

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, 29 August 2018 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Wednesday, 24 October 2018 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

21 August 2018

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

Reverend Ian Johnson (previous Chaplain to the Mayor of Tiverton) 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 Declarations 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 7 - 18)

Members to consider whether to approve the minutes as a correct record of the meeting held on 27 June 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 549 (Councillor R B Evans – 8 June 2018)

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

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 of 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.

The Environment Policy Development Group at its meeting on 10 July 2018 considered the Motion and recommended that it be supported.

8 Reports (Pages 19 - 106)

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

(1) Cabinet

- 5 July 2018
- 9 August 2018

(2) Scrutiny Committee

- 1 August 2018
- 13 August 2018

(3) Audit Committee

- 16 July 2018

(4) Environment Policy Development Group

- 10 July 2018

(5) Homes Policy Development Group

- 17 July 2018

(6) Economy Policy Development Group

- 12 July 2018

(7) Community Policy Development Group

- 24 July 2018

(8) Planning Committee

- 11 July 2018
- 8 August 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 Special Urgency Decisions

Decisions taken under Rule 16 (of the Constitution) Special Urgency – April to June 2018.

There have been no such decisions in this period

11 Questions to Cabinet Members

Cabinet Members will answer questions from Members on their Portfolios.

12 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.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 27 June 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs J B Binks, A Bush, R J Chesterton,
Mrs C Collis, D R Coren, N V Davey,
W J Daw, Mrs C P Daw, R M Deed,
R J Dolley, C J Eginton, R Evans,
S G Flaws, Mrs S Griggs, P H D Hare-Scott,
T G Hughes, Mrs B M Hull, L G J Kennedy,
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 E M Andrews, K Busch,
Mrs F J Colthorpe, Mrs G Doe, J M Downes,
D J Knowles and N A Way

11 Apologies

Apologies were received from Councillors: Mrs E M Andrews, K I Busch, Mrs F J Colthorpe, Mrs G Doe, J M Downes, D J Knowles and N A Way.

12 Public Question Time (00-04-50)

The Chairman read a message from Mr Welchman referring to Item 8 (Reports – Cabinet, 14 June, Minute 22) on the agenda

Are all Councillors aware, that concerning the proposal to amend the Local Plan to remove the housing parcels south of West Manley lane, only one objection to this proposal was received, as against 74 emails and letters of support, thus demonstrating massive and overwhelming public support for the proposal?

The Chairman also clarified that it was the masterplan that Mr Welchman was referring to not the Local Plan. The question would be answered when the item was discussed.

13 Declaration of Interests under the Code of Conduct (00-06-47)

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

14 **Minutes (00-07-01)**

The minutes of the annual meeting held on 9 May 2018 were agreed as a correct record and signed by the Chairman.

15 **Chairman's Announcements (00-07-36)**

The Chairman welcomed Councillor L G J Kennedy to his first meeting of the Council.

He informed the meeting of the events he had attended since the previous meeting.

He reminded Members that he would be hosting a tree planting event at People's Park Tiverton to commemorate the suffrage movement on Friday 6 July at 11am, those who wished to attend were asked to contact his PA.

16 **Petitions (00-09-48)**

There were no petitions from members of the public.

17 **Notices of Motions (00-09-56)**

(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.

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

(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.

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

(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)"

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED** and it was **RESOLVED** that the Constitution be amended accordingly.

Note: Councillor T W Snow requested that his abstention from voting be recorded.

(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 of 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.

The **MOTION** was **MOVED** by Councillor R B Evans and seconded by Councillor Mrs C A Collis

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that this **MOTION STAND REFERRED** to the Environment Policy Development Group for consideration and report.

18 Reports - Cabinet - Report of the meeting held on 10 May 2018 (00-27-10)

The Leader presented the report of the meeting of the Cabinet held on 10 May 2018.

19 Cabinet - Report of the meeting held on 23 May 2018 (00-27-49)

The Leader presented the report of the meeting of the Cabinet held on 23 May 2018.

20 Cabinet - Report of the meeting held on 14 June 2018 (00-29-57)

The Leader presented the report of the meeting of the Cabinet held on 14 June 2018

1. Tiverton Eastern Urban Extension Area A – Masterplanning – Land South of West Manley Lane (Min 22)

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

THAT the recommendations of the Cabinet as set out in Minute 22 be **ADOPTED**.

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

Note: In response to Mr Goff's question in Public Question Time, the Cabinet Member for Planning and Economic Regeneration stated that the answer was the same as he had given at the Cabinet Meeting on 14 June.

2. Community Housing Fund Grant Policy (Min 28)

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

THAT the recommendations of the Cabinet as set out in Minute 28 be **ADOPTED**.

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

3. Annual Treasury Management Report (Min 30)

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

THAT the recommendations of the Cabinet as set out in Minute 30 be **ADOPTED**.

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

Note: Councillor C J Eginton declared a personal interest as he received a pension from Lloyds Banking Group.

21 Scrutiny Committee - Report of the meeting held on 21 May 2018 (00-34-18)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 May 2018.

22 Scrutiny Committee - Report of the meeting held on 18 June 2018 (00-39-41)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 18 June 2018.

23 Audit Committee - report of the meeting held on 29 May 2018 (00-40-25)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 29 May 2018.

24 Environment Policy Development Group - Report of the meeting held on 15 May 2018 (00-42-00)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 15 May 2018.

25 Homes Policy Development Group - Report of the meeting held on 22 May 2018 (00-42-45)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 22 May 2018.

26 **Economy Policy Development Group - Report of the meeting held on 17 May 2018 (00-43-25)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 17 May 2018.

27 **Community Policy Development Group - Report of the meeting held on 29 May 2018 (00-44-40)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 29 May 2018.

28 **Planning Committee - Report of the meeting held on 16 May 2018 (00-45-15)**

The Vice Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 May 2018.

29 **Planning Committee - Report of the meeting held on 13 June 2018 (00-46-16)**

The Vice Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 June 2018.

30 **Standards Committee - Report of the meeting held on 6 June 2018 (00-47-05)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 6 June 2018.

31 **Questions in accordance with Procedure Rule 13 (00-48-12)**

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

32 **Allocation (00-48-19)**

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

The Chairman **MOVED THAT:**

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

Councillor Mrs J Roach **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt that an alternative allocation be considered.

Following debate and upon a vote being taken, the **AMENDMENT** was declared to have **FAILED**.

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

Note:

- i) With regard to the amendment: Councillor Mrs J Roach requested that her vote for the amendment be recorded and Councillors: R J Dolley, T W Snow and Mrs N Woollatt requested that their abstention from voting be recorded;
- ii) With regard to the original allocation, Councillors Mrs J Roach and Mrs N Woollatt requested that their vote against the decision be recorded;
- iii) * Allocation previously circulated copy attached to minutes.

33 **Local Government Act 1972, Section 91 - Inquorate Parish Council (00-58-23)**

The Council had before it 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 would enable the work of the Parish Council to continue until such time as it had co-opted or elected sufficient Councillors to be quorate. There was also a need 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.

The Returning Officer outlined the contents of the report highlighting the issues at Burlescombe and Section 91 of the Local Government Act 1972 which gave the district council the power to make a temporary appointment to fill vacancies on the Parish Council until sufficient Parish Councillors were elected and took up office.

Consideration was given to:

- The details of the proposed Burlescombe Parish Council (Temporary Appointment of Councillors) Order 2018 – Appendix A of the report
- The procedure for making temporary appointments to Town and Parish Councils outlined in Appendix B and a request to include adjacent Ward Members to the pool of Members who could be approached and the removal of “or co-opted” from paragraph 4.

The Chairman **MOVED THAT:**

a) The Council agrees to make the Order attached at Appendix A (subject to the removal of “be” and the insertion of “by” – so as to read “.....Mid Devon District Council as the principal council by order appoint persons....”) to appoint parish councillors to Burlescombe Parish Council so that the Parish Council is quorate and can continue to act.

b) Delegated authority be 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 subject to the addition of the words “or adjacent District Ward Members after “the relevant Country Ward Member” and the removal of the words “or co-opted” in paragraph 4.

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

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

34 **Six Monthly Briefing from the Leader (1-24-36)**

The Leader of the Council addressed the Council highlighting some of the successes from the 2017/18 municipal year:

- With regard to the Waste Service, there had been some excellent results: the average net cost of the waste service per household had reduced from £60.88 to £50.35, due to the move to Carlu Close, vehicle costs had been reduced and now that Grounds Maintenance had also moved to the same site it was hoped that further improvements could be made to the service.
- The Waste Transport Centre had opened in December with all waste now going to the Waste to Energy Plant in Exeter
- The Private Sector Housing Team had produced some excellent results bringing 128 empty homes back in to use.
- The Housing Services had been shortlisted for a tenancy award
- The Exe Valley Leisure Centre extension had opened in January 2018 and there had been an increase in attendance across all of the sites.
- The Land Charges and Gazetteer departments had both received awards for their work.
- The financial outturn reports had been very encouraging with both the General Fund and the Housing Revenue Fund producing underspends. He requested that congratulations to all staff be recorded.

35 **Delegation and Substitution of Powers in the Officer's Structure - Appointment of Deputy Chief Executive (1-32-11)**

The Council had before it a * report of the Chief Executive informing the Council of a decision to appoint a Deputy Chief Executive and that the appointment had been made.

It was agreed that it was not necessary to exclude the press and the public from the meeting to consider this item.

Councillor N V Davey **MOVED** seconded by Councillor Mrs J B Binks **THAT:**

- a) The appointment of Mr Andrew Jarrett as Deputy Chief Executive be noted.
- b) Delegated authority be given to the Monitoring Officer, in consultation with the Chief Executive to make such consequential changes to the Constitution as may be appropriate to give effect to the appointment including any changes to the Scheme of Delegations.

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

Note: * Report previously circulated.

36 Questions to Cabinet Members (1-34-07)

Councillor F W Letch addressing the Cabinet Member for Housing requested that a report be sent to him justifying the decision of the Cabinet to sell the Crediton Office to a commercial buyer and choosing to ignore the Council's wish that the building be sold to Crediton Town Council on the same basis as the Tiverton Town Hall was sold to Tiverton Town Council. Referring to the Outturn report he requested that the report include information with regard to budget code PS830 and the expenditure from this code on Tiverton Town Hall.

The Cabinet Member confirmed that he would supply the information requested.

Councillor Mrs N Woollatt addressing the Leader explained that the Post Office in Cullompton had closed on 12 June and had not reopened; she requested that the Leader write to the post office to push for a temporary solution to this problem.

The Leader confirmed that he was happy to write to the Post Office.

Councillor Mrs N Woollatt again addressing the Leader asked for some clarity with regard to her fellow Ward Member for Cullompton North. She asked whether he was still a Member of the Conservative Group, she felt that his Register of Interest Form was out of date and that his attendance at meetings had been very limited, would the Leader consider discussing with Cllr Busch whether, in the interests of the electorate, it was appropriate for him to continue?

The Leader stated that Councillor Busch was a member of the Conservative Group and that he did not want to discuss individual circumstances of a Member in the public domain.

Councillor R J Dolley addressing the Cabinet Member for Housing asked if a progress report of the 3 Rivers Development Company would be presented to Council.

The Cabinet Member stated that annual accounts and the business plan for the development company had been reported to both the Cabinet and the Scrutiny Committee.

Councillor T W Snow addressing the Cabinet Member for Planning and Regeneration raised concerns with regard to the shortage of water and the impact of increased development on water courses in the area.

The Cabinet Member stated that discussions were taking place with the Environment Agency and other partner bodies which included South West Water.

37 Members Business (1-44-24)

- Councillor Mrs Roach thanked officers for the provision of fans for the meeting
- Councillor R L Stanley informed the meeting that 3 Rivers Development Limited would be making a presentation at the Design Awards on Monday 2 July.

- Councillor Mrs N Woollatt referring to the closure of Cullompton Post Office stated that if Members knew of people who were having difficulty getting to another post office and required a lift they were to contact her.

(The meeting ended at 7.46 pm)

CHAIRMAN

AMENDMENTS– FULL COUNCIL – 27 June 2018

AMENDMENTS

1. AGENDA ITEM 10 – ALLOCATION

Amendment submitted by Councillor: Mrs J Roach

That the allocations shown on the attached sheet more accurately reflects the proportionality rules in the Local Government and Housing Act 1989.

WORDING IF AMENDMENT APPROVED:

See attached

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 8	1.43 2	* 0.86 1	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 8	1.31 1	0.79 0	1.31 1
Licensing	12	* 8.29 8	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
iESP Member Reference Forum	5	3.45 3	0.60 1	0.36 0	0.60 1
TOTAL	22	15	3	1	3

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 5 July 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 and F J Rosamond

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

37. **APOLOGIES**

There were no apologies.

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

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

39. **PUBLIC QUESTION TIME**

There were no members of the public present.

40. **MINUTES OF THE PREVIOUS MEETING (00-01-05)**

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

41. **LOCAL PLAN EXAMINATION HEARING (00-02-18)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration requesting delegated authority to follow instructions from the appointed Inspector to assist with the examination of the Local Plan Review.

Forward Planning Team Leader stated that the requests within the report were necessary for the smooth running of the examination process and that the necessary delegated authority would allow Planning Officers and others to work with the Inspector if required. Throughout the course of the examination, the Inspector may ask for additional information, this could include papers and statements with

responses required on specific issues and could include responses to supplementary questions not previously responded to in hearing statements. It was possible that the Inspector may ask officers to undertake additional work and also engage with other participants in providing information to assist the Inspectors examination of the Local Plan.

Consideration was given to:

- The need to be prepared to work with the Inspector effectively
- How Members would be kept informed
- The possible timings for the rest of the examination process and why 2013 was still mentioned in the title of the Plan.

RECOMMENDED to Council that:

Delegated authority be given to:

- i) Officers to follow instructions from the appointed Inspector to assist with the examination of the Local Plan Review.
- ii) The Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to agree upon a set of proposed main modifications if arising during the examination process (most likely at the very end of the examination process) and if asked by the Inspector to do so, and seek approval from the Council to consult on these together with any updated Sustainability Appraisal.
- (iii) The Head of Planning, Economy and Regeneration the ability to make any presentational improvements or other consequential minor changes (e.g. correcting typographical errors or factual inaccuracies and matters of clarification) to the Local Plan or its Policies Map prior to the consultation on proposed main modifications commencing.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

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

42. **RECORDS MANAGEMENT ACTION PLAN (00-10-53)**

The Cabinet had before it a *report of the Group Manager for Performance, Governance and Data Security setting out a revised Records Management Action Plan.

She outlined the contents of the report stating that in accordance with the new Data Protection legislation it was vital that records handling happened as part of a managed process and was logged, this was a new and significant legal requirement. The Records Management Policy had previously been approved and the Action Plan would reinforce the requirements of the GDPR and Data Protection Act 2018

Consideration was given to possible over reaction with regard to the sharing of information.

RESOLVED that the Records Management Action Plan be approved.

(Proposed by the Chairman)

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

43. **NOTIFICATION OF KEY DECISIONS (00-13-44)**

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

Note: *Plan previously circulated, copy attached to minutes

44. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-15-48)**

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)

45. **THE GREEN, PUBLIC CONVENIENCE, CREDITON**

The Cabinet had before it a report * of the Deputy Chief Executive (S151), outlining options for the disposal of an asset.

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 the asset disposal of the closed Public Convenience at St Lawrence Green, Crediton be approved.

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

Notes:-

- i) Cllr R J Chesterton declared a personal interest as the proposed purchaser was known to him;
- ii) *Report previously circulated.

(The meeting ended at 2.40 pm)

CHAIRMAN

CABINET
5TH JULY 2018

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

MID DEVON LOCAL PLAN REVIEW - EXAMINATION

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

Reason for Report: Preliminary hearings for the examination of the Mid Devon Local Plan Review will take place on 20th and 21st September 2018. There is now a need to give delegated authority to the Head of Planning, Economy and Regeneration and officers to follow instructions from the appointed Inspector to assist with the examination of the Local Plan Review.

RECOMMENDATIONS:

That Cabinet recommends to Council

That Council delegates authority to:

- i) **Officers to follow instructions from the appointed Inspector to assist with the examination of the Local Plan Review.**
- ii) **The Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to agree upon a set of proposed main modifications if arising during the examination process (most likely at the very end of the examination process) and if asked by the Inspector to do so, and seek approval from the Council to consult on these together with any updated Sustainability Appraisal.**
- iii) **The Head of Planning, Economy and Regeneration the ability to make any presentational improvements or other consequential minor changes (e.g. correcting typographical errors or factual inaccuracies and matters of clarification) to the Local Plan or its Policies Map prior to the consultation on proposed main modifications commencing.**

Relationship to Corporate Plan: The Local Plan Review will help meet the Corporate Plan priorities: 'Economy', 'Homes', 'Community' and 'Environment'.

Financial Implications: The report itself has no direct financial implications. There is currently a budget for the examination of the Local Plan Review.

Legal Implications: The Council is required by legislation to prepare a development plan which has to be monitored and kept up to date. Failure to replace out dated policies would mean the Council would be failing in this duty.

Risk Assessment: Failure for the Local Plan Review to be found sound at its examination will prevent its adoption and could leave the Council's planning decisions being challenged which would waste significant Council resources. The lack of delegated authority being granted to the Head of Planning, Economy and Regeneration in the way requested will hamper the Council's ability to respond in a timely and appropriate way to the evidence, discussion and Inspector's requests during the examination to the detriment of the Council's case and the smooth operation of the examination process. This is therefore a precautionary approach to ensure that the relevant delegated powers are in place should they be required.

1.0 Introduction

- 1.1 The Mid Devon Local Plan Review 2013 – 2033 Proposed Submission (incorporating proposed modifications) was submitted to the Secretary of State on 31st March 2017 for its independent examination.
- 1.2 Following a deferment to allow for an independent assessment of the Sustainability Appraisal of proposed modifications made to the submission plan, dates have now been reset for initial examination hearings.
- 1.3 The Inspector has confirmed that preliminary hearings into Policy J27 Land at Junction 27 and associated Policies SP2 Higher Town, Sampford Peverell and TIV16 Blundell's School, will take place on 20 and 21 September 2018. After that, the Inspector will clarify the situation in relation to those Policies and how the Examination will then proceed.

2.0 Examination process

- 2.1 The examination process commences following the submission of the Local Plan Review. The purpose of the examination is to focus on the main issues that the Inspector considers are fundamental to the soundness of the plan, including legal compliance and the duty to co-operate.
- 2.2 The Planning Inspectorate has published details for the procedural practice in the examination of local plans. This makes clear that the Inspector takes control of the examination process from start to finish, including hearing sessions and exploratory or procedural meetings if necessary.
- 2.3 Throughout the course of the examination the Inspector may ask for the Council (and other participants) for additional information. This could include papers and statements with responses on specific issues.
- 2.4 Council officers will be required to attend hearing sessions, engage in discussions led by the Inspector and provide responses to the Inspector's questions. This could include responses to supplementary questions not previously responded to in hearing statements. It is feasible that the Inspector may ask officers to undertake additional work and also engage with other

participants in providing information to assist Inspector's examination of the local plan.

- 2.5 Officers have recently attended hearings for the Plymouth and South West Devon Joint Local Plan, and the North Devon and Torridge Local Plan. It is evident the examining Inspector can request discussions between officers and participants throughout the hearings and can request that the Council assists in note-taking that the Inspector can use as an 'aide-memoire'.

3.0 **Main modifications and minor changes to the plan**

Main modifications

- 3.1 The Council has submitted for examination what it believes to be a sound plan and that subject to the outcome of the examination it intends to adopt the Local Plan as approved for submission.

- 3.2 The Planning Inspectorate's guidance indicates that

"if at any stage during the course of the examination the Inspector considers that main modifications are likely to be required to the plan to address potential unsoundness or legal compliance matters, the Council will be asked if it wishes to invite the Inspector to recommend the necessary main modifications."

- 3.3 The Planning Inspectorate's guidance also states that the majority of plans are subject to such a request from Local Planning Authorities for main modifications to be recommended by the Inspector where necessary to make the plan sound.

- 3.4 Should the Inspector consider main modifications are necessary to make the plan sound, officers will work with the Inspector on drafting the proposed main modifications. The Planning Inspectorate's guidance indicates the nature and likely extent of the main modifications should be fully discussed at the hearings. These may consist of redrafted text, the omission of a policy or section of text (or the inclusion of a new one). The purpose of the discussions at the hearings is for the Inspector, the Council and participants to gain the fullest possible understanding of any modifications that may be required to make the Local Plan sound and legally compliant.

- 3.5 As such there is a need for the Council to delegate authority to the Head of Planning, Economy and Regeneration, in consultation with the Cabinet Member for Planning and Economic Regeneration, 'to negotiate' possible modifications with the Inspector during the examination process, to enable the smooth running of the examination.

- 3.6 At examination stage any proposed main modifications are not formally agreed by the Inspector. Should the Inspector consider that main modifications are necessary to make the plan sound the Council will be

requested to produce a schedule of proposed main modifications and will be required to undertake Sustainability Appraisal (as necessary) on these. The Council will undertake public consultation on the schedule of main modifications and the Sustainability Appraisal (minimum 6 weeks) and then provide these documents and the consultation responses received to the Inspector. The Inspector will take these documents and the consultation responses into consideration and determine whether further hearing sessions are necessary in order to help prepare a draft report in which he will include a final set of main modifications.

- 3.7 The draft report will be subject to a fact check by the Council before the Inspector issues a final report. Where the Inspector recommends a final set of main modifications in his report these will be binding on the Council if it wants to adopt the Local Plan.
- 3.8 It should be noted that the Policies Map is not a development plan document and as such it should not be subject to any main modifications made by the Inspector. However, since the Policies Map illustrates graphically the application of policies in the Local Plan the Council will be responsible for updating it to ensure consistency with the adopted local plan.

Minor changes

- 3.9 Minor changes, known as additional modifications, can be made by the Council on adoption of the local plan, without the need to be examined. They may become necessary as a result of the Inspector's recommended main modifications to the Local Plan. Minor changes could include presentational improvements or other consequential alterations (e.g. correcting typographical errors or factual inaccuracies, and matters of clarification) to the Local Plan or its Policies Map.
- 3.10 As such there is a need for the Council to delegate authority to the Head of Planning, Economy and Regeneration the ability to make any minor changes as necessary.

4.0 Reporting to Council Members

- 4.1 Officers expect to advise all Council Members by email how the hearings have progressed, the main issues arising and how the delegated authority has been used.
- 4.2 Should the Inspector consider that main modifications are necessary to make the plan sound, officers will report a schedule of proposed main modifications and a Sustainability Appraisal (as necessary) to the Council and seek approval for public consultation on these documents.
- 4.3 The purpose of this report is to ensure relevant delegated authorities are in place to support the smooth running of the examination process. By

presenting this report there is no suggestion that the Council considers the plan as submitted to be unsound, not legally compliant or to require major modification. The intention is to allow officers to respond in a timely and appropriate way to the examination process as led by the Inspector. Having such delegated authorities in place should they be needed is a normal and robust step taken by Councils in anticipation of the examination process and precautionary.

Contact for more Information: Tristan Peat, Forward Planning Team Leader,
01884 234344 / tpeat@middevon.gov.uk

Jenny Clifford, Head of Planning, Economy and
Regeneration, 01884 234346 /
jclifford@middevon.gov.uk

Circulation of the Report: Cllr Richard Chesterton, Cabinet Member for
Planning and Economic Regeneration

List of Background Papers: “Procedural Practice in the Examination of Local
Plans” (Planning Inspectorate, June 2016 4th
Edition v.1)
<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 9 August 2018 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R J Chesterton and P H D Hare-Scott

Also Present

Councillor(s)

F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Joanne Nacey (Group Manager for Finance), Tristan Peat (Forward Planning Team Leader), J P McLachlan (Principal Accountant) and Sally Gabriel (Member Services Manager)

46. APOLOGIES (00-00-41)

Apologies were received from Cllrs R J Chesterton and P H D Hare-Scott.

47. PUBLIC QUESTION TIME (00-00-46)

There were no members of the public present.

48. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-00-51)

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

49. MINUTES OF THE PREVIOUS MEETING (00-01-05)

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

Consideration was also given to the minutes of the Cabinet meeting held on 23 May 2018, following an issue raised at Full Council where Cllr Mrs N Woollatt felt that Minute 16 (page 10) the 5th bullet point was incorrect and should read "The details within the North West Cullompton Masterplan regarding the release of funding upon the sale of the land and prior to construction".

It was **AGREED** that the minutes of the meeting of 23 May 2018 be amended as above.

50. REPAIRING FOOTPATHS AND ROADS POLICY (00-02-55)

Arising from a report of the Director of Operations, the Environment Policy Development Group had recommended that the revised Repairing Footpaths and Roads Policy as outlined in the report be approved and that the number of inspections be added to the Performance and Risk Report.

The Cabinet Member for Housing outlined the contents of the report stating that the Council had previously operated a Highway Agency function on behalf of Devon County Council for the urban roads within Tiverton and Crediton. The Agency function obligated the Council to apply Devon County Council standards and policy to those roads. On the cessation of the Agency the application of those standards and policy continued. The report sought to endorse the principle and approve the continuing inspection and maintenance of the Council's similar assets on the basis of the Devon County Council Highway Safety Inspection Manual. The report highlighted the safety inspection regime and the investigatory criteria.

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.

51. SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE (00-06-42)

Arising from a report of the Group Manager for Performance, Governance and Data Security, the Community Well-Being Policy Development Group had recommended that the Single Equality Scheme and Equality Objective be approved subject to the amendment to Appendix B to remove the extra line.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the Council had statutory duties under the Equality Act with the Equality Objective being reflected in the Corporate Plan. He highlighted the Local Government Association document at Appendix 1 which provided a summary of the latest available information on the demographic and social economic make up in Mid Devon, which he felt would be of interest to all Members of the authority and it was agreed that this information be made available via the Weekly Information Sheet.

Consideration was given to population figures and general items of interest within Appendix 1.

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

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

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

52. **CUSTOM AND SELF BUILD |(00-11-55)**

The Cabinet had before it a report of the Head of Planning, Economy and Regeneration requesting approval of the use of consultancy support to help the Council move the agenda forward for Custom and Self Build homes in Mid Devon.

The Forward Planning Team Leader outlined the contents of the report stating that it was recognised that housing was becoming increasingly unaffordable and that there was a need to supply new homes and to meet local housing needs which included the provision of homes of the right type, tenure and built in the right places where people wanted to live. He outlined the definition of self-build and custom housebuilding as outlined in the Housing and Planning Act of 2016 and Policy S3 of the emerging Local Plan Review.

He reported that there was also a legal obligation for the Council to keep a register of individuals who were seeking to acquire serviced plots of land in the district. The proposed self-build officer would share knowledge and experience with planning officers and help those officers to engage and negotiate with applicants. The Task Force would provide technical guidance which would lead to the formation of a Supplementary Planning Document and also provide advice regarding how the scheme worked, possible funding opportunities and design codes. The annual membership of the National Custom and Self Build Association would bring advantages to the Council.

He added that an equalities impact assessment had been carried out. The outcome was that the recommendations within the report were considered to have a positive impact upon equalities through advancing the provision of self and custom built housing, thereby widening the supply of new homes, particularly allowing greater opportunities for choice and greater affordability.

Consideration was given to:

- Whether there was an interest for the self-build initiative in Mid Devon
- Whether the requirements for plots to be made available for self-build properties would have effect on the number of affordable houses proposed within large developments
- The possibility of further information being made available to Members
- The finding of the equalities impact assessment.

RESOLVED that:

- a) The appointment of the Right To Build Task Force to provide consultancy support to the Council, including the secondment of a Self-Build Officer from Teignbridge District Council on a short term basis be approved,
- b) Annual membership of the National Custom and Self Build Association be progressed.

(Proposed by the Chairman)

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

53. **FINANCIAL MONITORING (00-23-59)**

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (151) presenting financial monitoring information for the income and expenditure for the 2018/19 financial year.

The Group Manager for Finance outlined the contents of the report stating that this was only Quarter 1 and therefore very early in the financial year. She explained the tables within the report showing the opening, forecasted and the final predicted position at year end. She highlighted the forecasted deficit for the General Fund at £11k and the significant variances to date. She informed the meeting that due to formatting issues some of the figures had not aligned properly and provided an updated table:

	£k
Legal - agency staff	18
Car parks – reduction in income/offset by 24 hrs opening (Premier Inn)	28
Trade Waste – additional income	(10)
Waste – lower return on recycling materials	15
Leisure – Business Rates Saving – Exe Valley	(14)
Leisure – Staffing underspend and additional income	(27)
IT - GDPR compliance and extended lease fees	31
Business Rates Retention – updated forecast offset by transfer to EMR (£806k - £758k)	(48)

Consideration was given to the position of the Housing Revenue Account and the ongoing discussions taking place with regard to the Capital Programme.

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

54. **PERFORMANCE AND RISK (00-29-14)**

The Cabinet had before it and **NOTED** a report * of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

She outlined the contents of the report highlighting the individual portfolios and informed the meeting that all the performance indicators for the waste service were above target at the present time and that from May 2018 all residual waste accepted at the Waste Transfer Station was now being transported to the Exeter Energy from Waste plant. She highlighted the good work taking place within the Homes and Economy Portfolios. With regard to the corporate thread, she referred to the Sickness Absence Action Plan which was being progressed.

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

55. **NOTIFICATION OF KEY DECISIONS (00-33-09)**

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

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

(The meeting ended at 2.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 1 August 2018 at 2.00 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs F J Colthorpe,
Mrs C P Daw, Mrs G Doe, Mrs S Griggs,
T G Hughes, Mrs B M Hull, F W Letch,
Mrs J Roach and T W Snow

Apologies

Councillor(s)

N A Way

Also Present

Councillor(s)

C R Slade, Mrs J B Binks and R M Deed

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), John Bodley-Scott (Economic Development Team Leader) and Carole Oliphant (Member Services Officer)

33 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.01)

Apologies were received from Cllr N A Way

34 PUBLIC QUESTION TIME (00.02.037)

Nick Quinn – Local resident stated he wanted to speak to agenda item 3 and 7.

He stated:

‘When this committee last met, I asked about the reporting of the Council’s FOI performance. I asked why there was such a large difference between the performance figures shown in the corporate performance indicators presented to Scrutiny and those quoted by the Chairman in his Annual Report.

In the minutes you can see the Officer’s answer, where she states that the figures shown in the corporate performance indicator tables are not real monthly performance figures at all – but are cumulative ‘year to date’ percentages’

She admitted that some very bad performance earlier in the year had affected the figures so much that they were 20% out from the actual monthly performance.

Elected Members must be given accurate statistics to do their job.

It is evident that the current performance indicator system, which allows differences for 20% from actual, is not fit for purpose and needs to be changed.

Scrutiny Committee should be the driver for this change – so my question, through the Chair is:

Would this Committee please consider adding, to the list of Agenda item 7 a review of the performance indicators given to Elected Members’.

In response the Chairman confirmed that this would be added to the list of Agenda item 7.

Sue Scur – Local resident wanted to ask why Palmerston Park had been left out of phase two of the upgrade to superfast broadband. She explained that the BT cabinet numbered 10/1 needed to be upgraded but BT had informed local residents that they would need to pay £500 each to enable this. She confirmed that she had been in touch with local Ward Members about the situation.

In response Cllr F J Colthorpe said that as she was the County Council Member for that Ward she would pick this up with the resident.

35 **MINUTES OF THE PREVIOUS MEETING (00.08.25)**

The minutes of the last meeting held on 18th June 2018 were approved as a correct record and **SIGNED** by the Chairman.

36 **CHAIRMAN'S ANNOUNCEMENTS (00.08.49)**

The Chairman had no announcements to make.

37 **MEMBER OF PARLIAMENT NEIL PARISH (00.09.07)**

The Chairman welcomed Neil Parish MP to the meeting.

The Committee put the following questions to the MP.

- 1. Could he briefly discuss the implications of Brexit in relation to agriculture and the rural areas? What are the implications for food, farming and the environment in Mid Devon as a consequence of Brexit as currently envisaged? What preparations are being contemplated in response to "no deal"?*

The Member of Parliament said that a DEFRA report was looking at this issue sector by sector and the impact of different deals. He said that the Government didn't want tariffs and that was why the Prime Minister's deal helped with trade and with Northern Ireland. He said that he felt that now both sides were squaring up to each other it was probably a time when you would see a deal completed.

He explained about the current imports and exports of food and felt that more dairy products could be produced in the country as opposed to relying on imports.

He reiterated that no sides were talking about imposing tariffs and that there was work going on in all departments regarding the scenario of a no deal and that the Government was looking at the various systems of moving goods through barriers.

He referred to the current drought situation and that the weather would make a difference to food prices in the short term but wouldn't make a difference to Brexit negotiations.

He explained that the Government just had to get on and get a deal, especially when it came to agriculture. He said he wanted to remain but he accepted the vote and that the country needed to get some form of deal. He confirmed that he had full confidence in Prime Minister to deliver one.

The Committee asked if there was a minimum food production level and was there room to support it? Neil Parish explained that the UK was a temperate climate and we produced a fair amount of food. He explained that currently the UK was 58% self-sufficient and he wanted to see that maintained. He felt that in the future more food would need to be grown on less available land.

2. *Do you consider that proposals for an alternative route via Longwood Lane, for the quarry lorries, avoiding Burlescombe has now hit the buffers or is there still a realistic hope that it may still go ahead.*

Neil Parish explained that he was meeting with the liaison committee to try and consider options available which may include getting the lorries further through the quarry. This was an ongoing issue that he was monitoring.

3. *Would you be prepared to lobby the Housing Minister concerning the five year land supply which Mid Devon has been unable to show and probably never will as we do not sit on swathes of redundant industrial land. This unrealistic target has left us hostage to several undesirable planning application.*

The Member of Parliament stated that he had had quite a lot to do with redundant farm sites and found it a frustrating exercise. He felt that MDDC numbers were moving forward and he saw a lot of housing being built. He felt it was a situation where people wanted affordable housing but didn't want it built next to them. He wanted to compliment MDDC on the amount of council housing built in the district. He stated that if the Group wanted him to lobby Government with regard to the targets he would take this up with the Housing Minister.

Land value needed to be recognised in infrastructure costs. For example Cullompton required another entrance on the motorway going south. He felt that it could be done but it would be expensive and this was where Government would have to step in at help.

4. *There is significant interest amongst the 3 Head teachers in 11-16 schools in Tiverton, Cullompton and Uffculme in respect of engaging in a review of future options of A level provision in Mid Devon, particularly in the light of the major housebuilding programme of over 8000 houses envisaged in the MDDC Local Plan. Could we call upon your services to navigate the options with the Department of Education in considering such a review?*

The Member of Parliament explained that the first step was the relocation of the High School at Tiverton, following that the issue with A level provision could be considered. He explained that he had been to many careers evenings at Tiverton High School and that many of the youngsters said they wanted to go on to Exeter

College and not stay in Tiverton. He said that Petroc couldn't be expected to provide an A level service if there were only 20-30 pupils interested in them. He felt that if the numbers of pupils wanting A level provision increased with new homes being built, then he thought that the schools would need to come together to provide it. He said he would talk to Petroc again as he was not happy that they had dropped A level provision. He confirmed that Uffculme School was about to do a deal with Axe Valley and any future A Level provision would need to be a consolidation between all the providers.

5. Should the government look again at "right to buy" from council stock?

Neil Parish said that he felt that the Right to Buy Scheme was the right thing to do but mistakes were made in that successive Governments did not replace the houses sold.

He said that the idea of affordable homes was for homes for rent and shared ownership and not for resale and that a certain amount of affordable homes had to be retained otherwise once they were sold they were no longer affordable.

Some of the Committee disagreed that MDDC had built enough affordable housing and said that the Council needed to build more social housing, including flats.

The Member of Parliament maintained that MDDC had taken on sites which have been difficult to develop.

6. Universal superfast broadband coverage remains an elusive concept in Mid Devon, especially in rural areas. A recent report states that the UK slipped to 35th in the global table of broadband speeds, below the likes of Madagascar and Bulgaria. Locally a DCC Scrutiny report called for greater transparency in a critical analysis of the performance of Connecting Devon and Somerset which appears to have been rejected by CDS. How do we hold CDS to account? When will the project be completed? Will the 95% coverage be achieved? What happens to the remaining 5%?

The Member of Parliament stated that all parties needed to work together but BT had problems with their contractors and the whole process was slower than expected and frustrating. He had raised the issue with Connect Devon and Somerset as in some areas only half of a village was connected. He said he was happy to take this up with BT and it would be useful to pocket complaints together and urged Members to contact him with their issues. He said that there was still a lot that BT had to do under their original contract.

He explained that the figure of 95% was the national figure and the Committee had to accept that some remote properties could not be connected. The last 5% were where different technology would be required to connect the properties to superfast broadband as it was not possible to install fibre optic into all properties.

The Committee said that Spain and Portugal had 71% coverage and questioned why the UK couldn't have the same.

He explained that the Spanish & Portuguese didn't mind digging up the roads where as the UK spent more time arguing and discussing it. He said there was a share of money coming back from BT and this was starting to be spent.

7. Michael Gove has proposed a Protected Landscapes Review of designated landscapes (10 National Parks, 34 AONBs) What are the terms of reference and how will those working in and for them be able to input into the process directly?

He explained that the concept was from Michael Gove to create National Parks and he himself had mixed views as he felt that Areas of Outstanding Natural Beauty (AONB) worked quite well. He said the idea was to embrace AONB's into the National Parks but he didn't think the terms of reference were there yet. It all depended on how the Agriculture and Environmental Bill fitted together and environmentally the European Commission could hold the Government to account. He was waiting to see the outcome.

8. Will the Review allow for the consideration of a possible AONB designation for the Exe Valley- a beautiful part of the country?

He asked if the Committee had had a surge of people who wanted the AONB or was it just a couple of people? He said that if there was a real head of steam, there was no reason why it couldn't go forward for DEFRA and Michael Gove to take look at it.

He explained that review by Michael Gove was a concept and he didn't think that DEFRA had caught up. He advised the Committee to give it more time and see what came through from Government and to make sure you know what you want and get a head of steam behind it. He asked the meeting how far the AONB would go.

Economic Development Team Leader explained that the proposed AONB would go from the Exmoor Boundary to the Culm Valley.

The MP requested a map of the proposed AONB and agreed to take a look at it.

9. Natural England is being scaled back- how does this fit (or not) with the ambitions of the 25 Year Environmental Plan (25YEP) which seeks to deal with the environmental impact of "unprecedented expansion in population consumption, energy use waste and population"?

This question was answered in the response to question 7.

10. Natural England has informed the AONB that they are no longer able to provide monitoring data free of charge- information used to fulfil a statutory function of the designation. Will DEFRA be offering additional funds to cover the shortfall or can the policy be re-thought?

The Member of Parliament explained that the biggest problem was that Natural England were now considering land management schemes but not getting them up and running. He said there was a big issue and he was not entirely sure it was due to staffing levels and he suspected that there may be some amalgamation in the future.

He said that he was due to talk to Natural England at a Select Committee in the autumn and would raise this with Government Departments and Michael Gove.

11. As many experts forecast, Universal Credit is associated with growing rent arrears which impacts on Councils. Is Government monitoring the situation to protect local Councils?

The Member of Parliament stated that he saw this coming because of his local government experience. He said that the Government had reduced the time people had to wait for their money to two weeks which was better but they were not getting the support systems in place quickly enough. He acknowledged that MDDC had Officers on the front desk dealing with Universal Credit. He said that agencies had to work together on this one and step in quickly if rents were not being paid. He understood the principle of Universal Credit but not the practice as some people spent the money for rent on other things. He asked Members to identify where there were areas that could be ironed out and to let him know so he could take this forward. He explained that he didn't want individual recipients to suffer or the Council to lose revenue. He had made the point to Government Ministers that so much had to be done on line now and some people couldn't cope with that.

He asked the Group to let him know of things that could help.

12. Tiverton has a problem with drugs which is of great concern to our constituents. There is trading of drugs being carried out openly on the streets in broad daylight & near our schools & where young children are present. What are the police & government doing about this increasing problem please, this needs addressing before it escalates further.

He explained that he was due to have a meeting in Axminster where they also had a problem with drugs. He said he was happy to meet with Officers on the ground and hear the problems first hand.

Members stated that it was very worrying that drug dealing was happening in broad daylight on Tiverton's streets and Members were getting approached by residents requesting them to deal with the situation as the Police had such a low profile and didn't deal with low level crime.

The Member of Parliament said he would raise the issue at Shaun Sawyer level as quite rightly that fact drug dealers were so brazen was a worry.

Members of the Committee then explained that they had had meetings with the local police and had been told that it was down to the public to report instances. The Police were currently aware of where drugs were being dealt and were building a case. Members stated that there was an issue in that within Tiverton Police Station the only jail cell was too small and couldn't be used so the Police were reluctant to arrest anybody as they would have to take them to Exeter to be charged. Concerns about the level of policing in the farming community were raised and that the public felt totally exposed regarding their machinery being stolen. It was felt that the Police didn't have the resources to deal with rural crime.

Neil Parish responded by saying that he would raise the issues with the Chief Constable, Shaun Sawyer and that the Government would look at what was spent on the Police. He said that it was not an easy one to fix but it was obvious that more had to be done.

13. *The South West is thought of nationally as a tourist Mecca, we have the English Riviera on our doorstep and we live in the gateway to many of our tourist hotspots. What is the government doing to ensure that our tourism industry is fully supported and allowed to grow & flourish ? Mid Devon has no real identity for its tourism and is very overlooked in this field. Tiverton for instance has a great many attractions that many towns would love to have Mid Devon is very beautiful & is steeped in history and lovely towns/villages with many many great markets & independent shops & businesses. This is an issue that needs prompt action if we want to sustain & grow in this very competitive market.*

The Member of Parliament said that the area was doing a lot to promote itself but he didn't have a magic solution. He said that although J27 was controversial it may help stop people tearing past the area on the M5. He was sure there was more that could be done through the Tourist Board.

The Committee reflected on the deterioration of some of the South West seaside towns and that it would be hard work to build that back up.

The Member of Parliament stated that a lot was achieved through the Portas money in Tiverton and was a need to promote the area and link yourselves into Devon attractions. He highlighted the need for investment win the area as visitors expected high standards and value for money.

14. *When will the Government's National Planning Practice Guidance be updated in relation to the recently published new National Planning Policy Framework. We seek clarity specifically in relation to when and how the Government's standard method for calculating local housing need will be used where strategic policies (in local plans) are out of date, for the purpose of assessing 5-year housing supply .*

This question was answered in the response to question 3.

15. *The Government are spending millions promoting 1st generation smart meters which are reported to have some problems and which is why I shall not have one installed in my house. The company that installs smart meters for my electricity supplier says 2nd generation meters "might be available next year". What is the problem with the production of these much improved meters?*

The Member of Parliament confirmed that it was not the Government spending the money; this was being promoted and funded by individual supply companies. He felt that smart meters were oversold in the first place as they only tell you what you are using and when you are using it. He said that the biggest issue was that there were assurances that the meters would be changeable between suppliers but they are not. He said that the Government needed to put pressure on the supply companies to deliver.

38 SCRUTINY OFFICER REPORT (01.31.22)

The Group had before it and **NOTED** the information provided by the Scrutiny Officer regarding various areas that he had been asked to look into on their behalf.

There were no questions asked.

39 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.38.00)

The following items were identified for future meetings:

- A review of the Performance Indicators given to Elected Members
- How many experienced district Nurses are being lost. How many have left and what the current shortfall is.
- Why sickness levels are so high in the NHS

(The meeting ended at 3.42 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 August 2018 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs F J Colthorpe, Mrs S Griggs,
Mrs B M Hull, F W Letch, T W Snow,
N A Way, Mrs A R Berry and R J Dolley

Apologies

Councillor(s)

Mrs C P Daw, Mrs G Doe, T G Hughes and Mrs J Roach

Also Present

Councillor(s)

R L Stanley and Mrs M E Squires

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Alan Keates (Group Manager for ICT), Maria De Leburne (Solicitor), Kevin Swift (Public Health Officer) and Carole Oliphant (Member Services Officer)

40 APOLOGIES AND SUBSTITUTE MEMBERS (00.01.35)

Apologies were received from Cllr Mrs C P Daw (substituted by Cllr Mrs A R Berry) and Cllr Mrs J Roach (substituted by Cllr R J Dolley). Apologies were also received from Cllr Mrs G Doe.

41 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.17)

There were no declarations made.

42 PUBLIC QUESTION TIME (00.02.30)

There were no questions from members of the public present.

43 MEMBER FORUM (00.02.39)

The Committee asked for an update from the Scrutiny Officer on the funding for Trim Trails outside of Tiverton who stated that he would provide a written response.

44 **MINUTES OF THE PREVIOUS MEETING (00.04.04)**

The minutes of the meeting held on 1st August 2018 were approved as a correct record and **SIGNED** by the Chairman.

45 **DECISIONS OF THE CABINET (00.04.28)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 2nd August 2018 had been called in.

46 **CHAIRMAN'S ANNOUNCEMENTS (00.04.32)**

The Chairman reminded Members that Neil Parish MP had requested information with regard to the Superfast Broadband provision from BT. He asked Members to forward details onto the Committee Clerk who would, in turn send them onto the MP.

He informed the Committee that the Housing Services Manager was compiling a report on Universal Credit.

47 **WHISTLEBLOWING 6 MONTH UPDATE (00.06.41)**

The Group Manager for Performance, Governance and Data Security informed the Committee that there had been no cases reported since the last update. She informed the Committee that reported cases had to be in the public interest and that this would lead to less reported instances.

48 **RIPA 6 MONTH UPDATE (00.07.52)**

The Committee **NOTED** a 6 month verbal update from the Group Manager of Legal Services and Monitoring Officer informing it that there had been no RIPA applications or authorisations in the past 6 months.

In light of this and the absence of any authorisations for a number of years, the Monitoring Officer had asked the Scrutiny Committee to consider moving to an annual report.

The Committee were informed that the reason for the low instances was that the process was quite intrusive and so if information could be obtained by other methods it would be preferable.

It was **RESOLVED** that the RIPA report be presented to the Scrutiny Committee annually or when an instance came up.

(Proposed by the Chairman)

49 **PERFORMANCE AND RISK (00.10.17)**

The Committee had before it and **NOTED** a *report from the Group Manager for Performance, Governance and Data Security providing an update on performance against the Corporate Plan and local service targets for 2018-2019 as well as providing an update on the key business risks.

She outlined the contents of the report highlighting the targets against the Corporate Plan aims and providing information from queries raised.

The Committee asked, in relation to the Corporate Plan aim to facilitate the housing growth that Mid Devon needs, including affordable housing, for confirmation of the number of and location of Council houses built in the District in recent years. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

Discussion took place regarding the reporting of Markets and that some Members felt that other local markets not run by the Council should be included.

The Committee requested that an explanation be provided of the biodegradable bags being provided by traders at the Tiverton Pannier Market. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

The Committee were informed that the Gas Safety Inspections figures were reliant on tenants allowing access to their properties to enable the inspections to take place. The reason the figure was not 100% was that some tenants would not allow access but it was explained that there was an agreed procedure if the tenant didn't allow access.

The Committee discussed the fact that stress factors were only reported for staff and not for Members. The Chief Executive explained that he had a statutory duty of care for council employees (officers) but he would raise with Member Services the issue of stress management for Members.

The Group Manager for Performance, Governance and Data Security summarised the risk matrix.

Note: *Report previously circulated and attached to minutes

50 **FORWARD PLAN (00.28.04)**

The Committee had before it and **NOTED** the Cabinet Forward Plan *.

The Committee requested an updated report on property assets and the plans for them. The Chief Executive explained that he would arrange a repeat of the report previously sent.

The Committee discussed the Greater Exeter Strategic Partnership (GESp) and agreed to wait for the report into the proposed consultation for GESp which was due to be presented to Cabinet in the autumn.

Note: - Forward Plan * previously circulated and attached to minutes

51 **COMMUNITY SAFETY PARTNERSHIP ANNUAL REPORT (00.33.04)**

The Committee had before it and **NOTED** a *report from Group Manager for Public Health and Regulatory Services providing the Committee with a progress report of the Community Safety Partnership (CSP).

He outlined the contents of the report and gave an overview of the financial implications of Domestic Homicide Reviews (DHR). He explained that the reviews were legally required where a death occurred through violence in the home and it may be where domestic violence or other safeguarding issues were previously known to the authorities. One of the key purposes of the DHR was to see if there were any multi-agency lessons to be learnt from such tragic events which in turn could inform CSP activities and initiatives

He explained that the East and Mid Devon CSP were currently considering the latest Devon Strategic Assessment and a consultation in July to develop a new CSP Action plan had attracted over 30 organisations or interested parties. He said that there would be a slightly different approach going forward.

The Committee discussed why only Tiverton High School had been mentioned in many of the initiatives mentioned in the report but not any other Mid Devon secondary schools. It was explained by the Cabinet Member for Working Environment and Support Services that Queen Elizabeth School Crediton had been approached but had not wanted to take up the offer of being involved in the initiatives. It was explained by Cllr A R Berry that Uffculme School had also been approached and that they had other programmes in place covering the same topics.

The Committee requested that the details of the 6 primary schools who had taken up internet safety training were made known to Members.

Members requested that future reports on ASB activity were broken down by Ward.

The Committee discussed the issues of drugs and drug trafficking in Mid Devon and noted that Neil Parish MP was going to raise the issue with the Chief Constable of Devon & Cornwall Police, Shaun Sawyer.

The Committee discussed the issue of forced marriages and child sexual exploitation in Mid Devon and the Group Manager for Public Health and Regulatory Services stated that this may be an area in which the CSP could help to get the information across.

The Chairman thanked the Group Manager for Public Health and Regulatory Services for his report and reminded the Committee they had a duty to scrutinise the Community Safety Partnership and its actions.

Note: *Report circulated and attached to the minutes.

52 SCRUTINY OFFICER UPDATE (00.56.41)

The Committee received a verbal update from the Scrutiny Officer regarding various areas that he had been asked to look into on its behalf.

Consideration was given to the themes within the report which included:

- Road Maintenance
- Air Quality Action plan - update at next Community PDG

- Community Engagement – The Parish & Town Council survey had 22 reports back and he hoped to bring the results back to the working group
- A level provision
- Diet, Nutrition and Lifestyle Members Briefing at 2.00pm on 16th August

53 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (01.02.12)**

Prior to considering the following items 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 cases, 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 3 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) and under Part 5 of Schedule 12A of the Act, namely information in respect of which a claim of legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

54 **CYBER SECURITY**

The Committee had before it and **NOTED** a *report from the Group Manager for ICT and GMS Services on Cyber Security and procedures to mitigate risks.

He outlined the contents of the report and provided the Group with the Council's mitigation strategies.

He encouraged Members to send any suspect emails that came into their MDDC email accounts through to ICT so they could be scanned and provided the relevant email address.

Note: *Report previously circulated

55 **PALMERSTON PARK/BIRCHEN LANE**

The Committee had before it and **NOTED** a cost *report from the Group Manager for Corporate Property and Commercial Assets on the Palmerston Park and Birchen Lane developments.

He outlined the contents of the report which was duly debated by Members.

Note: - *Report previously circulated

The meeting moved back into open session.

56 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.05.11)

The following item was identified for a future meeting:

Committee requested a report on affordable housing contributions (as part of s106) and s106 monies in general and the Chief Executive advised that he would provide some information.

(The meeting ended at 3.54 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 16 July 2018 at 10.00 am

Present

Councillors

R Evans (Chairman)
Mrs C Collis, R M Deed, T G Hughes,
R F Radford, F W Letch and B A Moore

Apologies

Councillor(s)

Mrs J B Binks and L D Taylor

Also Present

Councillor(s)

P H D Hare-Scott

Also in

Attendance:

G Daley (Grant Thornton)

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), David Curnow (Deputy Head of Devon Audit Partnership), Rob Fish (Principal Accountant) and Sarah Lees (Member Services Officer)

18. APOLOGIES

Apologies were received from Cllr Mrs J B Binks who was substituted by Cllr B A Moore. Apologies were also received from Cllr L D Taylor who was substituted by Cllr F W Letch.

19. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

20. PUBLIC QUESTION TIME

Mr Nick Quinn, a local resident, stated that he would like to ask a question concerning item 7, specifically the Statement of Accounts. In the Statement of Accounts, for the year ended 31 March 2018, on page 39 at point 30, you provide details of short and long term borrowing. You provide a list showing, the amount borrowed, the term, the % rate and the date of maturity. Similar information is provided for short term lending elsewhere. On page 25 at point 16, in the last paragraph you state that in 2017 a loan of £750,000 was made to 3 Rivers and will be repaid on a 'commercial basis'. I should like to ask, what was the actual date of the loan? Also, in relation to this loan, please can you provide me with the same information that is provided for borrowing, namely, what was the agreed term? What was the agreed % rate? What is the maturity date?

The Chairman stated that the questions would be answered when the item was discussed.

21. **CHAIRMAN'S ANNOUNCEMENTS (00:05:29)**

The Chairman had the following announcement to make:

- He and Cllr Deed had attended the first DAP meeting of the new municipal year. Due to the rotation of Chairs and Vice Chairs amongst the various local authorities in attendance it would be the turn of the Cllr B Evans to be the Vice Chairman next year. They had received an interesting presentation on fraud prevention and he had been able to feedback on this to the Deputy Chief Executive (S151) and he would discuss this with the DAP audit team in due course.

22. **MINUTES OF THE PREVIOUS MEETING (00:08:40)**

The minutes of the meeting held on 29 May 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

23. **ANNUAL GOVERNANCE STATEMENT FOR 2017/18 INCLUDING THE CORPORATE GOVERNANCE FRAMEWORK (00:09:10)**

The Committee had before it a report * from the Group Manager for Performance, Governance and Data Security presenting the Committee with the finalised Annual Governance Statement and Action Plan and accompanying Corporate Governance Framework for 2017/18.

It was explained that comments made by the Committee during a recent briefing had been included as tracked changes within the draft document. One of these changes had included making ethics awareness training a part of the induction process for both Members and staff. An assurance on this had come from the Monitoring Officer who had confirmed that she provided this to all new Members.

Brief discussion took place with regard to:

- The Asset Management and Capital Plan which could be found on the website.
- How accessible the 3 Rivers business plan was to Members.
- A better understanding of the 3 Rivers management arrangements, the shareholders agreement.
- The Medium Term Financial Plan was presented annually to the Cabinet in October.

It was **AGREED** that an all Member briefing on the 3 Rivers Development Ltd company be held to aid Members understanding on the issues and implications involved.

RESOLVED that the Annual Governance Statement be approved and that the Leader of the Council and the Chief Executive sign the Statement as per the statutory guidance.

(Proposed by the Chairman)

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

24. **ANNUAL REPORT AND ACCOUNTS FOR 2017/18 (00:16:49)**

The Committee had before it a report * from the Deputy Chief Executive (S151) presenting the final version of the annual report and accounts to Members, highlighting any areas which had been amended since the accounts had been presented to the Audit Committee in May.

The Group Manager for Financial Services explained that the accounts had been subjected to a robust audit and only 2 amendments had been identified:

- a) Upon review, Grant Thornton had identified that due to the complexity of the Council's Fixed Assets computations, there had been an omission to depreciate seven assets, therefore understating depreciation by £52k. This error had been amended in the accounts. There was no impact on the Balance Sheet or the overall value of the Council's assets as this depreciation was negated by the end of year revaluation exercise.
- b) The Accounts team had also amended the classification of the land owned by 3 Rivers Ltd from Assets under Construction to Work in Progress (WIP). This could be seen in the Group Accounts section. Again this had had no impact on the "bottom line".

In response to the questions raised in Public Question Time, the Deputy Chief Executive (S151) stated that the amount borrowed had been £750k. The commercial rate of interest was 4.5% above base rate. The maturity date hadn't been agreed yet but was expected to be around 18 months to 2 years, however, until the properties had been built and sold it was difficult to be exact on timescales.

In terms of the date of the loan the Deputy Chief Executive (151) requested that he come back to Mr Quinn by email as he did not have the information with him for the meeting. Cllr R M Deed requested that he receive a copy of the loan agreement. Cllr F W Letch requested that he receive a list of the proposed residential developments referred to in the narrative report from the Deputy Chief Executive (S151) on page 45 of the report. It was reiterated that these and other questions could be addressed in an all Member briefing on 3 Rivers Development Ltd. The Deputy Chief Executive (151) requested that he receive questions in advance from Members.

Discussion followed with regard to:

- Whether consideration was being given to the acquisition of property in towns or parishes outside of Tiverton. The Deputy Chief Executive (S151) confirmed that recent acquisitions had come about as a result of circumstance, the capital programme moved forward based upon the best business case at the time.
- A question that had been asked at the Environment Policy Development Group regarding the properties bought three years ago in Tiverton. The question asked was what was the capital value compared with the purchase

price of these properties? The Deputy Chief Executive (151) assured the Member asking the question that he would receive a response.

RESOLVED that the annual report and accounts for 2017/18 be approved (subject to the recommendations made by the external auditor) and that the letter of representation also be approved and signed.

(Proposed by the Chairman)

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

25. **GRANT THORNTON AUDIT FINDINGS 2017/18 (00:31:48)**

The Committee had before it, and **NOTED**, a report * from Grant Thornton summarising their findings following an audit of Mid Devon District Council's 2017/18 financial accounts.

Subject to outstanding queries being resolved the external auditors anticipated issuing an unqualified audit opinion following this meeting. Outstanding issues included:

- Conclusion of the ongoing review of the classification of the Premier Inn lease.
- Completion of the Whole of Government Accounts review.
- Receipt of confirmation from the District Valuer regarding qualifications and independence as well as the appropriateness of the 35% social housing factor.
- Receipt of the Letter of Representation.
- Final review of the financial statements.

The Value for Money opinion was expected to be unqualified and would be concluded that afternoon.

Consideration was given to the categorisation of leased land to third parties which was complex and needed thorough review. The external auditors were satisfied that the Council had categorised the lease of the land to the Premier Inn correctly but this had involved detailed work and the analysis of legal documents. It was recognised that as councils continued to exercise their powers in this area it would be an ongoing piece of work for external auditors as part of their annual audit.

It was confirmed that the items listed in the action plan would be tracked, followed up and monitored by the Leadership Team and Finance. The Audit Committee was the also the correct forum to keep a close eye on the issues identified.

The Committee wished to pass on its thanks to Grant Thornton for the complex work they had undertaken on behalf of the Committee.

The Cabinet Member for Finance also wished for his thanks to be passed on the Finance team. He stated that he hoped all Members would get involved with the budget setting process for next year. It was also quite right to be raising questions regarding 3 Rivers Development Ltd and that through analysis be made before the Council invested in anything to ensure minimum risk.

The Chairman stated that he would be personally writing to each member of the finance team to thank them for their hard work and efforts in creating a finalised set of accounts.

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

26. UPDATE ON OUTSTANDING AUDIT RECOMMENDATIONS (00:49:45)

At the previous meeting the Committee had requested that they receive an update in relation to the recommendations made in the internal audit for the Developmental Control Area. The Group Manager for Developmental Control made reference to the response from the Head of Planning, Economy and Regeneration where the recommendations had been addressed. This response had been attached to the agenda for the meeting. Recommendations were monitored on a two yearly basis by reference to the south west best practice group. The service was consistently meeting targets set nationally.

The Chairman stated that as Chair of the Committee and a Ward Member he frequently heard from various sources that officers were saying they were under a great deal of pressure in terms of volumes of work and imposed timescales. He felt that the Committee had a responsibility to address the welfare of the staff if issues were being flagged up. He would be meeting with the Leader and the Cabinet Member shortly and would report back to the Committee.

The Chairman also referred to previous conversations that had taken place regarding figures in relation to sickness absence. He informed the Committee that he had met with the Group Manager for Human Resources and that this issue was being addressed at the highest level. An action plan was being formulated and he was now satisfied that there was a plan in place to deal with this issue.

27. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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 the external auditors action plan

(The meeting ended at 10.58 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 10 July 2018 at 2.00 pm

Present

Councillors

R F Radford (Chairman)
D R Coren, R M Deed, R Evans,
D J Knowles, Mrs E J Slade, J D Squire and
R Wright

Apologies

Councillor(s)

Mrs C P Daw

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Carole Oliphant (Member Services Officer)

13 APOLOGIES AND SUBSTITUTE MEMBERS (00.02.28)

Apologies were received from Cllr Mrs C Daw

14 PUBLIC QUESTION TIME (00.02.43)

There were no questions from members of the public present.

15 MINUTES OF THE PREVIOUS MEETING (00.03.09)

The minutes of the last meeting held on 15th May 2018 were approved as a correct record and **SIGNED** by the Chairman.

16 CHAIRMAN'S ANNOUNCEMENTS(00.03.59)

The Chairman announced an update on the Devon Authorities Strategic Waste Committee and if the request to add in innovative options for recycling plastic was included as an agenda item. He confirmed that the meeting of 17th June was cancelled due to lack of business but the item will be added as an agenda item at the next meeting on 17th October 2018.

17 MOTION 549 (CLLR B EVANS - 8TH JUNE 2018)(00.04.40)

The Group had before it Motion 549 (Councillor B Evans – 27th June 2018) that had been forwarded from Council to the Policy Development Group.

That this Council 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 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 of 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.

Cllr Evans stated that he thought this was a progressive policy and he believed it allowed a way forward for officers to look at alternatives to SUPs. The Policy sets out the start of a lengthy journey as alternatives are not always available. Some current contracts would not allow us to change and also be mindful that some suppliers are trying to move with the times. He said Council needed to be sensible about what was being looked at and he hoped the policy would set the Council on the way to look at alternatives and not restrict officers. It would also allow Council to seek a way forward with its partners. Cllr Evans requested the Policy was supported by the PDG then full Council.

Discussion took place regarding the need for the subject to be supported and to be discussed further. The group felt that this was the start of a journey and that the Council should set an example.

The Director of Operations stated Council could sign up to the spirit of the Motion and the Policy was a specific opportunity to look at the implications. He suggested a working group from the committee be formed with the inclusion of officers to explore anomalies. This could include the issue of when procurement were required to make a quick order and there were no SUP alternatives available.

Cllr Evans went on to explain what the policy sought to do and the wording was ‘where possible’. It was acknowledged that the expectation would be that officers would use common sense. The Policy offered officers more flexibility in ordering and

procurement. He explained that it was a start of a journey and however much the Council wanted to see SUP discontinued, it was not always practicable. He didn't want a working party that meant that officers were required to come back to Council to approve each purchase of SUP's. He hoped that the Group would agree that the wording of the Motion implied 'best endeavours'.

It was **RECOMMENDED** to Council that the Motion be supported.

(Proposed by the Cllr R M Deed & Seconded by Cllr D J Knowles)

18 **REVENUE & OUTTURN REPORT 2017-2018 (00.21.05)**

The Group had before it and **NOTED** a * report from the Deputy Chief Executive (S151) presented by the Group Manager for Performance Governance and Data Security giving revenue and capital outturn figures.

The Group Manager for Performance Governance and Data Security outlined the contents of the report stating the overall outturn showed an £159K underspend. She drew attention to the excellent performance in Waste and Recycling and an additional increased income of £100k for the pooling of business rates pilot.

Consideration was given to the General Fund overall variance and the Environmental Services underspend.

Discussion took place regarding Environmental Services outturn.

The Group felt that the Outturn report was a good tool to see how well the Council had done and they recognised that a lot of hard work had gone into the excellent set of results. The Group acknowledged that it would be an equally difficult task next year and going forward. The Group wanted to celebrate success when it could and acknowledged that Officers were working at a pace to obtain the results.

Note: *Report previously circulated and attached to the Minutes.

19 **REPAIRING FOOTPATHS AND ROADS POLICY (00.30.31)**

The Group considered a *report from the Director of Operations on the review of the Repairing Footpaths and Roads Policy.

The Director of Operations sought Members' approval for the continuing inspection and maintenance of the Council's assets on the basis of the Devon County Council Highways Safety Inspection Manual. He explained that the number of inspections could be added to the Performance report.

Discussion took place regarding homeowners responsibilities on ensuring that their vegetation did not encroach on footpaths and the need for Town and Parish Councils to tackle issues in their areas.

It was **RECOMMENDED** that the Cabinet approve the revised Repairing Footpaths and Roads Policy as attached in Annexe 1 and that the number of inspections be added to the Performance and Risk Report.

(Proposed by the Chairman)

Note: - Report * previously circulated and attached to Minutes

20 **PERFORMANCE & RISK (00.30.35)**

The Group had before it and **NOTED** a *report from the Group Manager for Performance Governance and Data Security providing an update on performance against the corporate plan and local service targets for 2018-2019 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 highlighting section 2 page 55 regarding the increase of recycling and reducing the amount of waste. There was also a useful update from the Tiverton Pannier Market Manager which linked into the earlier Motion which the group should find encouraging.

The Group discussed the report with specific mention to the Fixed Penalties item and felt that by including it that the perception was that staff were set targets for fixed penalty notices which was not the case. The Group proposed that the Fixed Penalty figures be removed from the Performance report and the figures for fly tipping be included in its place.

The Group felt that the report would give a better indication if a net annualised amount for cost per person for waste services was reported monthly.

The Group Manager for Performance, Governance and Data Security noted both requests and would see if they could be included in future reporting.

The Group discussed the risk report and noted the restricted working of litter pickers during peak hours on busy roads.

Note: *Report previously circulated and attached to Minutes

21 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (52.57)**

The Group requested an update on any progress made with the reduction in Single Use Plastics at a future meeting.

Cllr Wright was asked to provide some written notes to Members of the PDG on Crediton's actions to reduce Single Use Plastics.

The Chairman advised the Group that there would be an informal meeting of the Environment PDG directly after the Committee meeting on the 4th September 2018.

(The meeting ended at 2.59 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 17 July 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

Also Present

Councillors

C J Eginton and R L Stanley

Present

Officers

Andrew Pritchard (Director of Operations), Claire Fry (Group Manager for Housing), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Mark Baglow (Group Manager for Building Services) and Sarah Lees (Member Services Officer)

15 **Apologies and Substitute Members**

There were no apologies for absence.

16 **Public Question Time**

There were no members of the public present.

17 **Minutes**

The minutes of the meeting held on 22 May 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

18 **Chairman's Announcements**

The Chairman informed the Group that there would be a short informal meeting after the close of this meeting and he hoped as many of the Group could remain as possible.

19 **Performance and Risk (00:01:38)**

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 2018/19 as well as providing an update on the key business risks.

It was explained that this was the first report for the current municipal year.

Consideration was given to:

- Whether the target in relation to 'the average number of days to re-let' was unrealistic at 14 days and whether this should be set at a higher number. It was explained that this was a challenging target but challenges had driven the business forward and if 14 days was not achievable the target could be reviewed in future.
- The review of the Homelessness Strategy in 'early' 2018. The question was asked as to whether this work had been completed yet since we were now half way through the year. The Group Manager for Housing explained that new legislation in this area had been introduced in April 2018 and that this had resulted in a large volume of work to enable to Council to be in a position to manage its duties. A review was on the 'to do list' and would be forthcoming as soon as possible.

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

20 **Revenue and Capital Outturn Report for 2017/18 (00:08:30)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (151) presenting the revenue and capital outturn figures for the financial year 2017/18.

The Group Manager for Financial Services briefly outlined the contents of the report stating that there had been an overall underspend on the General Fund in 2017/18 of £159k and for the Housing Revenue Account (HRA) the underspend had been £255k. Approval had been given to carry forward some of the capital budget. The underspend on the HRA meant that money could be transferred across to support the 30 year modernisation plan.

Discussion took place regarding:

- A variance of £377k under Property Services. This was a complicated area with lots of ins and outs throughout the year. It was requested that a full breakdown be provided to the Group as to how what made up this amount.
- The variance of £48k under Grounds Maintenance and why this was. It was explained that the relevant factors in relation to this included having to replace equipment that had been stolen and costs incurred by the relocation to Carlu Close. The Group were reassured that 24hr security surveillance was now in situ and that equipment was kept in locked containers.
- Variances in relation to the Tiverton Town Hall and the Crediton Office Building. It was requested that a full breakdown showing the makeup of these figures be provided to the Group.
- The effect that a proposed new superstore may have on the centre of Tiverton.

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

21 **Policy principles (00:18:57)**

The Director of Operations introduced the item seeking an open discussion regarding the bringing of policies to the Group going forwards. It was explained that there

needed to be a more consistent message across all of the housing policies with any ambiguities removed. There was a difference between the 'what', 'where' and 'how'. Pure policy needed to be separated from operational elements. Some policies had, over the course of time, morphed into procedural notes.

Discussion took place with regard to:

- The fact that the Group was a 'Policy Development Group' and the Members of it did want to continue to see some of the 'how' as they were the people that were answerable to the electorate if something went wrong.
- It was suggested that 'the policy' could set out the left and right arc of the principle under consideration. It could set the tone without the need for the mechanics to be as detailed.
- The example was provided of the relationship between the landlord and the tenant needing to be one of mutual trust and respect. As the 'landlord' the council had an obligation to ensure all gas appliances were safe, however, sometimes tenants refused to let officers have access. A revised policy would set out what would then happen in terms of legal intervention and the recovery of costs so that the landlord and tenant were clear from the outset of their responsibilities and what would happen if there was an issue of non-compliance. In this way a recharge policy needed to be consistent with a gas policy so that they were providing the same message to the tenant. Currently there was some ambiguity across particular policies and this was fair neither to the tenant nor the landlord.
- The need for Members to attend eviction panels when it relates to a situation in their ward.

In summary, it was explained that two policies would be brought to the Group in September regarding gas safety and recharges. These would set out what would happen if there was a situation of non-compliance. These revised policies would provide better clarity and would be more consistent. They would be written in a set template and set style that would be consistent with any other policies coming forward in the future.

22 Identification of items for the next meeting (00:41:55)

In addition to the items already listed in the work programme for the next meeting the following was requested to be on the agenda:

- Verbal update regarding 'hot topics in housing' (this to become a regular feature going forwards)

(The meeting ended at 3.57 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 12 July 2018 at 5.30 pm

Present

Councillors

Mrs B M Hull (Chairman)
Mrs A R Berry, Mrs C Collis, J M Downes,
S G Flaws, Mrs S Griggs, F J Rosamond
and Mrs N Woollatt

Apologies

Councillor

A Bush

Also Present

Councillor

R J Chesterton

Also Present

Officers

Stephen Walford (Chief Executive), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Joanne Nacey (Group Manager for Finance), John Bodley-Scott (Economic Development Team Leader), Chris Shears (Economic Development Officer) and Sarah Lees (Member Services Officer)

14 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor A J Bush.

15 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no declarations of interest given.

16 PUBLIC QUESTION TIME

There were no members of the public present.

17 MINUTES

The minutes of the meeting held on 17 May 2018 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

18 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- She reminded the Group that the London based consultants who had been appointed by TCAT (Tiverton Community Arts Theatre) to progress their plans for the arts facility at the college were making a presentation following the meeting of this Group. All PDG Members were invited to attend as were a number of other interested stakeholders.

- There would be another informal workshop on Thursday 26th July at 5.30pm to which all members of the Group were encouraged to attend.

19 REVENUE AND CAPITAL OUTTURN 2017/18

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

The Group Manager for Financial Services outlined the contents of the report with particular reference to:

- The overall underspend on the General Fund which was £159k aided to some degree by the receipt of additional funds in relation to the Garden Village and the benefits of 'pooling' Business rates.
- There was a net surplus on the Housing Revenue Account of £255k
- The net income for the year in relation to the Market Walk and Fore Street shops in Tiverton was £62k.

The Group Manager confirmed that detailed discussions took place with budget holders throughout the year with regard to individual budgets and the treatment of any under or over spends.

20 ECONOMIC DEVELOPMENT PROJECTS UPDATE

The Group had before it, and **NOTED**, a report * from the Chief Executive and Director for Growth updating Members on progress with key Economic Development Service priorities.

Consideration was given to the following areas:

Devon Hydro and Smart Grid Project ('Mills Project')

It was reported that the team had received reports back from the master's students from Exeter University looking at smarter technologies. The reports were positive and included findings in relation to ecological impacts. It was hoped that a summary of the findings could be sent to members of this Group.

A report had also been received from the Hydromatch company although these were still being analysed. This would set out a clear path to progress the Tiverton Weir Project. Discussions would need to be had with the Environment Agency but the whole project was beginning to gather momentum again.

The Economic Development Officer and representatives from the University of Exeter and Hydromatch had pulled together a bid to the Heritage Enterprise Fund for £5m.

The team were working with South West Water at an officer level, it was hoped a discussion at a more senior level would be advantageous going forwards and current work was seen as moving in a positive direction.

Note: Cllr Mrs N Woollatt declared a personal interest as a mill owner.

Enquiries & Investments

It was explained that there was great demand for employment sites within the district at the current time. However, the GED team were continuing to be proactive by having discussions with every land owner who had an employment land allocation in the Local Plan to assist in bringing them forward.

Cullompton Heritage Project

At the end of May the team heard that the Council's bid to the Heritage Lottery Fund's Townscape Heritage Programme was once again unsuccessful. This was extremely disappointing as a great deal of hard work had taken place over three years with various partners. However, since then positive discussions had taken place with Historic England about how to proceed with a formal partnership under their 'Partnership Scheme in Conservation Areas'. It might be possible to submit a bid having worked up a delivery plan with Historic England.

Connecting the Culm Project

The team had been working with partners to develop a bid to seek European Funding. The focus would be on flood mitigation. The benefits of this project were that the whole of the Culm was being looked at, as well as seeking to improve water quality and engaging with communities to understand the river and its needs. The bid had now reached the second round of the application process, with a full bid to be submitted in August. If successful, this project would be able to supplement schemes to mitigate flooding, green infrastructure and the development of a country park for the Culm Garden Village.

A brief discussion took place regarding the need for more to be done in terms addressing possible periods of droughts.

Work in this area was complementary to that being done around the Mills project.

Masterplanning

A report on the results of the Tiverton Masterplan consultation would be presented to this Group in September. It was reported that generally feedback had been positive, however, there was still a journey to be undertaken with businesses and the wider community. A briefing on the Grimsey Review, concerning the repurposing of town centres, would be presented to the next meeting of the Group alongside the Tiverton Masterplan consultation and it was hoped it would be possible to see an alignment between the two.

A number of options were available in order to support businesses, for example the shop front scheme thereby improving the visual appearance of the town. A town centre partnership had been formed and 2 meetings had been held already. These had both been well attended. An understanding of how businesses wished to progress needed to be achieved.

The Culm Garden Village masterplanning process had begun with workshops later this month and a wider consultation in the autumn.

Masterplanning for Crediton had been agreed in principle and would be taken forward in the next financial year.

EHOD Economic Strategy

The EHOD Economic Strategy identified areas of joint working where value could be added to economic initiatives by working together with colleagues in the Greater Exeter area. The Economic Development Officers from the four Councils had recently reviewed the current strategy and considered that the policy direction and priorities were still fit for purpose, but that many of the actions identified had now been completed or superceded. It has therefore been agreed that a new action plan be developed to take the four themes forward.

Mid Devon was taking a leading role in Business Transformation but this was by no means an exclusive role, the partnership was drawing upon the strengths of individual authorities across the four themes. The focus was on joint initiatives and where value could be added.

More needed to be done in the area business support and the streamlining of planning processes to make it easier for businesses to progress. This would feature as a part of the revised action plan with some of this work taking place through GESP.

Consideration was given to:

- Special events needing to be done well otherwise there was a risk that they could have a detrimental effect upon a town.
- The potential railway between Cullompton and Taunton. The Group were informed about the Devon Metro Group which met regularly with all the relevant partners. It was **AGREED** that an update on discussions in this area be brought to the PDG in November.

It was explained that EHOD was specifically looking at Economic Development, whilst GESP was looking at much wider planning aspects. The Chief Executive and Director for Growth reassured the Group that there was a joined up approach with economic development being one thread that sat beneath an overarching umbrella of activity with full visibility. It was suggested that a structure chart be provided for the next meeting illustrating this to aid the Groups understanding.

21 **CAR PARKING WORKING GROUP**

At its meeting on 11 January 2018 the Economy PDG resolved that an item be brought back to this meeting to consider the establishment of a car parking working group.

It was **AGREED** that a car parking working group be established and that it comprise of Councillors Mrs A R Berry, Mrs B M Hull and Mrs N Woollatt. Appointments to attend the first meeting would be sent out in due course. It was expected that any discussions from this group would feed into the budget setting process for 2019/20.

22 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The following was requested to be on an agenda for the next meeting:

- Feedback from the Tiverton Town Centre Masterplan consultation
- Grimsey Review briefing
- Exe Valley AONB (for information only as the recommendation would be made by the Environment PDG)
- Funding stream opportunities
- Chart showing the teams EHOD/GESP activities and their interconnection

(The meeting ended at 6.31 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 24 July 2018 at 2.15 pm

Present

Councillors

B A Moore (Chairman)
Mrs A R Berry, Mrs C P Daw, Mrs G Doe,
R J Dolley, F W Letch and Mrs E J Slade

Apologies

Councillor(s)

Mrs E M Andrews and Mrs H Bainbridge

Also Present

Councillor(s)

C R Slade, Mrs M E Squires and Mrs J B Binks

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Joanne Nacey (Group Manager for Finance), Lee Chester (Leisure Manager), Corrine Parnell (Centre Manager), John Bodley-Scott (Economic Development Team Leader), Kevin Swift (Public Health Officer) and Carole Oliphant (Member Services Officer)

15 APOLOGIES AND SUBSTITUTE MEMBERS (00.00.01)

Apologies were received from Cllr Mrs E M Andrews and Cllr Mrs H Bainbridge

16 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.00.14)

There were no declarations of interest made.

17 MINUTES OF THE PREVIOUS MEETING (00.00.25)

Cllr Mrs E J Slade stated that she had declared a personal interest as a member of the Tiverton Museum Executive Committee, not the Advisory Committee as stated in the draft minutes. The Minutes of the Meeting held on 29th May 2018 were duly amended and approved as a correct record and **SIGNED** by the Chairman.

18 PUBLIC QUESTION TIME (00.01.25)

There were no members of the public present.

19 CHAIRMANS ANNOUNCEMENTS (00.01.51)

The Chairman reminded the Group that a Members Briefing would take place on 16th August 2018 on Diet, Lifestyle and Nutrition at 2.00pm in the Exe Room.

20 GRANT FUNDED AGENCIES (00.03.58)

The Chairman introduced Vicki Rowe, Chief Executive Officer from Torridge, North, West and Mid Devon Citizens Advice who presented a report on the charity's activities including case studies of clients who had been helped. She explained that the charity was expecting a rise in enquiries due to the imminent roll out of Universal Credit across the District.

She explained that an outside donor had plugged the gap in the funding from the Council after the 3 year service level agreement had come into force but the donor had now stepped aside. She pronounced that there was now a shortfall in funding and that the Citizens Advice was looking to secure additional funding from the Council so that it could sustain its activities.

Discussion took place regarding the communication between the Citizens Advice and the Council's Outside Body (OB) representative. Cllr Mrs J B Binks, the OB representative explained to the Group that she had received no meaningful communication or invitations to meetings from the Citizens Advice Chief Executive Officer for over 16 months and was frustrated that a better relationship could not be forged. The Group explained to the Chief Executive Officer of Citizens Advice that the Council tried to support agencies but could not do that effectively without a line of communication.

The Chairman, referring to the request for the Group to consider increasing the funding already agreed to Citizens Advice, informed the Group that the Council was part way through the 3 year Service Level Agreement in which the level of funding had been discussed and agreed by the PDG. He said that the request for additional funding could be considered but he did not want to set expectations that any additional funding would be agreed.

The Deputy Chief Executive (S151) reiterated that Citizens Advice were in year 2 of a 3 year Service Level Agreement. He said it was unfortunate that the goalposts had changed due to the introduction of Universal Credit and he agreed to take the request for additional funding to the November PDG meeting. He repeated the Chairman's observation that agreement for additional funding could not be guaranteed as the Council were looking to reduce costs at this point.

The Group discussed the Council's own response to helping individuals who would require assistance when Universal Credit was rolled out and acknowledged that a lot of signposting had already been done by the Council to inform people of where help was available.

21 **TAP FUND SUMMARY 2018-2019 (00.34.18)**

The Group had before it and **NOTED** a *report from Group Manager for Growth, Economy and Delivery on the TAP Fund for 2017-2018.

He outlined the contents of the report and highlighted the summary of TAP fund allocations and explained the Communities Together Fund. He explained that the TAP fund was a joint fund between DCC and MDDC and that the applications were approved by a panel of DCC & MDDC councillors. Last year it had 60 applications, of these 80% were successfully funded.

He further explained that last year there were discussions on how the Council supported smaller parishes.

The Officer explained the move to the Communities Together Fund which underlined the original thinking, i.e. communities working together. The County Council wanted to ensure that projects were innovative and new projects were funded in order to stop repeat funding and maintenance projects. He said that it was important to work with Town and Parish Councils but also confirmed that communities and community groups could apply for funding. He explained that the Communities Together Fund deadline was September for applications and he asked Members to encourage groups in their parishes to apply.

The Cabinet Member for Community Well Being explained that details of the Communities Together Fund were on the DCC website.

It was **AGREED** that the link to the DCC website would be sent to Members of the Group and that a list of local TAP awards would be sent to Town & Parish Councils in a future edition of the Town & Parish Newsletter.

Note: * Report previously circulated and a copy attached to the minutes.

22 **SINGLE EQUALITIES POLICY & EQUALITY OBJECTIVE (00.43.07)**

The Group considered a *report from the Group Manager for Performance, Governance and Data Security outlining the Council's statutory duties under the Equality Act 2010 and seeking Members' approval for the revised Single Equality Scheme and Equality Objective.

She explained that an amendment was required in her original report. Appendix B – Summary of Equalities Legislation to remove a blank line

Discussion took place regarding how the Council would know its customers and that providing feedback was not possible for some members of the public.

It was **RECOMMENDED** that Cabinet approve the Single Equality Scheme and Equality Objective as attached in Annexe 1 subject to the amendment to Appendix B – Summary of Equalities Legislation to remove the extra line

(Proposed by the Chairman)

Note: - Report * previously circulated and attached to the minutes.

23 **COMMUNITY ENGAGEMENT UPDATE (00.50.08)**

The Group received a verbal update on the contents of the scoping document of the Scrutiny Committee Community Engagement Working Group from the Scrutiny Officer.

Discussion took place regarding the work of the Community Engagement Working Group with the Scrutiny Officer explaining that the Group had identified issues with regard to two way communication and the need to improve it. It was clear that

interaction with Customer First was key issue and that the process of handling complaints needed to be looked at.

He explained that the Working Group had agreed to send out a survey on the subject of communication with the District Council to the Town and Parish Councils to get an idea of what the issues were. He confirmed 10 surveys had so far been returned.

The Group requested that the Scrutiny Officer send them a list of the Councils who had not responded so that Members could encourage their Parish and Town Councils to participate.

The Group discussed the timing of the survey to the Town and Parish Council's as Members explained that most of them were off for August and the PDG recommended that timeframes for return of the survey were extended. The Scrutiny Officer confirmed that if the Community Engagement Working Group approved this then the survey return date could be extended.

24 REVENUE AND CAPITAL OUTTURN REPORT (00.55.43)

The Group had before it and **NOTED** a * report from the Deputy Chief Executive (S151) presenting the revenue and capital outturn figures for the financial year 2017/18.

The Group Manager for Finance outlined the contents of the report and highlighted the Community Development report on page 52 which showed that there was an overall overspend of £132k partly attributed to the Market and that the vast majority of this was depreciation. She explained that the Council had spent money on the Pannier Market, Tiverton but it had not increased the valuation and the figures were reported as per normal accounting practices.

Consideration was given to the request that future reports did not state 'Markets' as the figures only related to Tiverton Pannier Market.

The Group Manager for Finance explained the 55% difference in external income. She explained there was a change in both expenditure and income so the figures cancelled each other out.

At this point of the meeting the Chairman proposed that further consideration and discussion take place 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 3 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)

The Deputy Chief Executive (S151) and the Group Manager for Finance gave an overview of the remainder of the Outturn report and explained any variances.

Note: *Report previously circulated.

25 MEETING MANAGEMENT

The Chairman indicated that he intended (with the Groups approval) to take agenda item number 14 (Leisure Facilities – Visitor Numbers) as the next item of business as the meeting was already in closed session.

26 LEISURE FACILITIES - VISITOR NUMBERS

The Group received and **NOTED** a *report from the Leisure Manager on the effect on visitor numbers since the introduction of new prices and the refurbishment of the facilities at the Exe Valley Leisure Centre.

He explained there was increased participation across the Leisure centres and encouraging results.

Members thanked the Leisure Manager for his report.

The meeting then returned to open session.

Note: - *Report previously circulated

27 PERFORMANCE AND RISK (01.01.51)

The Group had before it and **NOTED** a report * from the Group Manager for Performance, Governance and Data Security providing Members with an update on performance against the Corporate Plan and local service targets as well as providing an update on the key business risks.

She explained that the covering report gave the 2017-2018 outturn figures and the appendix report showed the 2018-2019 figures to date.

The Group discussed the food safety compliance figures and the Director of Operations explained that it was the Local Authority's responsibility to inspect the premises on behalf of the Food Standards Agency. He explained businesses were not required by law in England to display their Food Hygiene Rating Scheme rating but they were in Wales and Northern Ireland.

There was a general discussion around the Food Hygiene Rating Scheme with Members expressing concern that the displaying of the rating was not compulsory.

The Group requested a written report be circulated which explained why the standards of food safety compliance had decreased in Mid Devon.

The Director of Operations asked that any Members who had specific queries about the Food Hygiene Rating Scheme to contact him direct and he would provide them with an answer.

Note: * Report previously circulated; copy attached to the minutes

28 TRIM TRAILS (01.08.00)

The Group received a verbal report from the Public Health Officer on Trim Trails.

He gave a brief update having received 3 quotes out of a possible 5. He explained that at first sight the quotations looked good and would lead to interesting trim trails going forward. The Public Health Officer confirmed that there would be a decision soon and the installation of the trial Trim Trail in Tiverton would be before Christmas.

The Group asked if MDDC were contributing all of the monies for the Tiverton trial and the Public Health Officer explained that the funding was via a S106 contribution.

The Cabinet Member for Community Well Being explained that developers would be asked to provide trim trails on new developments being built in the Mid Devon area in the future. He asked for Members who knew of trim trails being considered or funded in the Parishes to let MDDC know so that there was no duplication of trails moving forward and that it could be checked if there was S106 money available.

29 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.14.28)

There were no additional items identified for the next meeting.

(The meeting ended at 4.02 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 July 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

Councillors

R M Deed, C J Eginton and C R Slade

Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer), Adrian Devereaux (Principal Planning Officer), Daniel Rance (Principal Planning Officer), Sara Jenkins (Enforcement Officer) and Sarah Lees (Member Services Officer)

25 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

26 PUBLIC QUESTION TIME (00:06:25)

Mr Drew, referring to item 1 Sampford Peverell, stated having taken specialist highways advice from Mark Baker Consulting Limited as a chartered member of the RTPI I recommend that the application be refused for 8 reasons as set out in my letter which I believe has been circulated in substance to Members. In brief the reasons are:

1. The application site is in the open countryside where core strategy policy clause 18 seeks to strictly control development. I was going to say that no parties produced an up to date land supply calculation but I come here this afternoon and find that one has been produced now. It might have been helpful if that had been produced and put out in the report. Even if the Council cannot show a five year housing land supply the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
2. The proposal would result in harm to the setting of designated heritage assets in the vicinity of the site, including a Grade II listed building and two Conservation Areas. The Applicant has failed to identify any public benefits to

outweigh the identified harm and conflict with Development Plan Policies and the NPPF.

3. As a form of major development on a prominent open hillside the development would significantly harm the unspoilt and open quality of the site and result in the loss of Grade II agricultural land, which forms an important part of the rural setting of the village.
4. The application site is not a sustainable location for this scale of housing due to the poor pedestrian access to village facilities, most of which are located beyond a reasonable walking distance of the site, and the absence of employment in the village, which would result in an unsustainable pattern of car-based commuting.
5. The application is premature because the site is identified for housing in the emerging Local Plan but only in association with the J27 development, which is a substantial scheme that is a central component of the emerging Local Plan and SP2 is the subject of an examination Hearing in September and so it is difficult to envisage a more advanced stage. As such the proposal is contrary to Planning Practice Guidance.
6. The substandard crossing and footway along Turnpike, together with the substandard junction to the north-east of the site onto Higher Town and the absence of verification that the visibility splays serving the vehicular access would be appropriate, would not provide a safe solution for highway users, including pedestrians.
7. The Ecological Appraisal has identified a badger set in Higher Town and an area to the west as being suitable for reptiles. In respect of the former it has not been shown that there would be no disturbance and in respect of the latter no detailed survey has been provided. Still. As such the proposal is contrary to advice in Circular 06/2005.
8. By virtue of the alignment of the footway and cycleway onto Higher Town and/or the potential for development and/or planting in this area the living conditions of the occupiers of Nos 42-46 Higher Town would be harmed by reason of loss of privacy and/or overbearing impact and/or loss of daylight and sunlight.

You therefore have professional planning and highways advice that would enable you to fully justify departing from your Officer's views should you chose to do so without fear of any adverse implications, such as an award of costs.

Mrs Quick, referring to item 2, Uplowman Road, stated I just want to raise two aspects of the development. One about drip, drip development the other about the demographic alteration. In case you hadn't realised what is proposed on this site is in fact an experiment in social engineering. On the one side you are allowing nearly 300 modern houses which are small and fairly densely packed. On the other side there is an established collection of much fewer decent sized houses of individual styles set in generous plots with gardens. The people choosing to buy the new properties are likely to similar to those who are already living in the established area, an area which is unique in Tiverton. By altering the demography you will undoubtedly be storing up ramifications that could prove troublesome in the future. And I use troublesome as a euphemistic word. Has this aspect of the proposed development been thoroughly thought through?

Have the views of social scientists been sought? The drip, drip building programme will mean the periods of construction disruption will continue for several years. A very

daunting prospect. A drip, drip increase in Tiverton's population will be so subtle that preparations to cope with it would not have been recognised let alone preparations made to cope with it. In recent years after much house building in the town and in the environment we are finding ourselves short of community services already. Schools, Surgeries etc etc are now under strain. Any further increase in our population will outweigh community development to match is a serious mistake. It has to be avoided; it can be avoided to preserve our existing way of life. Maybe you the Committee could ensure that in future for each domestic brick laid, one is laid at the same time for Community projects.

Mr Dyson, referring to item 3, Thorverton, stated Councillors I have been asked to address you by my longstanding farmer client who is the applicant for the improved field access onto School Lane, Thorverton, that you are minded to refuse. He feels quite rightly that the application has not been dealt with fairly. I think everybody knows there are no genuine planning reasons for a refusal yet a decision seems to be made more or less as a head count of objectors versus supporters and now you are having to revisit that decision after the event to try and find a reason that might just persuade a planning inspector to agree. I am sure that you are aware that decisions should be made once reasons have emerged not the other way round and this is clearly a case of predetermination and against the advice of Officers of the Council. My client only requires to use his field access as it was originally used instead of farm traffic having to take long detours down narrow lanes with few passing places to be safe which causes him and other road users increased inconvenience. Since the closure of Hulk Lane this traffic will end up travelling north through the village anyway so confirmation of this refusal will make no difference to trips in this direction. Councillors, at your last meeting five of your number out of eleven voting agreed with the firm advice of your Officers. I see from the implications report that the advice has not changed and if anything is rather more forceful. We therefore ask you would it not be fair and correct to rely on the Council's own sound professional judgement and change your overall voting to approve this application?

Mrs Tucker, referring to item 1 Sampford Peverell, stated my question is regarding ecology. The Government Advisors Council states that is essential that presence of protected species and the extent that they may be affected by the proposed development is established before planning, permission is granted. It continues by saying that by determining the application development that is covered by up to date standing advice a planning authority must take into account that standing advice. The word must is mandatory. Natural England's consultation responses are quoted on pages 44-46 of the report and repeatedly draw attention to its published standing advice. Page 45 records that Natural England says 'it is the responsibility of the local planning authority to ensure protected species issues are fully considered and that ecological surveys have been carried out'. The standing advice is quoted verbatim from pages 62-65 for badgers and from pages 67- 68 for reptiles. In respect of reptiles the standing advice explicitly says 'survey for reptiles in April, May and September are void July to August'. Page 69 of the report says specific reptiles' surveys being carried out on site and will finish on 2nd July. Self-evidently that date is when the standing advice from Natural England says a reptile survey should be avoided. Yet, bizarrely the next paragraph of the report says Natural England has referred to standing advice and is considered by your Officers that this proposal conforms to this advice. Plainly the Officers are wrong to assert that as it flies in the face of the quoted standing advice. Condition 27 on page 83 of the report refers to a reptile mitigation strategy report dated May 2018. That report was only published on

the Council's website in July 2018 and local residents have never had an opportunity to comment on it. This is unfair. If local residents had been given an opportunity to comment upon it they would have pointed out a fundamental problem with the reptile mitigation strategy which renders it unfit for purpose. However the Council has chosen not to consult local residents. The next opportunity to survey the reptiles during the period envisaged by the standing advice is September. This would allow for consultation with local residents in October on the results of the survey and the reptile mitigation strategy. Having put you on notice of the flawed approach currently being advocated in this respect is the Council determined to force this application through or will it now listen to local residents?

Mr Quick, referring to item 2 Uplowman Road, stated that he would like to draw the Committee's attention to the access to the site during construction. The Highways Department maintains that it is acceptable to route large vehicles carrying heavy machines and construction materials though Blundells, Post Hill and Putson Lane onto and off the site. This same department is responsible for the no longer favoured, badly constructed speed tables through Blundells when a much cheaper and environmentally friendly 20MPH properly enforced restriction could have been introduced when and only when planned additional traffic warranted it. The additional pollution from these vehicles made worse by the speed tables that will be inhaled by youngsters and staff should frighten us all. I have suggested to the developers and the Highways Department a way to reduce the pollution and traffic congestion very substantially. A slip road off the A361 link road required for a future development will shortly be completed. It would be perfectly possible to construct a temporary slip road off this to take construction traffic only into and only into the two sections of the site. The returning empty trucks would then be the only construction traffic using Post Hill, Blundells etc with a huge reduction in pollution and traffic. There are obvious benefits and long term cost savings to the building contractors by having arriving and leaving traffic separated. Because this suggestion has only come from a local resident it has been rejected without any serious consideration. If members of this Committee think this proposal is at all feasible the fact that the Highways department is satisfied with the existing arrangement should not prevent you insisting that it is seriously considered. If the Highways Department can pursue you for non-bureaucratic reasons that this or a similar solution is unworkable at least you would have carried out your duty to protect the public where possible.

Mr Parr, referring to item 3 Thorverton, stated that I am surprised that this application has caused so much upset and it certainly not been my intention. I have been persuaded at the early part of this application to change the application from double access into the field to a single one. This was done along with the County Council and local people from the village and we have taken that into account. All changes from October 2017 when this application was first brought to get forward was to improve a passing place also and was done with guidelines from the Council. As it stands at the moment all farm traffic has to exit east, away from the village for approximately half a mile turn around and come back the same single track bit of road. When we get back to the village we have never had any issues with anybody in the village at any time in the five years since we have owned this part of the land. Some while ago Cllr Deed went to a Parish Council meeting in Brampford Speke to drum up support to turn this application down. They decided they did not want to comment on it but did not see any objections to it in anyway at the time. My question to you is it really safer to go down a single track half a mile and come back or the

alternative to that is to reverse onto the highway and turn right out of the gate. Is that the preferred option of everybody? That is my case today.

Mr Dumble, referring to item 1 Sampford Peverell, stated Councillors I am reading this on behalf of myself and Bob Bond who can't be here and we are both residents of Sampford Peverell. We believe that approval today of the Higher Town application would be an undemocratic process. In the current local plan this site is outside of the development area. In the emerging local plan the site is known as SP2 and has attracted a significant amount of opposition from local residents. On page 78 of the Officers report you are told that the emerging policy SP2 carries little weight. They then say that the processes that led into the policy are of material consideration and these processes are still not finished. The emerging local plan is currently with the Inspector. He will hold hearings on the 20th & 21st September. This is part of the process that Officers says is a material consideration. SP2 is one of only three policies in the entire emerging local plan that the Inspector wishes to examine in depth. His first concern about SP2 is to question the suitability of the site as material consideration you cannot ignore this.

At the Council meeting of 21st February Councillors were asked to approve submission of the local plan to the inspector. A significant number of Councillors were uncomfortable with the inclusion of SP2 but did not wish to prevent the plan being put forward as they felt it would delay the process even further. Councillors told objectors that these hearings with the Inspector would be the time when alternative sites within Sampford Peverell and other objections would be considered. Councillors if you accept this application you will deprive objectors of the opportunity to have the suitability of this site assessed by the Inspector. More importantly you will be prejudging the response of the Inspector to development on this site. SP2 was only included in the local plan after careful consideration by all Council members and with conditions attached. SP2 can only go ahead if and when development of junction 27 takes place and after improvement have been made to the junction with the North Devon link road. No such conditions are attached to this application. The public response to this application contains an overwhelming number of objections from local residents. No comments in favour. There are numerous documented and good reasons why this application should be refused and Councillors, you should not fear the consequences of an appeal, and you will be acting reasonably by rejecting this application. So despite all of this if you are still minded to approve this application do you feel that you are representing the people who you elected to serve? Do you feel comfortable in prejudging the findings of the Inspector with respect to SP2? And do you feel comfortable putting a guillotine in on the democratic process that could consider alternative sites for development in Sampford Peverell in September?

Mr Cook, referring to item 2 Uplowman Road, referred the Committee to the Barratt application and the subject of the historic Devon Bank.

The current application provides for 13 new houses to be accessed from Uplowman Road after the closure of this road.

These include 10 within a cul-de-sac that includes varied types of show houses and a sales office with a large concrete parking area along Uplowman Road.

This plan for access to the cul-de-sac and sales area on Uplowman Road will involve the loss of approximately 62 metres of valuable old historic Devon bank.

It will also leave a mixture of property types along the road that will completely conflict with the character of the existing locality. Nothing like the density or the type of house currently exists.

Building these all behind the Devon Bank would considerably lessen the impact of the sales activities on existing residents for the 6 or more years duration of the house construction work as well as be respectful of the local character and amenity.

It would help considerably in reducing any noise and disturbance associated with the sales activity.

We believe that is important to retain as much as possible of the original and irreplaceable Devon bank and that this could be achieved if the cu-de-sac properties were behind the bank rather than some being along the roadside level. Doing this would reduce the loss of the Devon bank, existing hedgerow to approximately 7 meters rather than 62 meters currently planned.

In addition it would provide the new properties with a soft northern boundary with increased privacy and amenity for both the new and existing residents.

The question on behalf of residents, will this Committee ensure that a significant length of the historic Devon bank will be preserved by requiring that the cul-de-sac properties including the sales office and show homes are built behind the existing Devon bank?

I have a sketch of this proposal but I have not been allowed to show it. If anybody after the meeting would like to see it, its here.

Mr Cashmore, referring to item 3 Thorverton, stated I would like to ask two very simple questions regarding the application for a widened field access in School Lane in Thorverton.

Question 1 – Can anyone or this Committee please explain why this particular applicant has been permitted to submit a total of 6 sets of drawings to this planning process for something as simple as a field access?

Question 2 - Are you able to provide details of any measurements or checks either on site or on paper to ensure that any of the 6 sets of drawings that have been submitted over 9 months were in fact completely accurate, compliant with regulations or even feasible?

We the public all have the right to expect accuracy and truthfulness in the planning process and we can only respond to accurate material evidence that is communicated to us via your portal. From the very beginning real facts and wholly accurate scale drawings have been conspicuously absent from this application and as a consequence an independent electronic site survey and advice were commissioned confirming that in order to be fully compliant to regulations this application will require further substantial and quite heavy reengineering and the partial removal of a Devon bank that will as a consequence, lead to further unnecessary loss of public amenity.

By the way this site is beyond the school entrance in School Lane and may encourage vehicles to cross traffic at the bottom of a hill and right on top of a blind bend in a narrow lane.

Finally last month's democratic decision by this Committee to reject this application was completely the right one for which we are all most grateful. The resolve of the community of Thorverton to remain is as strong as ever however to resist this completely unnecessary and unachievable application. However this Committee will receive the full support of our community once it has reconfirmed its earlier decision later this afternoon.

Mr Chesney, referring to item 1 Sampford Peverell, stated I want to make a statement on what had been brought forward as public benefits with regard to the application. However it's the view of many residents of Sampford Peverell that the suggested list of public benefits put forward does not bear any real scrutiny. There has been no economic reason or justification given for 60 houses being built at Higher Town as noted on page 79 of your Officers report.

The site will yield far fewer houses than a site of similar size but with different topography. This site will yield far fewer houses than your own policy Core 1D permits. In a recent appeal judgement the Inspector concerned noted that the benefits of the proposed new housing is no more than would be expected of almost any similar sized housing development and do not provide specific justification for the proposed development in this site.

Your Officers have been sent this appeal by an objector. The 60 houses include 35% of affordable homes according to the Officers report but the applicant has only ever pledged up to 30%. Your Officers have artificially enhanced the affordable housing and with it the so called public benefits. Without the 60 houses the contributions to local schools are not needed. Your Officers report says that they are there to offset the impact of the development. Without the 60 houses the contributions to so called highways improvements are not needed. Your Officers report says that these too are there to offset the impact of the development.

The green infrastructure and public open space suggested is not needed or wanted by local people. We have an excellent children's play area, well equipped in the village. They too are only proposed in mitigation for the 60 houses. Without this development we have a fertile agricultural Grade II listed productive green field. We have no need for a green infrastructure or a public space.

National Policy Planning for 134 requires that any harm to heritage assets must be weighed against public benefits. The benefit must be shown clearly and convincingly. All the applicants' evaluations of harm are inadequate given that there is no supporting documentation accurately locating or describing the new access way at the north east corner. In these circumstances the impact of assessment must be flawed. The harm done by the development to the setting of heritage assets and to the landscaped character of the area does not justify departure from local plan policies designed to protect them. To describe offsets and mitigation as benefits is surely just poor practice.

We ask the Committee to look critically at the supposed benefits.

Mrs Bell, referring to item 2 Uplowman Road, stated with reference to the Barratts application Uplowman Road will be closed to through traffic and requires a turning point. This turning point should logically be towards the end of the cul-de-sac and not as currently positioned some distance from the last property.

The turning point shown in the plans means that large vehicles such as those used for refuse collections will have to reverse uphill from the last of the new houses back to the turning point.

This stretch of road is narrow with high Devon banks on either side; it will be very dangerous for cyclists, pedestrians and other motorists.

The subsequent noise and exhaust pollution is also a health and safety issue. Please can the turning point be moved eastwards along the road close to the last house? It would not mean any more disturbance to the Devon bank than is already planned and we understand this is not an issue in Highway terms.

Also, a planning application to provide a route through the the Post Hill hospital site to this development area has been approved.

This is significant and important as the hospital site access route is deemed to be the preferred route by both Devon County Highways and local residents as it would considerably relieve pressure on the vulnerable Putson Lane access.

It is crucially important that this safer access route to this new development is delivered quickly and certainly before the completion of all these new properties.

On behalf of residents will this committee ensure that the preferred hospital site access route will be delivered for use by residents before the completion of Braid Park? Thank you

Dr Stannard, referring to item 3 Thorverton, stated that I speak as a resident of Thorverton and my question concerns the proposal to widen field access to School Lane. The implications report conclusion recommends that reason for refusal 3 'the impact on the character of the area' be given priority. I fully support the conservation of one of the village's prettiest lanes however I respectfully question if the Planning Committee might not make road safety its first consideration as it continues to reject widened field access. The lane is winding, narrow, without pavements, has few pedestrian refuges has visibility that is readily impaired by traffic. These hazards affect parents and children approaching Thorverton Primary School from the centre of the village as well as from those from the Glebe, Broadlands and adjacent developments who use the footpath to School Lane from the Glebe.

I have permission to quote from an objection made to MDDC in May by a mother of 3 who lives in the Glebe. 'We walk down School Lane every day it can often take over 15 minutes for me and the children to walk the length of the lane and at times I have been terrified for my children's safety as large vehicles negotiate the narrow lane, some with tyres as tall as I. You can imagine the problem keeping 3 small children safe in that circumstance is hard. I realise that you are not empowered to limit all School Lane traffic in spite of its increased traffic following the closure of Hulk Lane which used to provide vehicular bypass outside of the village but it is in your power to continue to reject a widened field access which by facilitating north bound movement of large agricultural industrial vehicles can only contribute to the hazards of this crowded lane. I ask that you give this your priority'.

Over 150 objections by the Thorverton community reflect our concern that any increase in such large vehicle traffic which can be resisted is unacceptable. It follows that the Committee's decision to deny that increase is an entirely reasonable one.

Mr Bartlett, referring to item 1 Sampford Peverell, stated all my comments are made on personal experience I would like to say that. The Road Safety Auditors and professional consultants state that the so called highway improvements near the canal bridge are substandard. Your Officers failed to address this correctly in their report. They include the use of the word substandard by the Highways officer but they never draw it to your attention or explain the significant implications.

The site near the canal bridge where the substandard crossing is proposed is a particular concern. Just a few days ago I watched a pantechicon trying to cope with that bend. It was so long it could not manoeuvre either through the blind bend by Turnpike corner or the Canal Bridge corner without having to use both sides of the carriageway requiring traffic to reverse to let it by. And this is car traffic it could have been a bus.

More generally I have also done several traffic surveys over quite a number of hours which have illustrated my concerns regarding the speeds of vehicles entering and leaving the village. You have now visited the site on an official viewing. You will need to be certain that all residents can use the substandard crossing with full safety.

A feature of the proposed new highway improvements is the removal of the white line virtual footway along the south side of the canal bridge. While far from ideal most locals follow that south side curve if they're already on that side of the road. Users, like you, realise that it is simply safer than crossing the dangerous road twice to reach the exiting narrow footway on Turnpike. Your own desire line keeping to the south side of the bridge rather than crossing the road twice shows how the highway improvements are forcing people to use a substandard route that they know to be unsafe. These alterations would also remove a very important feature, the virtual footway that you used that has played a vital part in limiting potential accidents at that point.

As I have previously told Full Council, Devon County Councils schools transport team runs buses to an extra stop at Battons Cross precisely because they believe secondary school children are not safe to cross the road where the new crossing is planned. Will Devon County Council no longer see this as being necessary with the much vaunted highway improvement? I doubt it. The schools team seem to know better. Thank you.

Mr Trump, referring to item 3 Thorverton, stated Madam Chair and members of the Planning Committee thank you again for letting share my anxieties over this application with you. Last time it was discussed you voted to reject it and I sincerely ask you to support that decision for the following reasons.

We're not at all convinced of the agricultural need for it because the applicant has managed with the existing entrance perfectly satisfactorily for the past 5 years. I live at the Lodge which is precisely opposite the proposed entrance and from my cottage I see clearly every morning parents and children passing on the way to the school and preschool. I also see passing traffic and the speed of some vehicles. To have an even wider entrance which would encourage some to use it for turning would add to

the number of vehicles in the lane. There are no pavements in School Lane which as you will know from your visit is a narrow county lane.

Others have raised concerns they have for the safety of these little children and their parents and I fully support them. As I said before when I spoke before at the last meeting I believe the proposal to do away with the Devon bank and substitute it for a wide tarmac drive and splay is completely out of character for the existing environment of the lane.

This is an historic narrow country lane not an urban road or an industrial site. The planting of a few blackthorn and whitethorn bushes where the bank has been cut away is not going to offset the dreadful appearance.

This proposed access is immediately adjacent to Thorvertons Conservation Area. This part of School Lane has been designated worthy of conservation status by your own Council Officers. Indeed in your own Mid Devon Local Plan you state that Thorverton is a village of particular environmental quality.

We love our village and strive to maintain its beauty and tranquillity. Please help us to maintain its character. Last time I spoke I reminded you that Mid Devon's motto 'where people matter' is emblazoned on our brown bins and I ask you, our Council, to please put the motto into action for the people of Thorverton. Thank you for listening and please uphold your decision to reject this application that you so wisely made at the last meeting.

Mr Dinnage, referring to item 1 Sampford Peverell, stated good afternoon I live in Higher Town. Officers state that there is to be road widening on the bend between Higher Town and Battons Cross. This is different to making improvements in visibility. We have never been shown any plans for road widening at this point and have never been consulted on the proposal. Why not?

At the north east corner of the site is proposed a long and deep access cutting. Almost opposite that opening a vital road water easement exists. Currently, this easement is often unable to cope with the water flow. Why is there no mention of dealing with the inevitable increase in water run off resulting from the proposed cutting?

Mr Greed, referring to item 3 Thorverton, stated good afternoon Madam Chairwoman and members. I am a long standing member of the Thorverton farming community unfortunately this application is not about agricultural need. The applicant has successfully used the existing track from the field since he bought the land 5 years ago. He does not turn in the entrance of Yellowford Farm to go north through the village. This is because his preferred route to the Home Farm at Woodbury where substantial new cattle sheds and grain stores have been built has always been south via Exeter as it is closer and quicker. The applicant has also rented out the field for sheep keep and swedes 50% of the time.

In 2015 MDDC granted planning permission to the applicant for a grain store at Yellowford Farm based on an agricultural justification that the 80 acre holding needed such a facility. The existing field track would service the grain store as the site is south of the village. Despite pleading need the grain store has never been

built, hedges have been illegally removed from field gateways on the holding and highway drains damaged which still have not been put right.

Are the members absolutely confident there is sufficient factual evidence to justify agricultural need?

The Chairman informed those present that the questions would be answered when the items were discussed.

27 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:54:50)

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

28 MINUTES OF THE PREVIOUS MEETING (00:55:12)

The Minutes of the meeting held on 13 June 2018 were approved as a correct record and **SIGNED** by the Chairman.

Note: Councillors P J Heal and B A Moore abstained from voting as they had not been present at the previous meeting.

29 CHAIRMAN'S ANNOUNCEMENTS (00:56:12)

The Chairman had the following announcements to make:

- The special meeting scheduled for 26th July 2018 to consider the NW Cullompton applications had now been cancelled and would be re-scheduled.
- The next scheduled meeting of the Planning Committee would be on 8th August 2018.
- There would an additional special meeting of the Planning Committee on 15th August which would consider the Creedy Bridge application.

30 ENFORCEMENT LIST (00:57:09)

Consideration was given to the cases in the Enforcement List *.

Note: * List previously circulated; copy attached to the signed Minutes.

Arising thereon:

- a) No. 1 in the Enforcement List (Enforcement Case ENF/18/00083/UNTIDY – Untidy site having an adverse effect upon the visual amenity of the locality. Eastmere Farm, Lapford, Crediton).

The Enforcement Officer outlined the contents of the report highlighting by way of presentation photographs of the site from various angles. She explained that a complaint had been received in March 2018 by the enforcement team regarding the unsightly appearance of the land which sat immediately adjacent to the main road (A377) and was clearly visible from the public domain particularly on the approach to Lapford from the north.

RESOLVED that authority be given to the Legal Services Manager to take all such steps and action necessary to secure the improvement of the appearance of the land, including the issue of a Section 215 (Untidy Site) Notice and prosecution and/or Direct Action in the event of non-compliance with the Notice.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note:

- (i) Cllr Mrs G Doe declared a personal interest as the site in question was opposite to where she lived.
- (ii) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as he had attended Parish Council meetings where this matter had been discussed.

31 DEFERRALS FROM THE PLANS LIST (01:02:45)

There were no deferrals from the Plans List.

32 THE PLANS LIST (01:02:50)

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 (***17/01359/MOUT – Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site, along with 3 pedestrian/cycle access points to serve the site, with all other matters to be reserved – land and buildings at NGR 302469 114078, Higher Town, Sampford Peverell***)

The Group Manager for Development commenced his presentation by making reference to the updates included in the update sheet. This included a revision of condition 26 to include reptiles along with badgers since the efficacy of the applicant's own survey had been undermined by the repeated removal of the refugia on site. As such the amendment to condition 26 now negated the need for condition 27. Natural England had issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there was a reasonable likelihood of protected species being present on a proposed site. The crossing and pedestrian access points on this site were the least likely areas for potential harm to reptiles, however the revised condition stipulated that any approved development could not commence until a repeat survey for the presence of badgers and reptiles had been carried out.

The second update related to the Council's five year housing land supply figures which had been updated based on the most recent statistics. This had increased from 4.15 years to 4.45 years which was seen as positive but was still short of the 5 year land supply.

In relation to the questions posed at public question time the Group Manager for Development stated that evidence within either the report or the update addressed many of the concerns raised including reference to COR18, the suggested

undemocratic process and the weight given to SP2. It was the officer's opinion that the assessment in relation to public benefit versus public harm had been accurate. In relation to the question posed about the 35% affordable homes the officer explained that this figure was correct. Questions relating to the 'sub-standard' crossing and water run off had also been addressed within the report.

The contents of the report were outlined by way of presentation highlighting, through the use of photographs, the indicative layout of the site, the proposed access arrangements, its geographical position in relation to the canal and its position in relation to surrounding buildings which included a listed building and non-listed heritage assets such as a wall which was of particular local interest. It was also explained that the site was outside the settlement limit as identified in the Local Plan. The Local Plan was currently under review and the fact that this site was a part of that review was a material consideration. Reference was made to the NPPF which stated that there should be a presumption in favour of development unless significant adverse harm outweighed the public benefit.

Consideration was given to:

- Concerns regarding speed limits following a recent site visit. The representative from the Highways Authority stated that there would be some decrease in the speed limits around the site should it be approved.
- School numbers and the need for a more thorough investigation into the number of potential places needed and whether this was achievable within the Sampford Peverell education provision.
- Housing supply figures being adjusted because of persistent under delivery.
- Concerns regarding visual impact and the topography of the site meaning that whilst the properties would have extensive views the properties themselves could also be seen for miles. The Group Manager for Development explained that there had been a discrepancy with the information provided by the LVIA. The Council's professional had had a different interpretation of the assessment and their methodology but had confirmed that 'visual impact' was not unacceptable.
- The number of allocated sites currently without planning permission.
- A decision regarding proposals for J27 was still outstanding and with the Inspector at the current time.
- Highways concerns and the resultant traffic through Halberton.
- The sustainability of the site.

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:

- Visual impact
- Highway safety
- Sustainability

(Proposed by Cllr B A Moore and seconded by Cllr Mrs G Doe)

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 in accordance with the Protocol of Good Practice for Councillors dealing in Planning Matters as they had all received correspondence regarding this application.
- (ii) Cllr F W Letch declared a personal interest as he knew some of the objectors and had a close friend who lived nearby.
- (iii) Cllr R F Radford declared a personal interest as his brother lived in Battens Cross, Sampford Peverell
- (iv) Cllr R L Stanley declared a personal interest as he had worked with a resident at Higher Town.
- (v) Mr Jamie Byrom (objector) spoke.
- (vi) Mr Ian Adlington (Sampford Peverell Parish Council) spoke.
- (vii) The following late information was reported:

10th July 2018

The Applicant following a request from the Authority undertook a reptile survey on the area highlighted within the Ecology report submitted with the application. The survey commenced on site in the region of the junction of Higher Road and Turnpike at Sampford Peverell. The survey efficacy has been undermined by the repeated removal of the refugia placed on site and as such no definitive results can be relied on to determine the presence or not of reptiles.

Therefore it is considered prudent in this case to include reptiles along with badgers within condition 26, this will also negate the need for condition 27 which can be removed. Conditions following to be re-numbered

The new condition will read

26. No site works comprised in or arising from the development nor any part of the development hereby approved (including but not limited to site or boundary clearance, ground investigations, site survey works, temporary access construction works, pegging or marking out operations, archaeological investigations or the erection of fencing or hoardings on or around the site) shall be carried out unless and until a repeat survey for the presence of Badgers and Reptiles on the site and within those habitats adjoining the site which are identified in the extended Phase 1 Ecological Appraisal of January 2018 as being suitable for such species, has been carried out in the appropriate season and survey reports submitted to and approved in writing by the local planning authority. The submitted surveys shall detail the likely impact upon and disturbance of those species arising from the development hereby approved and include, where necessary, a scheme of mitigation and/or

compensation measures to address such impact and/or disturbance, including a timetable for such mitigation and measures. The surveys and scheme of mitigation and/or compensation measures shall, if approved, be implemented and maintained in full accordance with the details of the said surveys and scheme.

Forward Planning – update note

11th July 2018

Housing Land Availability Summary 2018 – Five year housing supply

The Council's five year housing land supply figures have been updated based on the most recent statistics. These are summarised below and will be published in detail on the Council's website.

The level of available housing land required to provide a 5 year supply (for the period 1st April 2018 – 31st March 2023) is based on the adopted Core Strategy, Exeter Housing Market Area SHMA (Strategic Housing Market Assessment) and cumulative housing completions since 2006.

A	Core Strategy annual requirement 2006-2013	390
B	Total requirement 2006-2013 (A*7)	2730
C	SHMA annual requirement 2013 onwards	380
D	Total requirement 2013-2018 (C*5)	1900
E	Requirement to date 2006-2018 (B+D)	4630
F	Completions to date 2006-2018	4036
G	Shortfall to date 2006-2018 (E-F)	594
H	5 year requirement 2018-2023 (C*5)	1900
I	5 year supply requirement 2018-2023 (G+H)	2494
J	20% buffer (I*0.2)	499
K	TOTAL REQUIREMENT (I+J)	2993

Supply	
Unconsented allocations	392
Consented allocations	1249
Consented windfalls	764
Windfall allowance	258
TOTAL SUPPLY	2663

Against the requirement of 2993 dwellings, Mid Devon's housing supply currently stands at **4.45 years**¹.

The approach used has been based on the findings of 'Uffculme Road, Uffculme' (April 2016) appeal and the published Local Plan Review (2017)

which considers 380 as the appropriate annual housing target based on the Strategic Housing Market Assessment Report Final Report 2015. It also uses Housing and Economic Land Availability Assessment methodology for the Exeter housing market area, the 'Sedgefield' approach that requires the inclusion of any housing shortfall to be delivered within the first five years of the plan, and applies a 20% buffer where there is persistent under delivery.

- b) No 2 on the Plans List ***(18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Uplowman Road, Tiverton)***

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site through photographs from various vantage points. An aerial view of the site was shown illustrating the northern and southern land parcels as well as the location of the gypsy and traveller site. The affordable housing would come forward as a separate application. The character areas within the proposed development were described and a 'fly-through' of the development was shown.

With regards to the questions posed in public question time the Area Planning Officer confirmed that the scheme did provide for a mix of age groups with the intention of creating a balanced community. There was a mix of density and a mix of house heights. There was a low density of development near neighbouring properties. A question was asked about a new access point into the development site. It was stated that the Planning Authority had an approved outline application and a signed S106. This had dealt with the points of access therefore this had already been agreed.

The representative from the Highways Authority addressed the question posed about the slip road and advised that to provide access into the site from the A361 would result in lane closures (including through the summer period) and a breach to the newly constructed acoustic fence. He did expect Chettiscombe Trust to come forward with their link road and stated that they would be going out to tender this summer.

A question had been asked in relation to the loss of the Devon Bank and the density of development. The Area Planning Officer responded by stating that the outline application had allowed for up to 15 units but the Reserved Matters scheme only proposed 13 units. The proposed development did retain 2780m of hedgerow and efforts had been made by officers to retain as much of this and the Devon Bank as possible.

In response to the question concerning the shifting of the turning point eastwards off Uplowman Road it was stated that this had been given consideration by swapping the house and garage of plot 175. However, this would have resulted in a greater loss of hedgebank. It was hoped a link through to the NHS site would be forthcoming soon, this would secure additional access up to the boundary. However, this could not be moved forwards at the current time as the NHS site was in separate ownership.

In response to the question asked about moving the turning head further east, the Highways representative confirmed that technically this was possible but could result in the loss of the garage. It would also mean that the footway/ cycleway at the end of Uplowman Road would need to be shortened.

Consideration was given to:

- What guarantees were in place to ensure that the required number of affordable housing units would come forward? It was stated that the Planning Authority was already in receipt of a signed S106 to ensure that this would happen but that a separate developer would deliver that housing.
- A management plan had been received confirming that the attenuation ponds would be managed by a private company.
- Detailed construction plans had been submitted with the DCC flood risk team having signed off the elements in relation to water run off.
- Concerns in relation to the siting of the show homes and associated parking as currently proposed.
- Concerns regarding the loss of hedgebank and particularly Devon Bank parts of which were over 100 years old.

RESOLVED that Members were minded to approve the application but wished to defer final determination to allow for further consideration of the following issues:

- The possible repositioning of the turning head.
- The detrimental impact on the Devon Bank and whether this could be lessened.
- Repositioning of the show homes and associated parking to allay traffic concerns.

(Proposed by Cllr B A Moore and seconded by Cllr D J Knowles)

Notes:

- (i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and Director of 3 Rivers Developments Limited and left the meeting thereon and did not take part in the discussion.
- (ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors.
- (iii) Cllr R F Radford left the meeting for part of the discussion and therefore did not take part in the vote.
- (iv) Dr Chris Bell (objector).
- (v) Cllrs D J Knowles and C R Slade spoke as Ward Members.
- (vi) The following late information was reported:

9th July 2018

Delete Conditions 11 and 12.

Condition 15 of Outline Planning Consent (13/01616/MOUT) confirms that no development shall take place on-site until the off-site highway works from the site access to Post Hill and along Putson Lane have been approved in writing by the Local Planning Authority. It goes on to say that those works should be in general accordance with drawing No. 3026/05A of the outline consent.

The drawings submitted to date for this Reserved Matters application do not fully meet the needs of the Highway Authority. However, because Condition 15 of the Outline Consent requires the works to be in general conformity only, amendments can be made to the final road design under Condition 15 without the need for new Conditions 11 and 12. This has been confirmed by DCC Highway Authority.

Delete Condition 10

Condition 11 of Outline Planning Consent (13/01616/MOUT) confirms that there shall be no occupation of any dwelling until various works within the highway have been completed. Parts a, b and c of Condition 10, that is attached to this Reserved Matters application, broadly duplicates Condition 11 of the outline consent. Parts a, b and c of Condition 10 are therefore unnecessary as they will be satisfied when Condition 11 of the outline consent is discharged. DCC Highway Authority have confirmed this.

Condition 10(d) of this Reserved Matters application also required details of the site compound. Those details have now been submitted (Drawing No.s SC1A & DB-SD13-008B) to the satisfaction of the Local Planning Authority. As such, Condition 10 can be deleted.

New Comments / Objections Received

Tiverton Town Council **(03.07.18)**: Support

Mr Sloman (06.07.18): Objection. Loss of a significant length of hedge bank and dominance of hard landscape to accommodate parking cars to the front of properties on along Upwold Road is not in keeping with the area. It is not sympathetic to the existing properties and represents very poor design to the entire project.

Dr Bell (30.06.18): Objection. Object to the location of the turning heading at Plot 175 based on engine noise, exhaust emissions and the health impact it would have on existing near residents.

Relocate eastwards so the turning head serves the full length of the 'stopped off' Upwold Road as well as easing the impact on existing residents.

PLEASE ALSO SEE APPENDIX 1 – ATTACHED TO THE UPDATE SHEET

(c) No. 3 on the Plans List ***(18/00867/CAT – Notification of intention to fell 1 maple tree within the Conservation Area – Blagdon House, Blagdon, Crediton).***

The Planning Officer briefly outlined the contents of the report and informed the Committee that there had been no objections received from Crediton Town Council or the tree officer.

RESOLVED that there be no objection to the works since the tree was not considered to provide a significant enough contribution to the character and appearance of the conservation area to warrant long term protection through the imposition of a tree preservation order.

(Proposed by the Chairman)

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 declared personal interests as Councillor J M Downes was known to them all as a fellow District Councillor.

33 **MAJOR APPLICATIONS WITH NO DECISION (03:54:00)**

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

It was **AGREED** that:

Application 18/00936/MARM – Land at NGR 276566 103177 (Old Abattoir Site), Shambles Drive, Copplestone, remain as a delegated decision.

Application 18/00678/MFUL – Lower Whipcott Holcombe Rogus, remain as a delegated decision.

Note: * List previously circulated; copy attached to the Minutes.

34 **APPEAL DECISIONS (03:57:00)**

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 the signed Minutes.

35 **APPLICATION 17/01716/FULL - WIDENING OF THE EXISTING ACCESS TO AGRICULTURAL LAND - LAND AT NGR 292482 101905, SCHOOL LANE, THORVERTON (03:58:00)**

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 13th June 2018, were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.

The Principal Planning Officer provided a response to the questions posed in public question time. He stated that issues in relation to highway safety had been considered in the previous report as had the issue of the accuracy of the plans. The

plans, which were metric in scale, had been checked and in the officers' opinion were accurate. Reference was made to paragraph 187 in the NPPF which stated that solutions should try to be found to allow development rather than the identification of problems.

Consideration was given to:

- An opening further down the site in question which the applicant was already using. It was explained however, that the visibility requirements were worse at this exiting point than what was being recommended in the proposal.
- Concerns regarding inaccurate comments made by the Agent towards some of the Committee members.
- The visual impact of an industrial entrance in a rural area.
- Concerns regarding road safety and the movement of large vehicles in and out of the proposed access.

RESOLVED that the application be refused on the following grounds:

- a) The design, scale and appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area to the detriment of the visual amenity of the area in general. The bank and vegetation which would be removed is considered to contribute towards the rural character of the lane and the visual amenities of the area and therefore its removal to the extent shown 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 (Local Plan Part 1), DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies) and the objectives of the National Planning Policy Framework.
- b) Insufficient justification has been provided for the need of a widened access given the fact that the applicant has been able to farm the lane previously from the existing access and that there are alternative accesses available to the applicant further south along School Lane therefore negating the need for the works associated as part of this proposal. The works are not considered reasonably necessary to support the farming activity on site contrary to DM22 of the Local Plan Part 3 (Development Management Policies).
- c) In the opinion of the Local Authority, the proposed widening of the access would prejudice road safety due to lack of a public footpath along School Lane and the proximity of Thorverton Primary School and associated pedestrian traffic from parents and children walking to from the school via the public footpath link from The Glebe. The proposed widening of the access will encourage increased travel along School Lane between the centre of the village and the application site with the prospect of the access also used by vehicles to turn. The generation of additional traffic movements to and from the site by the development proposed along School Lane would result in an increased risk of accidents to all road users. The development is therefore considered to be contrary to Policy COR9 of the Mid Devon Core Strategy and DM2 and DM22 of the Mid Devon Local Plan part 3 (Development Management Policies).

(Proposed by Cllr F W Letch and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr R M Deed spoke as Ward Member.
- (ii) Cllr Mrs H Bainbridge left the meeting at the commencement of this item and did not return to the meeting, thus she did not take part in the vote.
- (iii) Cllrs Mrs F J Colthorpe and J D Squire requested that their vote against the decision be recorded.
- (iv) * Report previously circulated; copy attached to the signed minutes.

Update Sheet

(The meeting ended at 6.58 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 August 2018 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, P J Heal,
D J Knowles, F W Letch, B A Moore,
R F Radford, J D Squire, R L Stanley and
R Evans

Also Present:

Mr I Sorenson (Devon County Council -
Highways Authority)

Apologies

Councillor(s)

Mrs G Doe

Also Present

Councillor(s)

Mrs J B Binks and C J Eginton

Present

Officers:

Kathryn Tebbey (Group Manager for Legal
Services and Monitoring Officer), David
Green (Group Manager for Development),
Simon Trafford (Area Team Leader) and
Sally Gabriel (Member Services Manager)

36 APOLOGIES AND SUBSTITUTE MEMBERS (00-01-40)

Apologies were received from Cllr Mrs G Doe who was substituted by Cllr R Evans.

37 PUBLIC QUESTION TIME (00-02-05)

Mrs Bell referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated: I refer to the Barratt's application. On 11th July, this Committee deferred its decision so that three issues could be re-considered, one of which was the re-positioning of the new turning point for Uplowman Road which is due to be closed to through traffic.

A new drawing submitted by Barratt's shows that the turning point has been re-positioned near to the end of the road closure. Also, the driveway previously planned to be located directly opposite an existing driveway has also been moved slightly eastwards and now avoids conflict.

We thank Barratt's for this new and safer arrangement.

We have not however, seen the equally important re-consideration of a re-arrangement of the new cul-de-sac that would save a substantial length of historic Devon Bank which is a significant habitat of Dormice, hares and a busy nesting site for a variety of birds each Springtime.

We believe that a re-arrangement of the cul-de-sac properties will serve both Barratt's interests and that of local residents.

Over 40 metres of Devon Bank will be saved, the local character and amenity of this area will be preserved and road safety in the vicinity of this new cul-de-sac will be improved. We believe this section of Devon Bank was shown to be intact on the outline plans which you approved.

Mr Cook will offer one alternative view of how the cul-de-sac could be re-designed to achieve our two remaining aims as well as serve the developers' objective.

If the Devon Bank was retained both wildlife and residents would benefit, and most importantly for Barrett's, provides a better ambience for the promoting and selling of the new properties.

On behalf of residents will this Committee please support our request via your powers to use Conditions and thus, achieve the two remaining and we think very important aims.

Mr Cook referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated: I refer you to the Barratt application and two of the three items that, on 11th July, this Committee deferred for re-consideration by the Developer.

The two items are:

- loss of so much Devon Bank
- and re-positioning of the Barratt show homes.

The latest plans still show a complete loss of the existing historic Devon Bank in this location and, the varied styles of Barratt show homes still have driveway accesses directly onto Uplowman Road to be used by show home visitors.

These driveways and the pedestrian pathways to each house are separated by a new small mound with a hedge on top.

We asked for all the new cul-de-sac properties to be built behind the existing bank so as to preserve the historic bank, preserve and respect local character and amenity and lessen the impact of the sales activity on existing residents including improving local road safety.

We are told by Planning that Barratts are unwilling to re-design this small area as it is likely to result in the loss, to them, of a house in this cul-de-sac.

We disagree and offer one possible solution which we now place before you.

Layout Diagram 1 is Barratt's current plan.

As you can see, the old bank has gone and there are four show homes numbered 168- 171 with vehicle accesses directly onto the re-aligned section of Uplowman Road.

This road section will be used by residents and others requiring access eastwards of the cul-de-sac, as well as the residents of the cul-de-sac.

This has to be an unnecessary safety issue for local road users.

Referring to Diagram 2,

Much of the original bank is now preserved and all the cul-de-sac properties are well within a more regularised area each with plots that are better suited to garden use and not awkwardly shaped as some are in Diagram 1.

There are still eight properties here, five of which have garages as required by Barratts.

Such a layout would serve Barratt's needs and achieve all we aim for,

- save much of the historic bank,
- respect existing local character and amenity and,
- allay our traffic safety concerns.

On behalf of residents will this Committee please support our aims and assert your influence via Conditions to achieve them.

Dr Bell referring to item 1 on the Plans List (Uplowman Road, Tiverton) stated:
We draw this Committee's attention to inaccuracies in the Officers' published report to this Committee relating to the Applicant's responses to the matters deferred by you on 11th July.

In Paragraph 2.4 – this should refer to house number 18 and not 16 which is a very different location.

Paragraph 2.9 - states that show home parking will be relocated to driveways of dwellings that will be constructed elsewhere in the development. This is not so, and Mr Green can confirm this, sales staff and visitor parking is to be on the driveways of the show houses still fronting Uplowman Road with access to the show houses via one of their garages requiring visitors to walk along the road for access.

Paragraph 2.10 - states that residents have been consulted as to the location of the show homes and associated parking and that we are now satisfied and have no objection as regards show home parking.

This is not the case, -we are not satisfied and we still object.

The only consultation we had was on 16th July and concerned only the location of the turning head and moving house plot 175 eastwards to which we did respond positively.

We are, therefore, still facing 6 years of house sales activity directly onto a vulnerable section of Uplowman Roadway and our objections remain.

Paragraph 2.7 referring to the cul-de-sac: this states that at Outline Planning: 'it was agreed that a significant length of the hedgebank would be lost'.

The approved Outline plan referred to in the report is just a line drawing of the road structure without any indication of the Devon banks on either side of the road; however, the associated Outline Hedgerow plan actually showed the retention of much of the Devon Bank so we were unaware that the bank was at risk. If we had known this to be the case, we would have objected strenuously against this at the time.

We ask the Committee to note and consider our comments in your deliberations and we ask the Planning Officers if they will address these issues and correct and clarify them for both this Committee and the Residents.

The Chairman indicated that answers would be provided to the above during the debate.

Cllr Mrs J B Binks (Ward Member for Sandford and Creedy) referring to Item 8 on the agenda (Major Applications) explained that last Friday, an article in the Crediton Courier had stated that the Creedy Bridge and Higher Road applications were both due to be determined by the Planning Committee at its meeting on 8 August. She asked what the official rebuttal to this statement was. She asked the Chairman if she could explain what new conditions were in the NPPF which had brought about the deferral and whether any other pending applications would be likely to be deferred because of the updated NPPF.

The Chairman stated the Creedy Bridge application had always been due to be determined on the 15th August, but had now been deferred, further guidance with regard to the impact of the updated NPPF was still awaited; a number of applications had been deferred.

The Group Manager for Development explained that there was an element within the updated NPPF which referred to calculations with regard to the 5 year land supply; officers were currently assessing and analysing parts of the NPPF document in relation to this. Any rebuttal to the statement made in the Crediton Courier would come from the Chief Executive.

38 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-16-31)

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

39 MINUTES OF THE PREVIOUS MEETING (00-16-43)

Subject to an amendment to Minute 30 (Enforcement List) with the addition of (iii) in the notes to state that "Cllr C J Eginton spoke as Ward Member", the minutes of the meeting held on 11 July 2018 were approved as a correct record and signed by the Chairman.

40 CHAIRMAN'S ANNOUNCEMENTS (00-18-46)

The Chairman reminded Members that the special meeting of the Committee arranged for the Wednesday 15 August 2018 had been postponed, the reasons for this had been discussed earlier in the meeting.

41 DEFERRALS FROM THE PLANS LIST (00-19-12)

The Chairman informed the meeting that Item 3 on the Plans List – the erection of 2 dwellings, alterations to existing access and associated works at land west of Elmdene, Hemyock had been deferred to a future meeting.

42 THE PLANS LIST (00-20-09)

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 ***(18/00133/MARM – Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure – land at NGR 298618 113487, Upplowman Road, Tiverton)***

The Committee had before it a report of the Head of Planning, Economy and Regeneration providing an update on negotiations associated with the application that had previously been considered by the Planning Committee on 11 July 2018 where Members had been minded to approve the application but had requested further consideration of the following issues:

- The possible repositioning of the turning head
- The detrimental impact on the Devon Bank and whether this could be lessened
- Repositioning of the show homes and associated parking to allay traffic concerns.

The Group Manager for Development outlined the contents of the report highlighting the reasons for the additional report and the consultation process that had taken place with local residents in relation to the movement of the turning head following the previous meeting. He explained that Members could not consider the additional plans received from Mr Cook as the committee could only consider the plans received from the applicant.

Referring to questions posed in public question time, the issue raised by Mrs Bell with regard to the turning head and the Devon bank would be covered in his presentation. With regard to the Devon bank highlighted within Mr Cook's questions this had been considered and approved as part of the outline application for the development. Dr Bell had highlighted an error with regard to the house numbers, Dr Bell was correct, this was an error. With regard to the consultation process, the report highlighted the consultation that had taken place.

The officer then outlined the application by way of presentation, highlighting the application site, Members viewed photomontages and photographs from various aspects of the site and considered the revised plans that had been produced to try to address the concerns of the local residents. The outline application plans that had been approved were also presented which showed the removal of the Devon Bank.

Consideration was given to:

- Whether the updated NPPF had been considered with regard to the application
- The height of the proposed new banks, the ground levels behind the bank and the planting scheme
- The lighting scheme for the development
- The concerns of the objector with regard to the turning head, the removal of the Devon Bank, the mixture of properties along Upplowman Road, the impact of the removal of the Devon Bank on the historic habitat and the disturbance associated with the sales activity
- The views of the agent with regard to the negotiations that had taken place to try to mitigate the residents concerns, the introduction of new banking, the positioning of the sales offices and the fact that the visitors parking had been relocated.
- The views of the Ward Members with regard to the loss of the Devon Bank and the time it would take to establish a new bank
- The narrowness of the current road
- The need to look at the whole development
- Maintenance issues and landscaping/planting schemes.
- Whether the applicant might, having heard the concerns, voluntarily look again at the positioning of the show homes and the amount of Devon Bank removal should there be a re-design of any part of the application scheme in the future.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 5 to state: Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B and C of Part 1 relating to those properties with frontage on to Lowman Avenue shall be undertaken within the application site/dwelling curtilage without the Local Planning Authority first granting planning permission.

REASON to safeguard the character and appearance and design aspirations of Lowman Avenue in recognition of its significance as the main route through the development in accordance with policies DM2 and DM14 of the Adopted Mid Devon Local Plan (Part 3).

And an additional condition stating that: The development hereby permitted shall take place in accordance with the approved phasing details (Drawing No. 7588-001A).

REASON :To ensure the appropriate ordering of the site in the interests of proper planning”.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and a Director of 3 Rivers Development Limited and chose to leave the meeting during the discussion and the vote;
- ii) Cllr D J Knowles declared a personal interest as some of the objectors were known to him;
- iii) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R Evans, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire 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;
- iv) Dr Bell spoke on behalf of the objectors;
- v) Mr Cattermole (Agent) spoke;
- vi) Cllrs C R Slade and D J Knowles spoke as Ward Members;
- vii) Cllrs Mrs C A Collis and D J Knowles requested that their vote against the decision be recorded;
- viii) The following late information was reported, the amendment to Condition 5 and an additional condition.

(b) No 2 on the Plans *List (18/00705/MARM - Reserved matters for the erection of 28 dwellings and up to 90 sq.m of A1 retail floorspace, including incidental open space and car parking, following outline approval 17/00173/MOUT) – land at NGR 287483 106365 (White Cross), Cheriton Fitzpaine.*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan, the access which included access to the proposed shop (approved at the outline stage), the pedestrian link to the school, proposed site plan, parking arrangements site sections and proposed street scenes, the location of the shop, areas of open space, plans identifying proposed materials to be used and house type. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The variation to the terms of the S106 agreement and the Housing Options Manager's view on the appropriate mix of dwellings required and the local need
- Maintenance of the hedgerows and the open space

RESOLVED that:

- a) Planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration;
(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford)

- b) A Deed of Variation to the terms of the Section 106 agreement be agreed pursuant to LPA ref: 17/00173/MOUT to allow for variation of the affordable housing provision to include the provision of a financial contribution of £25,000 for off-site delivery to compensate for a reduction of the units on site from 8 to 7.

(Proposed by the Vice Chairman)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as she had as Ward Member given a donation to the shop (since the outline application was considered) and chose to leave the meeting during the discussion thereon;
(the Vice Chairman took the Chair);
- ii) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and chose to leave the meeting during the discussion thereon;
- (c) No 3 on the Plans *List* ***(Erection of 2 dwellings, alterations to existing access and associated works – land west of Elmdene, Hemyock.***

This application had been deferred as advised earlier in the meeting.

43 MAJOR APPLICATIONS WITH NO DECISION (1-50-21)

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

It was **AGREED** that:

Application 18/00964/MOUT – (Moor Lane, Westleigh) come before committee for determination if minded to approve and if that was the case, a site visit take place.

Application 18/01091/MOUT – West of Fishers Way, Pethertons, Halberton remain delegated.

Application 18/01036/MFUL – Quarterly Farm, Shillingford remain delegated

Application 18/00915/MFUL – Lidl Foodstore, Tiverton – be determined by the Planning Committee but that no site visit was required

Application 18/00978/MFUL – detention basins, outfall swale drainage – West Manley Lane, Tiverton remain delegated.

Note: *List previously circulated; copy attached to the Minutes.

(The meeting ended at 4.13 pm)

CHAIRMAN

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