalf.

Consideration was given to the themes within the report:

1. Road Maintenance and repairs in Mid Devon – concerns were raised that the issue had been passed to Devon County Council Highways Department to respond as a business as usual request; Members voiced their disappointment that the Committee's query had not been answered and the County Councillor present stated that he would follow this up.
2. Partnership Working Group – the work of the Group had been reported earlier in the meeting.
3. AD Working Group – the Chairman indicated that a report would be presented to the Committee in June.

4. Community Engagement Working Group – the meeting was informed that the initial meeting of the group would take place on 6 June 2018

5. Summary of complaints – consideration was given to:

- the data provided and the number of complaints for each service
- Whether Members performance should be measured
- Front line staff and how they behaved
- Informal feedback forms at the Leisure Centres
- The number of calls and face to face contacts that were dealt with annually
- The annual report which would be presented to the Committee in the near future.

13 **START TIME FOR MEETINGS (1-04-44)**

The Committee **AGREED** to continue to hold its meetings at 2.15pm for the remainder of the 2018/19 municipal year.

14 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-05-32)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Committee decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

15 **THE FUTURE OF CREDITON OFFICE - CALL IN**

The Chairman informed the Committee that he had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the Crediton Office) for consideration by the Scrutiny Committee in accordance with the Council's Constitution for the following reasons:

- 1 the decision appears to have been made, not in haste, but without full recognition of the potential for:
 - further negotiations to take place with Crediton Town Council to see whether a more acceptable offer could be achieved. There is, despite the known financial pressures in local government, no deadline by which the decision had or has to

be made - other than the need for a disposal to take place before the end of the 18-month protected period which applies to disposals of assets of community value in order to avoid a further moratorium.

- the central and valued location of the building to Crediton which, if it were to be transferred to Crediton Town Council, could sustain the well-being and social cohesion of the town
- 2 it is unclear how the Cabinet took into account the following Corporate Plan objectives:
- working with local communities to encourage them to support themselves, including retaining and developing their local facilities and services
 - working with town and parish councils

Following discussion on the matter, the meeting returned to open session and it was

RESOLVED that the Cabinet be requested to reconsider its decision to dispose of the Crediton office building to buyer 2 and that Crediton Town Council be allowed to make a final offer for the building.

(Proposed by Chairman and seconded by Cllr T G Hughes)

(Vote 5 for 4 against)

Notes

- i) Cllr F W Letch declared a personal interest as Chairman of Crediton Town Council;
- ii) Cllr N A Way declared a personal interest as a Member of Crediton Town Council;
- iii) *Report previously circulated

16 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

There were no additional items raised for the next meeting.

(The meeting ended at 4.15 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the AUDIT COMMITTEE held on 29 May 2018 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs J B Binks, Mrs C Collis, R M Deed, T G Hughes,
R F Radford and L D Taylor

Also in

Attendance

G Daly and A Davies (Grant Thornton)

Present

Officers

Andrew Jarrett (Director of Finance, Assets and Resources),
Catherine Yandle (Group Manager for Performance,
Governance and Data Security), Joanne Nacey (Group Manager
for Finance), David Curnow (Deputy Head of Devon Audit
Partnership), Rob Fish (Principal Accountant) and Sarah Lees
(Member Services Officer)

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

RESOLVED that Cllr R Evans be elected Chairman of the Committee for 2018/19.

Cllr Evans then took the chair.

2. ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr Mrs C A Collis be elected Vice Chairman of the Committee for 2018/19.

3. APOLOGIES

There were no apologies for absence.

4. PUBLIC QUESTION TIME

There were no members of the public present.

5. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

6. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 March 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) There was a need to re-elect two members of the Committee to the Devon Audit Partnership. It was agreed that Councillors R Evans (as Chairman of the Committee) and R M Deed be the Committee's representatives.
- b) There would be a Special Meeting of the Committee on Monday 16th July 2018 to sign off the Annual Governance Statement and the Financial Accounts. The scheduled meeting for 24th July would now be cancelled.
- c) There would be a briefing on the Annual Governance Statement to the Committee on Tuesday 19th June at 5.30pm. It was expected that comments made by the Committee would be incorporated into the finalised version of the AGS report presented to the Committee on 16th July 2018.

8. PERFORMANCE AND RISK FOR 2017/18 (00:10:45)

The Committee had before it and **NOTED** a report * from the Director of Corporate Affairs & Business Transformation providing Members with an update on performance against the Corporate Plan and local service targets for 2017/18 as well as providing an update on the key business risks.

Discussion took place with regard to the following:

- The figure showing for the actual number of affordable homes delivered should have stated 115 and not 92 as was stated in the report.
- There had been 7 outstanding gas safety certificates as at the end of March 2018.
- Poor weather had caused a delay in the completion of the Palmerston Park and Birchen Lane developments.
- A previous request to provide specific information in relation to trade waste had been passed on to the relevant service area but the requested data was not routinely collected, however, it was possible to provide information in relation to how many businesses had their waste recycled. It was suggested that any queries relating to this area be addressed directly to the Group Manager for Street Scene and Open Spaces since such commercial information was highly sensitive in nature.
- The annual cost of providing a waste service to each household was below target for the year and the Committee wished for its congratulations to be passed on to the Waste and Recycling team.
- The Economic Development team were working hard to address the increasing number of empty shops within the three major towns.
- The 'Scores on the Doors' scheme had shown some improvement in the rating scheme bandings.
- A target of 60% had been set for determining major planning applications within 13 weeks, however the actual outturn figure was 83%. It was suggested that a more realistic target needed to be set and that this needed to be looked at.
- It was also noted that the number of days lost due to sickness was showing as 8.82 and it was felt that this was disappointing given that in the private sector the average figure was 4.3 per person. The Director of Finance, Assets and Resources stated that he would take the Committee's comments back to the Leadership Team and provided reassurance to the Committee that an action plan had been put in place to try and bring that figure back to target.
- The Risk Appendix showed that there were 8 high risks and 3 of these did not have a manager's note against them. It was requested that all high risk items

have an explanatory note providing clarity as to the issues involved and the action being taken to resolve them.

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

9. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:30:30)**

The Committee had before it and **NOTED** a report * from the Group Manager for Performance, Governance and Data Security providing the Committee with an update on progress made against the Annual Governance Statement 2016/17 action plan.

Discussion took place regarding:

- Any outstanding items in the action plan would be brought forward into 2018/19. Most items had been completed, some had not and one was not due.
- The Staff Charter had now been formally launched.
- The new Learning and Development system had not included the ethics module that had been hoped for. This would have to be written in-house and would be an action listed in the AGS action plan for 2018/19.

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

10. **INTERNAL AUDIT ANNUAL REPORT 2017/18 (00:35:42)**

The Committee had before it and **NOTED** a report * from the Audit Manager updating it on the work performed by Internal Audit during the 2017/18 financial year as required by the Public Sector Internal Audit Standards.

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

- This report should be used by the Committee as one of the strands of assurance to consider alongside the Annual Governance Statement when receiving the final version on 16th July 2018.
- Overall, based on work performed during 2017/18 the Head of Internal Audit's Opinion was of 'Significant Assurance' on the adequacy and effectiveness of the Authority's internal control framework. This meant that the risk management and the system of internal control were generally sound and designed to meet the organisations objectives. However, some weaknesses in design and/or inconsistent application of controls did not mitigate all risks identified putting the achievement of particular objectives at risk.
- The plan of work had changed through the year as a result of changing priorities.

Consideration was given to risks identified in relation to the Development Control area. A project to address this was ongoing through the use of specialised software, although populating the system was time consuming and complex. The current position was being closely monitored by senior management and additional

temporary staff engaged to clear the backlog. It was **AGREED** that an update on this situation be brought to the next meeting.

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

11. MEETING MANAGEMENT

The Chairman stated that he would take item 12, 'Update on outstanding audit recommendations' as the next item of business to be followed by the draft Annual Accounts.

12. UPDATE ON OUTSTANDING AUDIT RECOMMENDATIONS (00:48:06)

The Group Manager for Financial Services provided the Committee with an update regarding outstanding internal audit recommendations. She stated that she had met with the Head of Internal Audit and the Group Manager for Performance, Governance and Data Security to assess the best way of resolving outstanding issues. They were hoping to bring these issues to the attention of Leadership Team on a regular basis. The Director of Finance, Assets and Resources reiterated that this would become a standing item on the Leadership Team agenda. The profile with regard to outstanding recommendations had been raised and simply doing 'nothing' about them was no longer an option and would not be tolerated.

It was stated that more information would be forthcoming on this matter at the next meeting.

The Chairman stated that the situation had very much improved in the last 2 years but that officers now needed to focus their attention on the medium risks as well as the high risks and the Committee would continue to take a keen interest in this.

13. DRAFT ANNUAL REPORT AND ACCOUNTS 2017/18 (00:52:25)

The Committee had before it a report * from the Director of Finance, Assets and Resources presenting the draft annual report and accounts.

The following was highlighted within the report:

- The external auditors had commenced their audit on the accounts today.
- The draft accounts needed to be signed by the Section 151 officer and could then be available for inspection by the public as from 31st May 2018.
- Financial Services were confident that they could meet the deadline of 31st July for signing off and finalising the accounts, in fact a special meeting for 16th July to do this had been arranged.
- The Group Manager for Financial Services took the Committee through each of the Primary Statements which included:
 - **Movement in Reserves Statements** – the total of the Council's useable reserves had increased as well as Earmarked Reserves and Capital Receipts.
 - **Comprehensive Income and Expenditure Statement** – HRA net expenditure had reduced. The Pension Fund assumptions had reduced by £21m but this had not had a significant effect on the deficit.

- **The Balance Sheet** – long term borrowing had reduced and there were reduced pension fund liabilities.
 - **Cash Flow Statement** – cash and cash equivalents at the end of the financial were showing as having increased.
- During the compilation of the 2017/18 Statement of Account, the Council discovered that the advice previously received from External Auditors in relation to the classification of the CCLA Fund investment as ‘Cash and Cash Equivalents’ was not consistent with the treatment by other authorities and was contrary to the Council’s own accounting policies. Following discussions with the External Auditors it was felt that the correct classification for the CCLA Fund was as a long term investment rather than ‘Cash and Cash Equivalents’ as previously reported.
 - The HRA continued to perform well. This had been due in part to the significant upward valuation of properties in the previous financial year.
 - Council Tax was in line with last year’s position.
 - Collection of Business rates was going well and the Council would be a pilot for the 100% retention of these in the current year.
 - The Committee were taken through the Group Accounts for the 3 Rivers Development Ltd which was a wholly owned subsidiary of the Council.

The Committee thanked the Group Manager for Financial Services for her thorough and understandable explanation of the accounts.

RESOLVED that the draft annual report and accounts be approved.

(Proposed by the Chairman)

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

14. **EXTERNAL AUDIT PROGRESS REPORT & UPDATE (01:18:05)**

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

The Engagement Lead from Grant Thornton explained that they had just started the audit and would be continuing on site for the next three weeks. Currently their work was on track and they would continue to focus on areas of risks such as the arrangements to secure ‘Value for Money’ and the 3 Rivers Development Ltd. They were confident that they would be able to deliver their opinion on the Council’s accounts at the special meeting planned for 16th July 2018.

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

15. **GRANT THORNTON - 2018/19 FEE LETTER (01:20:25)**

The Committee had before it, and **NOTED**, the annual fee letter * from Grant Thornton. This provided information in relation to the costs that would be incurred as a result of their planned audit for 2018/19.

The Chairman enquired as to why the fee relating to grant work, including housing benefit certification was not included as it had been in the previous financial year. It was explained that from 2018/19 this area of work now fell outside of the Public Sector Audit Appointments contract and was a separate appointment.

16. **START TIME OF MEETINGS (01:23:25)**

It was **AGREED** to continue to hold meetings of the Committee at 5.30pm on Tuesday evenings.

17. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:24:14)**

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

- Update on outstanding audit recommendations
- Update on the audit recommendation for Development Control

(The meeting ended at 7.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 15 May 2018 at 2.00 pm

Present

Councillors

R F Radford (Chairman)
D R Coren, Mrs C P Daw, R Evans,
D J Knowles, Mrs J Roach, J D Squire and
R Wright

Apologies

Councillors

R M Deed and Mrs E J Slade

Also Present

Councillors

C J Eginton and L D Taylor

Also Present

Officers

Andrew Pritchard (Director of Operations), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Vicky Bowden (Environment and Enforcement Manager), Karen White (Cemeteries Administrative Assistant) and Sarah Lees (Member Services Officer)

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

RESOLVED that Cllr R F Radford be elected Chairman of the Group for the municipal year 2018/19.

Cllr Radford then took the Chair.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Group for the municipal year 2018/19.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillors Mrs E J Slade and R M Deed, who was substituted by Cllr Mrs J Roach.

4 PUBLIC QUESTION TIME

There were no members of the public present.

5 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting were approved as a true record.

6 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that the Group needed to decide what time to start their meetings for the remainder of this municipal year. It was **AGREED** that the start time of meetings should remain at 2.00pm.

7 MOTION 542 (COUNCILLOR MRS J ROACH - 30 NOVEMBER 2017)

The Group had before it Motion 542 (Councillor Mrs Jenny Roach – 30 November 2017).

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.

This motion, previously considered by the PDG on 9 January 2018 had been referred back to the Group by Council (in line with Procedure Rule 15.1(e) for further consideration at its meeting in March 2018. At the March meeting the Group had **RESOLVED** that a sample trolley be sourced which was suitable for use with the current recycling fleet, in order that Members could have a look and see how it operated. This had taken place prior to the meeting.

In speaking to her Motion, Cllr Mrs Roach stated that the issue had not been about replacing assisted recycling box collections but rather to allow people to have independence and choice. It was stated that some people might prefer not have people entering their premises, especially if they had a dog and did not want access and exit points to their premises left vulnerable.

Officers had been tasked with obtaining sample boxes and a trolley from the current supplier. During the demonstration prior to the meeting it was explained that it was not possible to fit the sample boxes on to the current lorries for the operatives to sort. The stacking system and slots into which recyclables could be deposited were also not ideal but these were the only boxes the current supplier provided.

Discussion took place regarding:

- The possibility of less physically able residents having alternative methods of recycling rather than having to sign up to assisted bin collections, thereby allowing them greater independence.
- Researching costs involved in sourcing alternative boxes that would be compatible with the current lorries for what would essentially be a small number of people.

RECOMMENDED to Council that Motion 542 be rejected.

(Proposed by the Chairman)

Note: Cllrs D J Knowles and Mrs J Roach requested that their vote against the decision be recorded.

8 **MOTION 545 - (COUNCILLOR L TAYLOR - 10 APRIL 2018)**

The Group had before it Motion 545 (Councillor L Taylor – 10 April 2018)

That this Council considers the use of British Hedgehog Preservation Society (BHPS) stickers on all Mid Devon grass cutting machinery, requesting that all users check the area to be cut before using the equipment. The stickers are free and are being used by other Councils such as East Devon District Council, Derbyshire County Council and Manchester City Council to name but a few.

Cllr Taylor explained that in the 1950's hedgehogs had been voted as the national species of Great Britain and there had been 30 million in existence but that number had now reduced to 1.5million representing a 97% reduction. He further explained that it was predicted that hedgehogs could be extinct within 10 years. Councils in other parts of the country had signed up to placing stickers on their ground maintenance equipment and there had been a significant reduction in the number of hedgehog deaths as a result.

RECOMMENDED to Council that Motion 545 be supported

(Proposed by Cllr Mrs J Roach and seconded by Cllr R Evans)

9 **BEREAVEMENT SERVICES FEES AND CHARGES**

The Group had before it a report * from the Director of Finance, Assets and Resources setting out the Bereavement Service fees and charges for 2018/19. This report had previously been considered by the Group at their meeting on 6 March 2018 where the Group had made a recommendation to the Cabinet. The Cabinet had considered this on 5 April 2018, however, due to a change in Government guidance with regard to fees and charges, the Cabinet had resolved that the matter be referred back to the PDG for further consideration.

It was explained that the Government had implemented an instruction on 31st March 2018 to set up a Children's Funeral Fund for England thereby removing the fees for burials and cremations for those under the age of 18.

Discussion followed with regard to the proposed fees for the 'Exclusive Rights of Burial and Right to Erect a Memorial' for 30 years for those children under the age of 18. This was a sensitive area and the Council needed to show compassion.

RECOMMENDED to the Cabinet that, subject to the removal of a charge for 'Exclusive Rights of Burial and Right to Erect a Memorial' for 30 years for those who die under the age of 18, the proposed Bereavement Service fees and charges for 2018/19 be approved.

(Proposed by Cllr R Evans and seconded by Cllr Mrs J Roach)

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

10 DISTRICT OFFICER DISCRETIONARY TIME

The Group had before it a report * from the Group Manager for Street Scene and Open Spaces outlining the first full year performance of the Street Scene Education and Enforcement Services following the service review in 2016/17.

Consideration was given to:

- The high number of dog fouling complaints to Ward Members;
- The limited amount of District Officer resource available and the need to put this where it would have best effect;
- Investing in the further education of dog owners might not be constructive since many knew fouling was wrong but still did not want to pick up after their dogs;
- Localities could still be provided with signs to deter owners from allowing their dogs to foul;
- The Government had introduced a new Litter Strategy for England to curb littering with proposals for new enforcement, education and community engagement. Mid Devon District Council was now proposing to adopt those powers;
- District Officers were very reliant on intelligence from the public and this was encouraged. However, members of the public had to be prepared to sign a statement and stand up in court if a successful prosecution was to ensue if a fixed penalty notice was not paid.

RECOMMENDED to the Cabinet that:

- a) The fine for littering be increased to the statutory maximum of £150.
- b) The time allocated to discretionary duties be varied as specified in paragraph 2, Table 2.
- c) Policies, systems and procedures necessary to enable Fixed Penalty Notices (FPN's) to be served on the relevant person(s) associated with littering from vehicles be introduced.

(Proposed by Cllr R Evans and seconded by Cllr R Wright)

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

11 PERFORMANCE AND RISK

The Group had before it a report * from the Director of Corporate Affairs and Business Transformation providing Members with an update on performance against the Corporate Plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The Group Manager for Performance, Governance and Data Security reported that it had been a very good year for the Street Scene service with the service costing less per household than the target which had been set.

Consideration was given to the following:

- Targets in relation to residual household waste per household (measured in kilograms) which it was felt were higher than current actual. These targets had been set 4 years ago when the Corporate Plan had been approved, since then a new scheme had been introduced and performance had been better than targets;
- Carbon monoxide levels at Carlu Close were now being managed and monitored and were improving since extra controls were put in place. Previous high levels had been detected as a result of the collection and bulking vehicles keeping engines running in a confined space which was being managed better now.
- Alternative uses of plastic and the opportunities that arose from this. An example was provided whereby some countries were considering using recycled plastic to make roads. There was a need for a collaborative approach locally and nationally with some innovative thinking in terms of recycling plastic rather than just stopping using it;

ACTION: It was requested that the Committee Clerk to this Group contact the Clerk administering the Devon Authorities Strategic Waste Committee (which the Leader from Mid Devon District Council attended) to seek an item on the next available agenda to discuss the recycling of plastic and a future innovative collaborative approach;

- Working with local independent traders in Tiverton to reduce the amount of plastic used, for example ceasing to use plastic carrier bags.

RECOMMENDED to the Cabinet that the annual target in relation to residual household waste per household be reduced from 420kg per year to 378kg.

(Proposed by Cllr R Evans and seconded by Cllr R Wright)

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

12 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS

No other items were identified for the next meeting others than those already listed in the work programme. However, the Chairman requested that the Group Members contact the Clerk should they have a specific item they would like discussed at the next meeting.

(The meeting ended at 3.09 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 22 May 2018 at 2.15 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, D R Coren, Mrs G Doe,
R J Dolley, P J Heal, F W Letch and
J D Squire

Apologies

Councillor

Mrs E M Andrews

Also Present

Councillor

R L Stanley

Also Present

Officers

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Michael Parker (Housing Options Manager) and Sarah Lees (Member Services Officer)

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

RESOLVED that Cllr W J Daw be elected Chairman of the Group for the municipal year 2018/19.

Cllr W J Daw then took the Chair.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Group for the municipal year 2018/19.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Mrs E M Andrews.

4 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no declarations made under this item.

5 PUBLIC QUESTION TIME

There were no questions from the member of the public present.

6 MINUTES

The minutes of the meeting held on 13 March 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

8 PERFORMANCE AND RISK REPORT FOR 2017-18 (00:03:58)

The Group had before it, and **NOTED**, a report from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2017/18 as well as providing an update on the key business risks.

Discussion took place with regard to:

- The figure for the 'number of affordable homes delivered' should have stated 115 and not 92 within the published report.
- Of the 7 properties previously identified as not being able to provide a valid gas safety certificate, 4 of these had now been serviced.
- Homelessness prevention was on target.
- Bad weather had caused some delay in the building of council houses, however, completion of the Tiverton council house projects was due to take place in 2018/19.

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

9 TENANT INVOLVEMENT STRATEGY (00:11:03)

The Group had before it a report * from the Group Manager for Housing Services presenting the revised draft Tenant Involvement Strategy.

The Officer outlined the contents of the report with reference to the following:

- The Strategy set out the high level aims for the Council as a social landlord. These were regulated by the Regulator for Social Housing (RSH). One of their standards related to Tenant Involvement and Engagement meaning that Registered Providers should involve tenants in the work that they do.
- The new Strategy had been updated significantly to reflect rapid changes in methods of modern communication.
- The Council had a very active Tenants Together Group who considered policy, performance and also challenged officers and elected Members.
- There was a ring fenced pot of money set aside for Tenant Involvement activity such as training. It was also confirmed that tenants could claim expenses when attending training courses as this was seen as a way of fostering involvement.
- Experience had shown that most tenants preferred to communicate by electronic means although it was acknowledged that some preferred the more traditional methods of communication.

- Estate walkabouts with Ward Members were encouraged. Ward Members were also invited to attend eviction panels but some chose not to attend.
- Any tenant was welcome to come to a Tenants Together meeting or indeed join the group.

RECOMMENDED to the Cabinet that the revised Tenant Involvement Strategy be approved.

(Proposed by Cllr D R Coren and seconded by Cllr P J Heal)

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

10 **TENANT INVOLVEMENT POLICY (00:29:43)**

The Group had before it a report * from the Group Manager for Housing Services presenting the revised Tenant Involvement Policy. The contents of the report were outlined with reference to the following:

- Whilst closely related to the Strategy the 'Policy' talked about the 'nuts and bolts' of Tenant Involvement.
- A revision to the wording in relation to 'Equality and Diversity' at section 9 was suggested as tenants had indicated they wanted meetings to be as open and as inclusive as possible but with safeguards in place so as to deter offensive remarks. It was **AGREED** that the first paragraph of section 9 of the draft policy be reworded slightly.

RECOMMENDED to the Cabinet that the revised Tenant Involvement Policy be approved subject to a revision of paragraph 9 on Equality and Diversity to state the following:

As a registered provider of social housing, the Council has an equality duty and is bound by the provisions of the Equality Act 2010. This means that the Housing Service must ensure that there will be no discrimination or unfair treatment on the grounds of gender (or gender reassignment), race, colour, ethnicity or national origin, faith, sexual orientation, marital/civil partnership status, age, disability, politics or trade union membership. We will not tolerate any discriminatory remarks or actions and will challenge anyone who behaves in that manner. Tenants will be excluded from any further involvement if they continue to behave in an offensive or discriminatory manner.

(Proposed by Cllr D R Coren and seconded by Cllr J D Squire)

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

11 **COMMUNITY HOUSING FUND GRANT POLICY (00:35:00)**

The Group had before it a report * from the Group Manager for Housing Services presenting the Community Led Housing Fund Grant Policy. In 2016/17 the Council had been allocated £131,359 from the Department of Communities and Local Government (DCLG) Community Housing Fund. The Council wished to use this ring-

fenced funding to work in partnership with local communities to develop Community Led Housing across the District.

It was proposed that the policy governance would be overseen by the Community Housing Fund Project Group chaired by the Cabinet Member for Housing. The group would comprise of the Cabinet Member for Housing and three other Cabinet Members. It would receive recommendations from the Group Manager for Housing, the Housing Options Manager and the S151 Officer or designated representative from Finance. It would meet on a monthly basis to discuss the progress of community groups and consider applications for funding.

It was explained that money had been allocated by the Government to help almost 150 councils tackle the problem of high levels of second home ownership so that the development of community led housing could be supported. Since there were relatively low levels of second home ownership in Mid Devon the allocation to this area had seemed low in comparison to some of the more affluent local authorities with coastal borders.

It was further confirmed that the sum of money available was solely for Community Led Housing projects. The Council would continue to work with Wessex Community Housing with whom it already had a proven track record arising from a successful Community Land Trust project in Hemyock.

RECOMMENDED that the Cabinet recommend to Council that:

- a) The Community Led Housing Fund Grant Policy is adopted and endorsed so that it can be used within the Council's District.
- b) That Members support the framework for the allocation of grants as presented within the report.
- c) Should any disagreements occur then the final decision should be delegated to the Director of Operations in conjunction with the Cabinet Member.

(Proposed by Cllr D R Coren and seconded by Cllr R J Dolley)

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

12 **STATE OF THE DISTRICT - HOMELESSNESS WITHIN MID DEVON (00:41:10)**

The Housing Options Manager presented the Group with the Council's Position Statement * on Homelessness within Mid Devon.

Particular reference was made to the following:

- In 2017/18 there had been 450 approaches made to the local authority, compared to 2008/09 when there had been over 700 approaches.
- The new Homelessness Reduction Act was implemented with effect from the beginning of April 2018. It was estimated that the changes being introduced by this legislation would increase the number of applicants presenting as homeless. It was expected that local authorities would be placing more people into temporary accommodation for longer periods.
- The average interview with a person presenting as homeless now took between two and two and a half hours. Prevention work was key, however, if

homelessness had taken place there was a need to try and establish why this was the case. A typical example of this was failure to pay rent.

- There was an increasing lack of affordable private rented accommodation to offer someone threatened with homelessness. Many landlords within Mid Devon were reluctant to take on large families or households where there may be family members who might exhibit challenging behaviours.
- Statistics showed that Mid Devon was roughly in line with the rest of England in terms of the numbers of people being accepted as homeless and in priority need.
- Rough sleeping was on the increase across the country.
- In late 2016 a partnership of four Local Authorities, Teignbridge, Exeter City Council, East Devon District Council and Mid Devon District Council were successful with a bid to the DCLG to become a Homeless Prevention Trailblazer.
- The Council was working very closely with the Citizens Advice Bureau to empower households to take an active part in resolving their own housing difficulties.
- The roll out of Universal Credit had been delayed in Mid Devon until July 2018, however, officers had been working hard to learn good practice from partner groups to understand the likely impacts of this so that the Housing Service was best placed to deal with the implications when they arise.

The report was **NOTED**.

13 **START TIME OF MEETINGS (00:56:45)**

It was **AGREED** to continue to hold meetings of the Group at 2.15pm for the remainder of the municipal year.

14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:57:10)**

It was unlikely that the Tenancy Strategy would be available for the next meeting as Government Regulations had still not been released and these would inform the Council's Strategy.

It was also unlikely that the ASB Policy and Procedure would be available for the next meeting due to resource constraints.

(The meeting ended at 3.15 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 17 May 2018 at 5.30 pm

Present

Councillors

Mrs B M Hull (Chairman)
Mrs A R Berry, A Bush, Mrs C Collis, J M Downes,
S G Flaws, Mrs S Griggs, F J Rosamond and
Mrs N Woollatt

Also Present

Councillors

R J Chesterton and R Evans

Present

Officers

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Adrian Welsh (Group Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

1 Election of Chairman (Vice Chairman of the Council in the Chair)

RESOLVED that Cllr Mrs B Hull be elected Chairman of the Group for the municipal year 2018/19.

Cllr Mrs B M Hull then took the Chair.

2 Election of Vice Chairman

RESOLVED that Cllr S G Flaws be elected Vice Chairman of the Group for the municipal year 2018/19.

3 Apologies and Substitute Members

There were no apologies for absence.

4 Declaration of Interests under the Code of Conduct

There were no declarations of interest given.

5 Public Question Time

There were no members of the public present.

6 Minutes

The minutes of the meeting held on 8 March 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

7 Chairman's Announcements

The Chairman welcomed Councillors A Bush and Mrs S Griggs onto the Group.

8 Meeting Management

The Chairman indicated that she would take item 8 and item 10 next with Performance and Risk following these items.

9 Presentation on Hydro Mills

The Economic Development Officer provided the Group with a presentation on the Hydro Mills project which included the following information:

- There were vast river and water networks across the UK providing a whole range of facets that could be effective including revitalising rural communities, hydro energy, integrated catchment management, the green economy and technological innovation.
- For Mid Devon this could mean that the district was able to build a strong foundation for a low carbon economy, it could provide excellent inward investment and marketing potential and greater community resilience in terms of energy and flooding.
- Numerous organisations were involved including:
 - Hydro Mills Group
 - Private Land owners
 - Environment Agency
 - South West Water
 - Western Power
 - Angler's Association
 - University of Exeter
 - Hydromatch
 - Government
- Exeter University had been proactively working to progress the project with masters's students undertaking research looking at the relevant environmental considerations, smart grid technology and replicable aspects.
- Other progress included the commissioning of Hydromatch to undertake work to obtain Environment Agency permissions. Heritage discussions to explore opportunities at key sites of historic interest and other sites of importance.
- Numerous funding bids were being developed and the result of an 'Energy Entrepreneurs' bid was due any day. An 'Innovation Funding Service' bid was also currently live.
- Potential barriers to the project moving forward included Environment Agency permissions, site ownership, endorsement at senior levels in organisations and funding.
- Next steps included EA permissions work (which would take 6 months), site ownership, meetings with the Pennon Group (and others) and the development and submission of funding bids between May to August.

Discussion took place regarding:

- Returns on investment would be long term as some of these schemes could run for up to and over 100 years.
- The University of Exeter would be taking on board the work that had already been undertaken by the Blackdown Hills crayfish project.
- There was the potential as a Council to sell expertise to others who may wish to undertake a similar project.
- River data had a value that could not only be used for the greater good but also had a monetary value.

Note: Councillor Mrs N Woollatt declared a personal interest as she was a mill owner.

10 Economic Development Service Update

The Group had before it, and **NOTED**, a report * from the Chief Executive and Director of Growth updating it on progress with key Economic Development Service priorities.

The Group Manager for Growth, Economy and Delivery provided the Group with a brief update on each of the projects listed within the report and discussion followed with regard to:

- A meeting had taken place earlier that day with Exeter City Council with regard to Broadband. There was a possibility of working with them on joint marketing materials for the broadband voucher scheme.
- The result of the bid to the Heritage Lottery for the Cullompton Townscape Heritage Scheme would be known next week and the Group would be informed about the result accordingly.
- A presentation would be brought before the Group regarding the results of the consultation exercise on the Tiverton Town Centre Masterplan.
- The initial budget for the Tiverton Shopfront Scheme had been £15k originally funded through the Government's High Street Innovation Fund and had been used to support shop keepers wanting to improve their shop fronts.
- Whilst it had seemed that the recent Tiverton Night Market event had been very well attended it had been difficult to measure this precisely and better technological measures were needed. It was also difficult to establish who had been visitors to the town and who had been local residents.
- The importance of working with relevant education partners to locally support skills including within the construction sector.

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

11 Performance and Risk for 2017/18

The Group had before it, and **NOTED**, a report * from the Director of Growth & Chief Executive providing Members with an update on performance against the Corporate Plan and local service targets for 2017/18 as well as providing an update on the key business risks.

Discussion took place regarding:

- The number of businesses assisted which had been 261 against an annual target of 250.
- Shop vacancy figures were showing as just under 10% in the three major towns. It was difficult to compare these figures nationally as towns varied greatly with different factors affecting each one.
- Whether it was possible as a Council to do anything to encourage shop keepers to keep their shops open. This was a difficult area as some shop owners still received a rent even if the shop was closed therefore there was less of an incentive.
- The Tiverton Town Centre Manager was not always informed when a shop was going to close.
- The process involved in finalising the Tiverton Town Centre Masterplan would consider what should be offered in the town in a changing consumer world.

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

12 **Start time of meetings**

The Group **AGREED** to hold future meetings of this Group at 5.30pm during the remainder of the municipal year.

13 **Identification of items for the next meeting**

The following was requested to be on an agenda for a future meeting:

- An update on car parking
- A report listing the funding streams available to support projects and initiatives.

(The meeting ended at 6.31 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 29 May 2018 at 2.15 pm

Present

Councillors B A Moore (Chairman)
Mrs A R Berry, F W Letch, Mrs E J Slade,
Mrs H Bainbridge, Mrs G Doe and
R J Dolley

Apologies

Councillor(s) Mrs E M Andrews and Mrs C P Daw

Also Present

Councillor(s) C R Slade, Mrs M E Squires and R L Stanley

Also Present

Officer(s): Andrew Jarrett (Director of Finance, Assets and Resources), Lee Chester (Leisure Manager), Kevin Swift (Public Health Officer), Sally Gabriel (Member Services Manager), Carole Oliphant (Member Services Officer) and John Bodley-Scott (Economic Development Team Leader)

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

Cllr B A Moore was proposed as Chairman by Cllr Mrs G Doe and seconded by Cllr R J Dolley.

RESOLVED that Cllr B A Moore be elected Chairman of the Group for the municipal year 2018/19.

Cllr B A Moore then took the Chair.

2 ELECTION OF VICE CHAIRMAN

Cllr Mrs E J Slade was proposed as Vice Chairman by Cllr Mrs H Bainbridge and seconded by Cllr R J Dolley.

RESOLVED that Cllr Mrs E J Slade be elected Vice Chairman of the Group for the municipal year 2018/19.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs C P Daw and Cllr E M Andrews.

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare interests. Cllr Mrs E J Slade declared a personal interest as a member of the Tiverton Museum Advisory Committee.

5 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting held on 27th March 2018 were approved as a correct record and **SIGNED** by the Chairman.

6 **PUBLIC QUESTION TIME**

There were no members of the public present.

7 **CHAIRMANS ANNOUNCEMENTS**

The Chairman thanked the Members of the Group for re-electing him as Chairman and welcomed them to the new municipal year. He also introduced the new Committee Clerk, Carole Oliphant, Member Services Officer.

8 **GRANT FUNDED AGENCY (00-06-22)**

The Chairman introduced Pippa Griffith (Museum Director) and Christine Ghail (Vice-Chairman) from Tiverton Museum who gave a presentation to the group explaining that the local community was at the heart of everything they did. They gave an overview of the close working relationships that the Museum had with local schools and the various education programmes that it ran. Over 1500 children had visited the Museum so far in 2018. She explained past and present projects that had taken place.

The Museum Director explained that the Museum had been voted the best Family Friendly Museum in the past and they had been nominated again in 2018. The Tourist Information Centre, part of the Museums remit had won bronze in the Visit Devon Tourism Awards.

The Museum currently relied on over 80 volunteers which was the equivalent of £79K worth of wages saved each year. There was only one full time member of paid staff.

The Museum Director informed the Group that the Museum was totally dependant on grants and without District Council support it's future would be in jeopardy. The District Council contributed 72% of all funding. The economic impact of the Museum's visitors was approximately £185k in 2017.

The Museum Director and Mid Devon Museum Development Officer were currently working with the Heritage Lottery Fund to secure £67k worth of funding to bring in consultants to help improve services, along with other funding initiatives.

The Committee requested that the figures provided for visitors from Mid Devon were clarified and the Museum Director said she would do this.

There was a general discussion about the need for sufficient signage in the town to attract more visitors to which Ms Griffiths replied that the Museum would welcome additional signage. Consideration was given to signage being be looked into as part of the Tiverton Town Centre Masterplan.

Suggestions were made that the Museum could look to plan something district wide and consider putting mini displays in libraries and leisure centres in Crediton and Cullompton.

The Chairman thanked the Museum Director and Vice-Chairman for attending the meeting.

Note: Cllr Mrs E J Slade declared a personal interest as a member of the Tiverton Museum Advisory Committee.

9 AN OVERVIEW OF SERVICE DELIVERY MODELS FOR LEISURE (00-38-30)

The Group had before it and **NOTED** a * report of the Leisure Manager providing an overview of service delivery models for leisure services.

He outlined the contents of the report stating there were currently four models for leisure services:

- Local Authority Direct Provision
- Public Private Joint Venture
- Trust (join existing or establish new)
- Fully Outsourced

Consideration was given to all of the current models and there was a general discussion regarding the benefits and drawbacks of each of the models.

There was a discussion with regard to the dual use agreements with Devon County Council which allowed local schools direct access to the leisure facilities.

The Leisure Manager explained the revised 2017 VAT ruling which determined that the UK requirement for local authorities to charge VAT on leisure activities was unlawful. He explained what effect this could have on revenue streams and why it would not be in the best interests of Mid Devon District Council to pursue this at this time.

The Director of Finance, Assets and Resources explained that the current leisure facilities had undergone a programme of improvements and refurbishments and that the revenue from them was gradually increasing. He said that Mid Devon ran a wonderful service across all of its leisure sites but it would lose control if it entered into long term agreements with a supplier.

The Cabinet Member for Community Well-Being explained that the Council had been looking at leisure services for quite a while. There had been improvements at leisure centres across Mid Devon and revenue was growing all the time. He explained that there would not be the level of control that services would be maintained with another supplier.

The Group discussed and supported the current Local Authority Direct Provision model as offering the best control of services and value for money and that requested that the leisure service provision be reviewed every four years.

The Chairman thanked the Leisure Services Manager for a well balanced report.

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

10 **TRIM TRAILS (01-01-47)**

The Cabinet Member for Community Well-Being stated that the provision of Trim Trails was quoted in the Conservative Manifesto and the Cooperate Plan. Talks had been taking place with local councils and friends of Amory Park and £7.7k worth of funding had been secured through S106 contributions.

He explained the options of equipment available and that metal non moving kit would be recommended as this was more robust and less likely to wear out. A procurement exercise was currently being undertaken with the results being expected at the end of June 2018.

There was a general discussion regarding the type of equipment available and the cost involved in setting them up. A question was asked regarding the cost of leasing the land at Amory Park and the Public Health Officer was tasked with providing this information.

The Cabinet Member for Community Well-Being stated that the aim was to get a pilot space up and running to see how well it went. In other authorities developers were now installing Trim Trails on new developments and he would be looking for the developers of the Eastern Urban Extension and the Garden Village to provide these facilities.

There was a general discussion on how well the equipment would be used and the Public Health Officer explained that figures are difficult to come by and that a survey would need to be carried out.

The Chairman thanked the Cabinet Member for this information.

11 **CABINET MEMBER FOR THE WORKING ENVIRONMENT AND SUPPORT SERVICES (01-20-30)**

The Committee had before it, and **NOTED**, a report * from the Cabinet Member for the Working Environment and Support Services updating Members regarding the areas covered with her remit.

She outlined the contents of the report and explained that she was also a Member of the Community Safety Partnership.

There was a general discussion on ways to prevent cardiovascular disease and a request that nutrition be placed on a future agenda. Cllr A R Berry advised that she could get healthcare professionals to a future meeting to discuss the issues.

The Public Health Officer advised the Group that there was an Active Family Group in Tiverton and there was a possibility of starting one up in Cullompton.

The Chairman thanked the Cabinet Member for the Working Environment and Support Services for her report.

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

12 **COMMUNITY ENGAGEMENT UPDATE (01.35.04)**

The Group had before it an *update from the Communications and Engagement Manager.

The Chairman outlined the contents of the report and discussion took place regarding putting residents first and the impact on communities when decisions were made by the District Council.

The Chairman requested that the role of the Community PDG be defined with regard to the Scrutiny Committee, Community Engagement Working Group and he would lobby for the working group considered reporting to the Community PDG prior to reporting to the Scrutiny Committee.

The Scrutiny Officer was asked to highlight the request at the initial scoping meeting of the Community Engagement Working Group to be held on 6th June 2018.

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

13 **START TIMES OF MEETINGS (01.40.00)**

Following discussion the Committee **AGREED** to continue to hold its meetings at 2.15pm for the remainder of the 2018/19 municipal year.

14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.43.17)**

The following issues would be addressed at the next meeting:

- Illegal Encampments
- Single Equalities Policy and Equality Objective
- Lifestyle, Diet & Nutrition
- Community Engagement update
- Conclusion of Trim Trail procurement process
- Update from Leisure Manager on the effect on visitor numbers of recent price changes and improvements to leisure facilities

(The meeting ended at 4.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 16 May 2018 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,
P J Heal, D J Knowles, F W Letch,
B A Moore, R F Radford, J D Squire and
R L Stanley

Also Present

Councillor(s)

D R Coren and F J Rosamond

Present

Officers:

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Simon Trafford (Area Team Leader), Alison Fish (Area Team Leader), Hannah Cameron (Planning Officer), Daniel Rance (Principal Planning Officer), Neil Weeks (Solicitor), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (Chairman of the Council in the Chair) (00-01-58)

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2018/19.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford).

2 ELECTION OF VICE CHAIRMAN (00-04-01)

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Committee for the municipal year 2018/19.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr F W Letch).

3 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

4 PUBLIC QUESTION TIME (00-07-23)

There were no questions from Members of the public in attendance.

5 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

6 MINUTES OF THE PREVIOUS MEETING (00-07-23)

The Minutes of the meeting held on 18 April 2018 were approved as a correct record and **SIGNED** by the Chairman.

7 CHAIRMAN'S ANNOUNCEMENTS (00-08-30)

The Chairman had the following announcements to make:

- She welcomed Carol Oliphant (Member Services Officer) and Neil Weekes (Legal Advisor) to the meeting.
- She welcomed Cllr D J Knowles back to the Planning Committee.

8 ENFORCEMENT LIST (00-10-08)

Consideration was given to the cases in the Enforcement List *.

Note: *List previously circulated; copy attached to signed Minutes.

Arising thereon:

a) No. 1 in the Enforcement List (***Enforcement Case ENF/17/00072/RURAL – Unauthorised building operations concerning the construction of a mixed used building comprising a farm workshop, storage, smoker, cold store, food processing area, farm office, welfare facilities, kennels and stables – land at NGR 317450 1100777 (Tickle Penny) Clayhidon.***)

The Area Team Leader outlined the contents of the report highlighting by way of presentation the breach of planning control. A retrospective planning application had been submitted and refused; the enforcement action proposed would address the breach. Members considered photographs from various aspects of the site which identified the access to the site, the unauthorised construction and various other buildings.

Consideration was given to the views of the landowner who outlined the history of the site and his plans for the land.

RESOLVED that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the demolition and removal of the unauthorised operational development and the cessation of the use of the land for the storage of materials associated with the construction work and for the siting of a shepherds hut, motorhome and associated paraphernalia, including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note: Mr Hillier (Landowner) spoke.

9 DEFERRALS FROM THE PLANS LIST (00-25-25)

There were no deferrals from the Plans List.

10 THE PLANS LIST (00-25-33)

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) No 1 on the Plans *List (18/00214/MFUL – Erection of 14 dwellings with associated roads, garages and parking – land at NGR 310280 114261 Hunters Hill, Culmstock).*

The Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site and the first phase of development which was nearing completion, the improvement to the footpath into the village and access details. She explained the site layout and roof plan, the street elevations and the position of the bungalows, the drainage strategy, tree protection and boundary treatments and showed photographs from various aspects of the site. She highlighted the concerns of the Parish Council with regard to the footpath and its impact on the village green stating that this was a legal matter which could be addressed through further discussion.

Consideration was given to:

- Whether the drainage system was satisfactory
- The maintenance of the attenuation ponds
- The impact of the trees outside the site on the development
- Whether the highway would be adopted
- The concerns of the Parish Council with regard to whether the development was sustainable and whether there was a need and whether the school could continue to be expanded to accommodate additional children
- The views of the Ward Member highlighting the concerns of local residents and the weight of objections
- The tenure mix of the affordable dwellings
- The provision of affordable housing on the site and whether rented accommodation or discounted open market dwellings were appropriate
- The steepness of the footpath
- The possible increase in traffic in the area

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and the signing of a S106 agreement in respect of:

1. Provision of 4 affordable dwellings (2 x 2 bed and 2 x 3 bed).

2. A financial contribution of £18,484 towards access to public open space at Colliers Meadow, Culmstock; and
3. A financial contribution of £106,778 towards primary, secondary and early years education and school transport costs.
4. The provision of footpath improvements between the site and the primary school.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- ii) Cllr Bass (Culmstock Parish Council) spoke;
- iii) Cllr F J Rosamond spoke as Ward Member;
- iv) Cllrs Mrs C A Collis, B A Moore, R F Radford and R L Stanley requested that their vote against the decision be recorded;
- v) The following late information was reported:

One additional letter of representation has been received raising the following points:

- Question 24 on the application form states the site cannot be seen from public land.
- The site is not highly visible at the moment as it is a green field, but if development takes place it will be clearly visible from Hunters Hill, the Community Garden, the minor road leading to Pitt Farm and Culmstock Beacon.
- The suburban nature of the existing development already has a huge visual impact, MDDC should visit and observe the site from viewpoints in the surrounding area.
- Should the development be approved, the roofs should be constructed of brown tiles and grey slates, with brick and stone walls to blend in with Culmstock village. Orange tiles and white render are not in keeping with the surrounding area.

A map has been sent by the Parish Council, identifying the designated village green (attached) forming part of the area proposed for footpath improvements, the details of which are to be agreed as secured by condition and in the S106.

The numbering of the reasons for conditions on page 42 and 43 is incorrect, below condition 5 on page 42 there is a reason without a number, all other reasons to be adjusted by 1. There are no reasons missing.

- (b) No 2 on the Plans *List (18/00283/OUT – Outline for the erection of a dwelling and alterations to vehicular access – Jaspers Green, Uplowman)*.

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the history of planning applications in the local area and the

results of various appeals, the site location, the proposed block plan and photographs from various aspects of the site.

Consideration was given to:

- The views of the agent who reminded Members of the application on the adjacent site which had been approved and had also been infill, the suitability of small scale development in the village, there had been no letters of objection and the Parish Council had not objected.
- The recent appeal decision for 8 dwellings which had been dismissed and the reasoning for dismissal and a further appeal for a single dwelling which had also been dismissed
- The risk of an accumulation of single dwellings coming forward in the village in the event of approval.

RESOLVED that the application be refused as recommended by the Head of Planning Economy and Regeneration for the following reasons:

1. The Local Planning Authority does not consider Uplowman to be a sustainable settlement in that it lacks the day to day facilities that make it suitable for housing growth. Uplowman has only one of the three essential services that the Local Planning Authority considers necessary for even a limited level of new housing development. Whilst Uplowman does have an education facility, it does not have a shop or public transport service (one bus a week). Accessibility to a wide range of services is poor and there would be a high dependency on the usage of the private car. In the opinion of the Local Planning Authority, the proposal would not amount to sustainable development and therefore conflicts with the sustainability objectives of the NPPF. The harm caused by this conflict is considered to significantly and demonstrably outweigh the benefits of the development in providing new housing in the District.

The proposal is considered to be contrary to policies: COR1, COR9, COR12 and COR18 of the Mid Devon Core Strategy (LP1) and the sustainability objectives of the National Planning Policy Framework.

2. There is a hedgerow along the boundary of the site with the road. The application is silent on whether all or part of the hedgerow would need to be removed to facilitate the new access and visibility splays. The hedgerow is considered to contribute towards the rural character of the lane and the visual amenities of the area and its removal would be detrimental to the rural quality of the area. The proposal is therefore considered to be contrary to policies COR2 of the Mid Devon Core Strategy (LP1), DM2 of the Local Plan 3 Development Management Policies and the objectives of the National Planning Policy Framework.
3. The application provides no details of the foul drainage proposals for the dwelling. Policy DM2 of the Local Plan 3 Development Management Policies requires appropriate drainage to be provided including SUDS, and connection of foul drainage to a mains sewer where available. No justification has been provided that the dwelling could not be provided with a connection to the main

sewer for foul drainage or that a SUDS scheme or soakaway could not be provided on site, contrary to policy DM2 of the LP3 DMP.

4. Policy AL/IN/3 requires that new residential proposals will contribute to the provision of public open space of at least 60sqm of equipped and landscaped public open space per market dwelling, within the local area. In this case there is a requirement for the provision of £1205 to be provided towards improvements to sporting facilities at Crossways Playing Field, Uplowman

(Proposed by Cllr B A Moore and seconded by Cllr P J Heal)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations on accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application;
- ii) Cllr R F Radford declared a personal interest as it had been suggested that he had pre-determined the application (which he rejected), however he would listen to the debate and abstain from voting;
- iii) Cllr J D Squire requested that his vote against the decision be recorded;
- iv) Cllr R F Radford requested that his abstention from voting be recorded;
- v) Mr Culshaw (Agent) spoke;
- vi) The following late information was reported:

A further representation :the report to members failed to mention the recent approval of a dwelling located adjacent to this site by the committee on the 4th October 2017 plans list no 3 application number 17/01108/OUT. The application was submitted to committee to consider with an officer recommendation for refusal. The committee considered the application the aspects considered were whether the proposal was defined a s infill, the school, public house and post office in the village, whether there was any physical harm using the land for development of one dwelling, planning policy with regard to development in unsustainable villages, Repercussions of allowing such a site to be developed, previous appeal decision, and concluded that the proposal is considered to be acceptable in that it falls to be in accordance with the provisions of NPPF paragraph 14, the benefits of the provision of a single dwelling that respects the existing development pattern of Uplowman and has no unacceptable impact on highway safety, visual amenity and amenity of neighbouring residents, are considered to outweigh the harm caused by new residential development in a countryside location that is considered to be unsustainable in planning policy terms. The proposed was recommended for approval with conditions to be delegated to the Planning Manager.

Appeal Decision recently received ref APP/Y1138/W/17/3189570 The Beeches, Road from Stag Mill Cross to Lowman Cross, Uplowman EX16 7DW

The proposal was for the creation of 8 dwellings, the application 17/00033/OUT; dated 8th January 2017 was considered and refused on the 19th May 2017.

The application was submitted in outline with access and scale to be determined. A signed and completed unilateral obligation.

The main issue in this case is whether the site would be a suitable location for 8 dwellings having regard to the policies of the development plan and, if harm arises, whether this is outweighed by other material considerations.

The appeal site comprises a field and paddock, along with a large agricultural type building and stables. Access to be off an existing road adjacent to Crosses Farm which serves a small number of dwellings. The dwellings would adjoin Uplowman which is a small settlement, and considered by the inspector as not isolated.

Policy COR1, COR9, and COR17 were all considered by the inspector in this proposal. The applicant put forward a number of arguments to support the proposal, the key points being;

- a) Facilities within Uplowman and proximity to Sampford Peverell which have regular bus and train services
- b) Accessible location, the village hall and public house are well used
- c) The local school has capacity for additional pupils

The inspector concluded the range of services in the settlement is limited with the post office only open 12 hours a week, with no shop and that there is little evidence to suggest the facilities are under threat or that the proposal would enable a shop to open, or public transport to be enhanced.

The inspector concluded that there would be a high probability that residents of the new dwellings would drive into neighbouring settlements. As such the location of the appeal site would generate an appreciable amount of additional car borne travel and associated greenhouse gases.

Uplowman is not defined as a village and that the proposal provides no evidence to indicate that the development would meet the remaining criteria of COR18.

Therefore judged against CS policies COR1, COR9, COR12 and COR18, the proposal would not be a sustainable location.

The planning application referred to in part 1 above was considered in respect of this proposal and the inspector considered this and stated that whilst there are many parallels in relation to the accessibility of the dwellings and the settlement, the scale of the proposal is significantly greater than that permitted.

The inspector considers that due weight should be given to the relevant policies according to their consistency with the framework. The policies are also broadly consistent with Paragraph 55 of the framework which advises that to promote sustainable development in rural area, housing should be located where it would enhance or maintain the vitality of rural communities.

The proposal would have a limited biodiversity gain. Modest economic benefits, any Council Tax revenue would be offset by the new population to serve and would therefore be a neutral factor.

The conclusion is that the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Application 18/00027/OUT has recently been considered for the erection of a single dwelling, previous application have been undertaken at this site (Large section of garden in connection with Little Chace set to the rear of the property) which have been refused including an appeal. The conclusion was that the proposed residential use of the land would conflict with national and local policy which seeks to restrict residential development in rural areas, unless there is specific justification, and in this case, the Authority has not identified any special circumstances which would outweigh the conflict with the development plan.

Within reason 4 for refusal the Monitoring fee has been included (Along with a monitoring fee of £110.80.) which should be removed from the reason as it is dealt with under separate legislation, and does not form part of the reasons associated with this planning application.

(c) No 3 on the Plans *List (18/00002/TPO – Tree Preservation Order for 1 willow tree – 2 Quarry View, Burlescombe).*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the 2 pine trees that had been removed and the request for the removal of the willow tree which had prompted the request for a Tree Preservation Order. Members viewed the location of the willow tree and various photographs taken from the towpath of the canal.

Consideration was given to:

- To the concerns of the property owner with regard to the impact of the roots of willow tree on the paths surrounding the property, overhanging branch issues and lack of communication from the Tree Officer. The involvement of their arboriculturist in the matter and the need for the property owners to have a discussion with the Tree Officer with regard to a proposed maintenance scheme for the tree.
- The need for the Tree Officer to visit the property.
- The need for the Tree Preservation Order to be confirmed within 6 months from the date it had been made, namely by 6 September 2018.

RESOLVED that the application be deferred to allow the Tree Officer to visit the site and confer with the owners of the property, following this, the application to return to committee for determination.

(Proposed by Cllr P J Heal and seconded by Cllr J D Squire)

Notes:

- i) Mrs Jennings spoke on behalf of her parents;
- ii) A proposal to agree the confirmation of the Tree Preservation Order was not supported at this time.

11 MAJOR APPLICATIONS WITH NO DECISION (1-47-50)

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

It was **AGREED** that the following applications be determined by the Planning Committee and that a site visit take place:

17/02061/MFUL – Crediton Garden Centre, Barnstaple Cross, Crediton

18/00518/MFUL – Halberton Court Farm, Halberton

18/00414/MFUL – Yellow Hammer Brewery Newton St Cyres

Note: *List previously circulated; copy attached to the Minutes

12 APPEAL DECISIONS (1-53-38)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to signed Minutes.

13 APPLICATION 17/01411/FULL - RETENTION OF SLURRY LAGOON - LAND AT NGR 276429 99746 (ADJACENT TO MARDLES GATE) COLEBROOKE (1-54-00)

The Committee had before it an * implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at the meeting on 18 April 2018, were minded to refuse planning permission, but a final decision was deferred pending consideration of this implications report.

The Area Team Leader outlined the contents of the report stating that the only additional information to that discussed at the previous meeting was that the agent would be submitting an application for the revised location of the slurry pit. He informed the meeting of the current application site, the relationship between the dairy and the location of the slurry pit, the plan which identified the pipe line, the access and photographs from various aspects of the site. He explained that if Members were to refuse the application then enforcement action would be required

and that this had been added to the recommendations before Members as requested.

Consideration was given to:

- Possible enforcement action and the process that would have to take place
- Possible noise issues from the proposed pumping of slurry via a pipeline
- The continued impact of the slurry pit on the neighbouring properties

RESOLVED that the application be refused on the following grounds that:

The slurry lagoon and earth bank surrounding it, by reason of its size, scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft, is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants. Furthermore, and given the close proximity to the aforementioned residential properties, the members of the Planning Committee remain unconvinced that the scope of the mitigation measures as proposed as part of the planning application proposal are sufficient to address the odour nuisance and air quality impact in a robust and satisfactory manner and would therefore continue to contribute to the scope of the un-neighbourly impacts that would arise from the scheme as it is proposed. On this the application scheme is considered to be contrary to Policies DM2, DM7 and DM22 of Mid Devon Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

And that:

Having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Sections 172 and 183, Town and Country Planning Act 1990, (“the Act”) delegated authority be given to the Group Manager for Legal Services to take all such steps and action necessary to secure the restoration of the land to its former condition which would at the same time redress the unauthorised use of it to store slurry. This may include the issue of an enforcement notice and prosecution and/or direct action in the event of non-compliance with the notice. The reason as recommended for serving the notice is set out above.

Delegated authority be given to the Group Manager for Legal Services, in consultation with the Group Manager for Development Management, to make a decision on whether a stop notice should be issued to require the cessation of the use of the slurry lagoon in anticipation of full compliance with the requirements of the enforcement notice, subject to the Group Manager for Legal Services being satisfied that it is expedient to issue a stop notice, having regard to an assessment of the costs and benefits of such action and whether there is an essential need to safeguard amenity or prevent serious harm to the environment.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Notes:

- i) Cllr P J Heal declared a personal interest as he knew the objectors and also made a declaration in accordance with the Protocol of Good Practice for

Councillor dealing in Planning Matters as he was had spoken to local people regarding the matter;

ii) Cllr F W Letch declared a personal interest as he knew the objector and also made a declaration in accordance with the Protocol of Good Practice for Councillor dealing in Planning matters as he had been lobbied by local residents;

iii) The following late information was reported: Additional Information from applicant:

I refer to our earlier correspondence and discussions regarding this application.

I have now had the opportunity to look at and consider your report for the planning committee meeting on 16 May and I felt it might be useful to have my further observations on that which you can if you wish report to members of the planning committee.

I comment as follows:

1. Reason for refusal 1

1.1 The wording for the refusal is clearly contrary to your recommendation for approval as set out in the previous report to committee. The reason also is contrary to the recommendation made by your public health officer.

1.2 It appears that committee members are unconvinced that the scope of the mitigation measures as proposed are sufficient to address any odour nuisance and impact on air quality in a robust and satisfactory manner. The fitting of a cover across the lagoon and importation and extraction of dirty water from the lagoon in accordance with the management plan submitted as part of the application will in my opinion overcome such concerns. Should there be a breach of any of the conditions that you proposed then appropriate enforcement action by service of a breach of condition notice could be implemented.

1.3 I am instructed that in the event that the committee refuse the application next Wednesday an appeal should be lodged in very short order against that decision, the basis of the argument to be presented will be fundamentally that a negotiated compromise to overcome concerns had been agreed with the council.

1.4 My client has also commissioned me to try to secure planning consent at an alternative location some 250 metres to the southwest of the current site in accordance with the preliminary plan that I have previously sent you.

1.5 A topographical survey for that site has now been completed and I hope to be able to produce a design for the lagoon and to submit a formal application to you within a period of approximately 15 working days.

1.6 Because of the distance of that alternative location from the closest residential property and also because of intervening features such as ground levels, hedgerows, tree planting, etc. and prevailing wind direction, it is not

considered necessary for that lagoon to have a fitted cover. In this regard my client draws attention to the other unauthorised slurry lagoon just along the road which I gather has now been recommended for consent without a cover.

- 1.7 In terms of timescale, I would hope that if the application for the alternative location can be submitted to you before the end of May your authority may be able to reach a decision on that before the end of July. That would then just about give time for the construction of the new lagoon prior to the autumn season when storage facilities for slurry will again be required at the farm holding.
- 1.8 In the event that planning consent is granted for the alternative location the appeal against the present location would then be withdrawn.

2. *Threatened enforcement action*

- 2.1 I am instructed that in the event that an enforcement notice is served by your authority against the current lagoon I am to appeal that on Ground A - planning consent should be granted subject to installation of a fitted cover and subject to conditions relating to the odour management plan, possibly also on the basis that the requirements of the notice exceed what is required to remedy the breach of control and also against the time for compliance set out on the notice.
- 2.2 I would respectfully suggest that as there is more than adequate time left under the 4-year rule the matter of serving an enforcement notice could be delayed until the issue of the alternative location has been resolved. That would save both parties considerable time, trouble and costs.

3. *Service of a stop notice*

- 3.1 The service of a stop notice against the existing lagoon could prove to be disastrous for the farming enterprise and have very significant and major financial implications. I would urge that very careful consideration should be given by officers of the council to that matter and I am instructed that should you feel it necessary to have a further meeting or discussion with regard to the potential implications of such action I am to assist you as far as possible.

4. *Precedent*

- 4.1 Both I and my client are aware that there appear to be a number of unauthorised slurry lagoons on dairy holdings within Mid Devon. Those have resulted because of changes in farming practice. Traditionally (as I am sure you know) animals were wintered on straw bedding but that is no longer the case.
- 4.2 I know that some slurry lagoons have been granted planning consent and I personally was involved in a major proposal for such a facility a few years ago at West Sandford but equally I am aware that some lagoons on farms in the area have been constructed without planning consent because farmers believed that their construction was permitted development not requiring planning permission.

4.3 My client is one such farmer and had it not been for the close proximity to an agricultural worker's dwelling which was until recently not occupied in accordance with the condition, it is perhaps questionable whether the matter would ever have come to the notice of your authority. That would appear to be the case with many other such lagoons in the Mid Devon area. Notwithstanding the above, my client is keen to try to resolve the issue of his essential slurry lagoon with your authority as swiftly as possible.

iv) *Report previously circulated, copy attached to minutes.

(The meeting ended at 4.45 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 June 2018 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, Mrs G Doe,
D J Knowles, F W Letch, R F Radford,
J D Squire, R L Stanley, C J Eginton and
R Evans

Apologies

Councillor(s)

P J Heal and B A Moore

Also Present

Councillor(s)

R M Deed and T W Snow

Present

Officers:

David Green (Group Manager for Development), Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader), Adrian Devereaux (Principal Planning Officer), Neil Weeks (Solicitor) and Sally Gabriel (Member Services Manager)

Also Present:

Ian Sorenson (Devon County Council, Highway Authority)

14 APOLOGIES AND SUBSTITUTE MEMBERS (00-01-57)

Apologies were received from Cllr P J Heal who was substituted by Cllr C J Eginton and B A Moore who was substituted by Cllr R B Evans.

15 VICE CHAIRMAN

In the absence of the Vice Chairman, Cllr P J Heal, the Chairman requested that someone volunteer to stand in for the meeting.

Cllr R B Evans took the role of Vice Chairman for the meeting.

16 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

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

17 PUBLIC QUESTION TIME (00-03-25)

Ms Stannard referring to Item 1 (School Lane, Thorverton) on the Plans List stated that as has been said many times, the applicant cannot demonstrate any genuine agricultural justification for widening this access. He has other points of entry to his

fields. The proposed entrance is on an industrial scale both in terms of size and construction. Planting nine blackthorn and whitethorn shrubs along the entryway as shown in the latest drawing of June 12th is just “putting lipstick on a pig”. My question is: “How can this application be approved when Mid-Devon’s own report “Thorverton Conservation Area Appraisal and Management Plan of 2015” singles out School Lane as a ‘character area’”?

Maps 6 and 7 show School Lane up to and including the proposed access as part of the historic core of Thorverton and one of several important open spaces and views in and out of the village. Map 8 names School Lane as one of five Thorverton character areas. School Lane is described (and I quote) as an early, narrow route to Brampford Speke...this part of the conservation area has a rural, tranquil character. The following quote from the Local Plan Part 3 (2014) Policy DM27 sums up an observation made by many Thorverton residents: “The historic environment is an asset of great cultural, social, economic and environmental value. It contributes significantly to our quality of life and the character of the district, representing a non-renewable resource that once lost is gone forever”.

Mr Trump again referring to Item 1 (School Lane, Thorverton) on the Plans List stated that I live at The Lodge in the Conservation Area , opposite the proposed new field entrance. I am very worried by this scheme.

Firstly I am not at all convinced of the agricultural need for this new entrance, as the applicant has managed, perfectly satisfactorily for the last five years with the existing entrance.

The latest proposal to do away with the Devon bank and substitute it with a wide tarmac drive and splay is completely out of character with the existing environment in the lane. This is a narrow Devon country lane - not an urban road or an industrial site. The planting of a few blackthorn and white thorn bushes where the bank has been cut away is not going offset the dreadful appearance of the tarmac. I understand that the Conservation Officer's preferred scheme is from the original plan but that had all the problems with eliminating the passing place for large vehicles and a kerb build -out into the lane for the splay, reducing the width even more.

In my letter to him, I drew Mr Devereaux's attention to the fact that the plan has conveniently ignored the bend in the lane, which must affect the visibility aspect. I hope Members; in their preparation for this meeting have looked at the photo attached to Mrs Gillian Bathe's objection letter which clearly shows the bend and the narrowness of the lane, which also gives rise to the safety worries expressed by many objectors.

In my letter I also referred to the Mid Devon Plan which stated that Thorverton is regarded as a Village of “Particular Environmental Quality” and as such policy ENV 22 applies. One of the points of this states, “that design and layout respects the character and appearance of the locality”. This latest plan most certainly does not do that. This is immediately adjacent to Thorverton's Conservation area. This part of School Lane has been designated worthy of conservation by your own Council Officers and I would ask you please, to maintain it's beauty.

You will be aware from the response on the Mid Devon site, of the tremendous opposition to this application - from the Parish Council, the local school and so

many Villagers for reasons of appearance and safety, and I'm sure you will consider carefully, the various points raised.

I do most earnestly ask you all - please reject this application .

The Mid Devon motto, as I am reminded every time I use my brown bin, is "Where people matter".

I and the people of Thorverton will be waiting anxiously to see just how much the people of Thorverton really matter to our Council, when you make your decision.

Mr Greed referring to Item 1 (School Lane, Thorverton) on the Plans List asked why the Planning Officer and Devon County Council, Highway Authority were recommending approval of the application, the plans were misleading and there is no agricultural justification, this is an industrial entrance into the field and the Devon bank is proposed to be removed in the Conservation Area. He stated that the amenity value of the area would be destroyed, there is a narrow land with no pavements, 100 children and 150 residents use the walkway which cuts through from the Glebe and exits onto the narrow lane by the proposed entrance. The newly approved application at Broadlands would also use this access. He added that the token landscaping proposals would not mitigate the situation; there was already a track to the field. He referred to an application for an agricultural building at Yellowford which had never been built. He requested that the application be refused because of the loss of visual amenity and that the proposal would be a severe road safety hazard.

The Chairman indicated that answers would be provided during the debate on the application.

18 **MINUTES OF THE PREVIOUS MEETING (00-12-54)**

The Minutes of the meeting held on 16 May 2018 were approved as a correct record and **SIGNED** by the Chairman.

19 **CHAIRMAN'S ANNOUNCEMENTS (00-13-59)**

The Chairman informed the meeting that Sue Warren and Paul Dadson (Conservation Officer) were both retiring after long service with the Council. The new Conservation Officer, Greg Venn was in post and she looked forward to welcoming him to a future meeting.

20 **ENFORCEMENT LIST (00-14-55)**

Consideration was given to the cases in the Enforcement List *.

Note: *List previously circulated; copy attached to signed Minutes.

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/18/00114/LB – Urgent and appropriate repairs to the Grade II* Listed Building part of the***

Manor House Hotel are required in order to preserve it and prevent damage arising from decay and potential poor underlying structural integrity of parts of the Fore Street frontage – Manor House Hotel Part) at 2 Fore Street, Cullompton).

The Area Team Leader outlined the contents of the report explaining the need for a Repairs Notice to be served on the property to prevent further damage and decay to the building. She highlighted the planning history of the property and the fact that it was already registered as a building at risk. There were also issues outstanding from a previous Repairs Notice which required attention. Members viewed photographs of some of the damage and the areas which required attention.

Consideration was given to:

- The other courses of action that could be taken to force the owner to complete the required works
- The fact that work was taking place on site at the moment
- The need to maintain pressure for the works to be completed

RESOLVED that the Group Manager for Legal Services and Monitoring Officer be given delegated authority to issue a Repairs Notice under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifying the works reasonably necessary for the proper preservation of the building.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr R L Stanley)

Note: Cllr T W Snow spoke as Ward Member.

21 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the plans list.

22 **THE PLANS LIST (00-29-14)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 5 on the Plans List (***18/00445/RSM- Reserved matters for the erection of 3 dwellings, Land adjacent to 25 Cowley Moor Road, Tiverton***) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Limited and chose to leave the meeting at this point whilst the vote was taken thereon.

(b) No 1 on the Plans *List (17/01716/FULL - Widening of the existing access to agricultural land - land at NGR 292482 101905 – School Lane, Thorverton)*.

The Principal Planning Officer outlined the contents of the report referring to the statements made in public question time and stating that he would cover the issues raised during his presentation. He highlighted the views of the Conservation Officer, the additional letters of objections and the landscape plan which were available on the update sheet and presented the history of the application; that of the original application, the site visits that had taken place and the revised scheme for a new single access which would widen the existing access. The presentation highlighted the aerial view of the site, the location of the field, the position of the existing access, the location plan, he identified the footpath exiting the Glebe, the highway plans, the bend in the lane, the vegetation that would be cut back and the additional plan which showed the landscaping proposals. He explained that the application would allow the applicant to travel north from the site, rather than south and having to take another route to travel towards the home farm. He explained that the other accesses to the field were also via very narrow lanes with limited visibility. He felt that the current proposal was a betterment.

Consideration was given to:

- The number of objections to the application
- The size of the field
- The number of trips on a daily basis from the field
- Whether the other access should be considered
- The views of the objectors with regard to road safety issues and the impact on the visual amenity, the misleading plans previously submitted, the narrow blind bend, the impact on the Conservation Area and the number of people who used the lane
- The views of the agent with regard to the reasoning for the application, the fact that the access to the field would be improved and the views of the Highway Authority
- The views of the Ward Member highlighting the road safety issues and the environmental impact of the application on the Conservation Area, the access was now on an industrial scale, concerns of the safety of foot traffic in the lane and the fact that the landscaping would grow and encroach on the highway.
- How the application would improve the access to the field
- Whether the new track was required even with larger machinery
- Drainage issues
- The need to consider the application on planning merits

RESOLVED that Members were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider reasons for refusal to include:

- Highway Safety
- The environmental impact of the proposal
- The visual impact on the Conservation Area and the character of the area
- The possible lack of business need
- The general pedestrian safety issue given the presence of the school in the locality

(Proposed by Cllr R L Stanley and seconded by Cllr F W Letch)

Notes:

- i) Cllrs: Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, C J Eginton, R Evans, D J Knowles, F W Letch, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application;
- ii) Mrs Greed spoke on behalf of the objectors;
- iii) Mr Dyson (Agent) spoke;
- iv) Cllr R M Deed spoke as Ward Member;
- v) A proposal to approve the application was not supported;
- vi) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, R F Radford and J D Squire requested that their vote against the decision be recorded;
- vii) The following late information was reported:

Response from Conservation Officer – 30th May 2018

‘I do feel that the previous proposal with the small island is preferable as it would minimise the impact on the landscape and setting of the CA. However provided that the revised idea includes a good well designed landscape mitigation plan with indigenous planting to soften the scars of the excavation then I would not object.’

Nine additional letters of objection received objecting on similar grounds already reported on within the officer report but one new comment states that the applicant could be encouraged to submit an application for a cattle shed at Yellowford Farm to house crops rather than transport them to Woodbury thereby removing the need for the access.

The applicant’s agent has submitted a landscape plan, drawing no. TM81k.PH1e, which shows the proposed planting of mixed Whitethorn and Blackthorn on the newly excavated banks.

- (c) No 2 on the Plans *List (18/00091/MFUL- conversion of former redundant care home to provide 22 residential units and external landscaping – St Lawrence Home, Churchill Drive, Crediton).*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site, the access to the units, the separation distances between the existing buildings and the boundaries with neighbouring properties, the road links to the site, the proposed layout and the 37 car parking spaces, the proposed ground floor plan, the elevations of the different aspects of the proposal and photographs from various aspects of the site. He emphasised that the building had been vacant since March 2015 and had been rated as such by Mid Devon District Council.

Consideration was given to:

- The proposed insulated thermal panels
- The location of the cycle parking
- The number of units to be provided in the space available
- The need to do something with the property and improve it visually
- Parking issues at school times

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 4 replacing the drawing number from 1723-104B with 1723-104C and the prior signing of the provision of a S106 agreement to secure:

- To provide a contribution of £44,875.00 towards improving Air Quality within the Crediton AQMA, secured to deliver a footpath/cycleway connection between the two Secondary school campus areas in the Town.
- To provide a contribution of £18,575.00 towards the provision of off-site open space, secured to deliver the installation of an all-weather cover over Lords Meadow Skate Park in the Town.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs G Doe)

Notes:

- Cllr F W Letch declared a personal interest as Ward Member and a Member of the Town Council;
- Cllr F W Letch spoke as Ward Member;
- The following late information was reported: Page 24: Confirmation that 37 spaces are proposed as reported and assessed on page 30 of the Report; Page 29: Confirmation that the Mid Devon District has rated the property as vacant since March 2015.

(d) No 3 on the Plans *List (18/00062/MFUL- Erection of a two storey extension, 18 Great Close, Culmstock).*

The Area Team Leader outlined the contents of the report explaining by way of presentation the household domestic extension proposed on the site, she highlighted the site location and block plans, the roof plan, floor and elevation plans and provided

photographs from various aspects of the site. She compared the proposal to the extension on the neighbouring property which she felt was of a better design and not as wide as the proposed extension.

Consideration was given to:

- The height of the proposal and the fact that it could be identified from the street
- The views of the agent with regard to the applicant wanting 2 additional bedrooms, hence the width of the proposal and the fact there were other extensions in the same locality
- The views of the Ward Member in that the difference between the 2 extensions was minor and that there was a need for 2 additional bedrooms
- The lack of objection from neighbouring properties

RESOLVED that planning permission be granted for the following reason: it was felt that the scale, massing, impact on amenity and design was deemed to be acceptable on this dwelling and that delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions.

(Proposed by Cllr C J Eginton and seconded by Cllr Mrs C A Collis)

Notes:

i) Mr Archer (Agent) spoke;

ii) Cllr T G Hughes spoke as Ward Member.

(e) No 4 on the Plans *List (18/00328/MFUL- Siting of a cabin for use as hairdressing salon (Use Class A1) 11 Redland Way, Cullompton).*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the application, the block plan and elevations for the proposal and photographs from various aspects of the site. She explained that objections had been received based on parking issues, although she considered that there was sufficient parking in the area.

Consideration was given to:

- The use of the proposed cabin and access to the rear garden
- The views of the Ward Member with regard to the opening hours of the venture and whether this would impact on neighbouring residents
- The objection from the Town Council with regard to overdevelopment of the site and the lack of customer parking

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

(Proposed by Cllr F W Letch and seconded by Cllr D J Knowles)

Notes:

i) Cllr T W Snow spoke as Ward Member;

- ii) The following late information was reported: 1 additional letter of representation received making reference to difficulties parking in the area and potential increase in traffic issues arising from the proposal. These issues have been considered in the officer recommendation report.

23 MAJOR APPLICATIONS WITH NO DECISION (2-31-35)

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

It was **AGREED** that:

Application 18/00786/MFUL – Higher Road, Crediton - be determined by the Planning Committee and that a site visit take place if minded to approve.

Application 18/00705/MARM – White Cross, Cheriton Fitzpaine be determined by the Planning Committee

Application 18/00680/MFUL – Hartnoll Farm, Tiverton - be determined by the Planning Committee and that a site visit take place if minded to approve.

Note: *List previously circulated; copy attached to the Minutes.

24 APPEAL DECISIONS (2-38-41)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to signed Minutes.

(The meeting ended at 5.07 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 6 June 2018 at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C J Eginton,
F J Rosamond, Mrs E J Slade, C R Slade,
Mrs M E Squires, L D Taylor and
Mrs N Woollatt

Apologies Councillor(s)

Mrs J B Binks

Also Present Councillor(s)

R Evans and Mrs J Roach

Also Present Officer(s):

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer) and Sally Gabriel (Member Services Manager)

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

RESOLVED that Cllr Mrs J Binks (in her absence) be elected Chairman of the Committee for the municipal year 2018/19.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2018/19.

In the absence of the Chairman, Cllr C R Slade then took the Chair.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs J B Binks.

4 PUBLIC QUESTION TIME (00-04-46)

Mr Quinn asked the following questions:

In relation to agenda item 5 – minutes of the previous meeting. Within item 70 the minutes state that “responding to the questions asked at public question time the Monitoring Officer said she did not have the answers to hand regarding the Peer Review and would respond in writing to that question” He had not received a written response and requested that it be progressed.

Referring to Item 9 on the agenda, - Annual Report of the Monitoring Officer, at paragraph 4.1, the Monitoring Officer states that she has appointed two deputies (the

Members Services Manager and the Solicitor), is each Deputy Monitoring Officer given the full range of duties and powers, or are they restricted in anyway? On what date or dates, did these appointments take place? Have the job descriptions and job evaluation factors of each post been amended to show the additional responsibilities?

The Monitoring Officer apologised for the oversight of a written response promised at the previous meeting and stated that she would respond this week. With regard to the Deputy Monitoring Officers, there was a requirement for the Monitoring Officer to have a deputy who could act if she were to be unavailable and it was a good idea for the deputy/deputies to work alongside the Monitoring Officer. With regard to the appointment dates, the job descriptions and job evaluation issues, she would have to confirm this via a written response.

5 MINUTES (00-07-51)

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-03)

Members were reminded of the need to make declarations of interest when necessary.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

8 MOTION 546 (COUNCILLOR MRS J ROACH - 11 APRIL 2018) (00-09-44)

The Committee had before it a motion that has been passed to this Committee from Council for consideration.

This Council agrees to clarify the rules in the constitution relating to who can speak at working groups and to non-planning application agenda items at the planning committee. This motion seeks to establish the right in law of Councillors to participate in the democratic process without relying on a Chairman's discretion.

The meeting was provided with the current wording within the Constitution (Access to Information Rules 27.5) which stated that "A Councillor who is not a member of the Planning Committee may attend that Committee and speak on an item that affects their ward and in relation to all other Committees may attend to speak on a matter"

The Monitoring Officer also provided some suggested wording to be inserted into the Constitution that may overcome the issue raised within Motion 546 that "Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)"

Cllr Mrs Roach was invited to speak to her motion; she explained that she had attended a previous Planning Committee and had requested to speak to a non-

planning application agenda item and not been allowed to. Therefore the motion requested that the situation be clarified, as she understood that any Member of the Council could attend any meeting and speak, although she was aware that only Ward Members could speak to individual planning applications. She felt that the suggested wording put forward by the Monitoring Officer was satisfactory and would cover the issue that she had raised.

Consideration was given to:

- Neighbouring Wards that could be affected by a planning application
- The use of public question time for non Ward Members to speak
- Previous planning applications which had impacted on more than one Ward

It was therefore **RECOMMENDED** to Council that Motion 546 be supported and that the Constitution be amended by replacing the original wording in paragraph 27.5 to the Access of Information Rules with the following” “Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward member to speak as set out in paragraphs 9.32 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)”

(Proposed by the Chairman).

Note: Cllr Mrs F J Colthorpe declared a personal interest as Chairman of the Planning Committee.

9 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2017/18**

The Committee had before it and **NOTED** a * report of the Monitoring Officer providing a review of the preceding year.

She outlined the contents of the report stating that she considered it to be good practice to review the preceding year so that she and the Members could consider whether the Council was fulfilling its statutory duty and it would also evidence the work it had done or was planning to undertake.

Consideration was given to:

- The number of complaints received
- The process for dealing with complaints

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

10 **COMPLAINTS (00-22-38)**

The Monitoring Officer provided an update regarding on-going complaints being dealt with.

During the discussion it was agreed that the meeting be closed to the press and public to allow the Monitoring Officer to inform the meeting of the detail with regard to ongoing complaints and therefore

It was **RESOLVED** that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

Following consideration of the Monitoring Officer's information, the meeting returned to a public forum.

Note: Cllrs Mrs F J Colthorpe, F J Rosamond and Mrs N Woollatt declared interests (although not a personal or Disclosable Pecuniary Interest) with regard to some of the issues discussed.

11 **STANDARDS COMMITTEE WORKSHOP (00-24-01)**

The Committee considered whether it was necessary for it to hold an informal workshop in the near future.

It was **RESOLVED** that an informal workshop for the Committee be organised for September, however if there was no business to be discussed then the meeting would be postponed.

(Proposed by the Chairman)

12 **START TIMES OF MEETINGS (00-25-00)**

Following discussion the Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2018/19 municipal year.

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-25-31)**

The following issues would be addressed at the next meeting:

Standard issues for the agenda
Updates to the Constitution

(The meeting ended at 6.53 pm)

CHAIRMAN

DRAFT POLITICAL ALLOCATION – June 2018

	Totals	Conservative (Con) 29	Liberal Democrats (LD) 5	Independents (ING) 3	Ungrouped (UG) 5
% Based on current membership of 42	100	69.05%	11.90%	7.14%	11.90%
Committee Seats	99	68	12	7	12
Other Bodies	22	15	3	1	3

COMMITTEE	No on Committee	Con 68	LD 12	IND 7	UG 12
Scrutiny	12	8.29 7	1.43 2	0.86 2	1.43 1
Audit	7	4.83 5	0.83 1	0.50 0	0.83 1
Environment PDG	9	6.21 6	1.07 1	0.64 0	1.07 2
Homes PDG	9	6.21 6	1.07 1	0.64 1	1.29 1
Economy PDG	9	6.00 6	1.07 1	0.64 1	1.29 1
Community PDG	9	6.00 6	1.07 1	0.64 1	1.29 1
Planning	11	7.60 9	1.31 1	0.79 0	1.31 1
Licensing	12	8.29 9	1.43 1	0.86 1	1.43 1
Regulatory	12	8.29 8	1.43 2	0.86 0	1.43 2
Standards Committee	9	6.00 6	1.07 1	0.64 1	1.29 1
TOTAL	99	68	12	7	12
Other Bodies	No on Group	Con 15	LD 3	IND 1	UG 3
PWG	8	5.52 6	0.95 1	0.57 0	0.95 1
Planning Policy Advisory Group	9	6.00 6	1.07 1	0.64 1	1.07 1
GESP Member Reference Forum	5	3.45 3	0.60 1	0.36 0	0.60 1
TOTAL	22	15	3	1	3

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COUNCIL
27 JUNE 2018

LOCAL GOVERNMENT ACT 1972, SECTION 91 – Inquorate Parish Council

Cabinet Member(s): Councillor Margaret Squires
Responsible Officer: Jill May, Returning Officer

Reason for Report: To seek the Council's authority to make an Order appointing named persons to be Parish Councillors on a temporary basis. This will enable the work of the Parish Council to continue until such time as it has co-opted or elected sufficient Councillors to be quorate. Also to consider whether to delegate authority to the Returning Officer, in consultation with the local Ward Member(s), to make such orders in future, should similar situations arise.

RECOMMENDATION:

1 That the Council agrees to make the Order attached at Appendix A to appoint parish councillors to Burlescombe Parish Council so that the Parish Council is quorate and can continue to act.

2 That delegated authority is given to the Returning Officer, in consultation with district Ward Member(s) for the parish affected and the Parish Clerk, to make orders under Section 91 of the Local Government Act 1972 should a similar situation arise in future in respect of this or another parish, following the procedure set out in Appendix B.

Relationship to Corporate Plan: the Council is enhancing the local community by assisting a parish council to carry out its business effectively

Financial Implications: these appointments would be classed as approved duties for the purposes of members' travel expenses claims. If an election is called to fill the vacancies, the majority of the cost would be reclaimed from the parish council. There are minimal costs involved in drawing up the necessary order which can be met from existing budgets.

Legal Implications: failure to make an order would mean that Burlescombe Parish Council has no councillors and cannot conduct any business.

Risk Assessment: That there is no local representation

Equality Impact Assessment: That there is no representation

1.0 Introduction

1.1 On 4th June 2018 the five remaining parish councillors in Burlescombe Parish Council all resigned. The Parish Council is therefore unable to carry out its normal business.

- 1.2 Section 91 of the Local Government Act 1972 gives district councils the power (not duty) to make a temporary appointment to fill vacancies until sufficient parish/town councillors are elected and take up office.
- 1.3 The quorum for any meeting of Burlescombe Parish Council is three and therefore at least three parish councillors need to be appointed – and all will need to attend all meetings in order to conduct the required business. If no appointment is made, the parish council will remain inquorate until the elections can be held – when it is to be hoped that sufficient minimum number of nominations and therefore elections to the council can be made.
- 1.4 Under the Constitution there are no delegated powers for an officer of Mid Devon District Council to appoint interim Councillors until elections take place. Neither is it within the remit of the Cabinet or another Committee.
- 1.5 Two copies of a Section 91 Order must be sent to the Secretary of State – but there is no requirement that it be confirmed by the Secretary of State.

2.0 **Appointments to Burlescombe Parish Council**

- 2.1 The district and county councillors within whose wards Burlescombe Parish Council sits are Cllr Christine Collis, Cllr Heather Bainbridge and Cllr Ray Radford respectively. They have all agreed to step in on a temporary basis until elections achieve a quorate parish council.
- 2.1 A draft order is at **Appendix A**.

3.0 **Delegation and procedure**

- 3.1 In this instance, the issues with Burlescombe Parish Council have arisen fairly close to a scheduled meeting of the Council. However, in future that may not be the case. It is therefore recommended that delegations be set up to enable the necessary appointments to bring a parish or town council into a quorate state as quickly as possible.
- 3.2 It is recommended that the delegation be to the Returning Officer, in consultation with the district ward member(s) and the Clerk to the parish/town council. The latter will have particular local knowledge which may be pertinent to any appointments to be made.
- 3.3 Although a procedure is not strictly necessary, to avoid any doubt or dispute about what should happen and the validity of any appointments made, a suggested procedure has been produced at **Appendix B**.

Contact for more Information: Jill May, Returning Officer

Circulation of the Report: Cabinet Member for the Working Environment and Support Services and the Chairman of the Council

List of Background Papers: Local Government Act 1972, Section 91

**Mid Devon District Council
Local Government Act 1972, Section 91**

Burlescombe Parish Council (Temporary Appointment of Councillors) Order 2018

Whereas

- 1 Following the resignation of all five remaining parish councillors on 4 June 2018, Burlescombe Parish Council is no longer quorate
- 2 Pursuant to section 91 of the Local Government Act 1972, where there are so many vacancies in the office of parish councillor that a parish council is unable to act, Mid Devon District Council as the principal council may be order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office

Now pursuant to its powers in section 91 of the Local Government Act 1972, Mid Devon District Council hereby appoints the following persons to act as parish councillors on Burlescombe Parish Council until a sufficient number of elected parish councillors have taken up office to render the said parish council quorate whereupon such appointments and this Order shall cease to have effect:

- 1 Christine Collis, Ayshmeade House, Sampford Peverell, Tiverton EX16 7EQ
- 2 Heather Bainbridge, Quarry Hockford, Hockworthy TA21 0NL
- 3 Ray Radford, 1 Townsend Gardens, Willand Road, Halberton EX16 7LP

This Order comes into effect on the date given below.

Dated the day of 2018

**THE COMMON SEAL OF
MID DEVON DISTRICT COUNCIL**
was hereunto affixed in the presence of:

A duly authorised officer

Procedure for making temporary appointments to town and parish councils in Mid Devon under section 91 of the Local Government Act 1972

1. The Clerk to a town or parish council notifies Mid Devon District Council that the parish/town council is unable to operate due to being inquorate.
2. Electoral Services (or where appropriate or necessary Member Services) verify the number of seats on the parish/town council and that it is inquorate. They also identify the number of appointments required in order for the parish/town council to be quorate.
3. All district ward members in the ward in which the council is located will be offered the opportunity to be appointed to the council as a temporary appointment until such time as the vacancies are filled by election. Where there are insufficient district ward members available for appointment to achieve a quorum, the relevant county ward member may also be approached. However, it may be necessary to approach other parties, if there are still difficulties in making sufficient appointments (see paragraph 5 below).
4. All appointments will end once sufficient members are elected to the town or parish council or co-opted.
5. In the event that insufficient ward and county members are available and willing to be appointed in order to make up a quorum, the Returning Officer is authorised to appoint any other person, following consultation with the district Ward Member(s) for the parish affected and the Clerk.
6. In the event that no appointments can be made, the parish/town council will remain inquorate until elections are held resulting in sufficient numbers of parish councillors to be quorate.
7. In accordance with Section 91(3) of the Local Government Act 1972, the Returning Officer will send two copies of the order to the Secretary of State. This will also be copied to the Clerk. The order will stipulate the names of the appointed persons and the date their appointment will expire.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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