

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 3 January 2019 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)** Mrs H Bainbridge, R Evans, Mrs B M Hull, F W Letch,  
F J Rosamond and Mrs N Woollatt

### **Also Present**

**Officer(s):** Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Tina Maryan (Area Planning Officer), Nick Sanderson (Acting Manager Director of 3 Rivers Development Ltd), Paul Brockway (Culm Garden Village Project Manager) and Sally Gabriel (Member Services Manager)

## **111. APOLOGIES**

There were no apologies.

## **112. PUBLIC QUESTION TIME**

Councillor Nick Allan representing Kentisbeare Parish Council and referring to items 11 and 12 on the agenda (Culm Garden Village) stated: We want to stress that we are not opposed to the Garden Village or development in East Cullompton per se and have tried to engage constructively with the process, despite not having been consulted before the bid was submitted.

We believe that our feedback has been consistent and clearly spelled out, both in the Stakeholder forum and in letters to Councillor Chesterton and Jenny Clifford, copied to others in the Council.

We have been encouraged by the guiding direction from central government that Garden Villages should have support from the community and MDDC's emphasis that meaningful consultation is a key part of the process.

We are concerned about the proposed scale of the Garden Village; we feel that there has been no justification for a number of 5,000 homes. This would make it significantly larger than the existing town of Cullompton. It is clear that population growth in the first 5 years of the Local Plan is coming in at less than half that forecast

and that the housing projections out to 2033 look unrealistically high, as confirmed by the most recent data from the Office of National Statistics.

In respect of the Garden Village, we are particularly concerned to preserve the rural character of Kentisbeare, which has a population of 1,000 or so. Our residents clearly feel the same way. You will know that of the order of 1,000 letters of concern were submitted in respect of the proposed development east of Cullompton in the Local Plan. This compares to only 155 who expressed support for development in Mid Devon to be centred on Cullompton in the broad 2013 consultation.

At the key Stakeholder Forum in July to discuss possible physical outlines of the Garden Village, we felt that there was a clear understanding that there would be considerable discomfort at development encroaching into the parish. The western parish boundary is relatively close to the village proper. One enthusiastic Cullompton resident drew a line well into Kentisbeare Parish, but in the various discussions it was very clear that the Kentisbeare representatives did not feel this was acceptable and we thought that the point had been taken on board and accepted by the majority of those present. We reinforced the point in our correspondence with Mid Devon referred to before.

We were surprised and upset at the December Stakeholder Forum to find that development has been earmarked well into Kentisbeare in the plans for general public consultation. The village is about 3 miles from the M5 and 2.5 miles from the current limit of the existing town extension along the A373. The proposed development in the current outline plan would bring the new town to within half a mile of our village. Despite the commitment to consultation in Mrs Clifford's letter to the Parish Council in late October, this makes it feel to us as though consultation is in name only.

We urge you to reconsider the boundaries if you want to be able to claim real community support. We would strongly urge that there is a green buffer between the easterly limit of the Garden Village and the Kentisbeare parish boundary, in other words west of Horn Road not between Horn Road and Dead Lane. The parish boundary runs one field to the west of Horn Road for those who may not have detailed knowledge of our parish.

While I am here, please can I also express our concern about flood risk. There was flooding in Kentisbeare in 2012 and while we are delighted that a full catchment-based study is now promised in respect of the proposed Garden Village, we are alarmed that 4,000 houses can be proposed to the north west and east of Cullompton in the Local Plan with no overall flood strategy. The Arcadis report in respect of the Relief Road is only concerned with incremental risk and we feel strongly that the flooding issue needs to be looked at as a whole.

We would also like to highlight our concern that at the Stakeholder Forum, it seemed to be confirmed that any meaningful road upgrades other than the Relief Road would be at least 10 years away. The Relief Road to the SW of junction 28 won't solve the existing access issues from the east and north west to the M5 and with further developments of such scale proposed, the road situation is likely to be dire. Even otherwise ardent Cullompton supporters of the Garden Village at the December Stakeholder Forum were aghast that general infrastructure delivery (not just roads) would be delivered so far into the overall plan.

Mr Berry also referring to items 11 and 12 on the agenda (Culm Garden Village) referred to the necessity for a greenbelt between the proposed development in the Garden Village and Kentisbeare. There was also a need to address infrastructure issues early on in the development programme; he urged the authority to have urgent discussions with the Highway Authority with regard to the motorway junction and issues on Honiton Road. He stated that there must be a cycleway and pedestrian walkway from the new development across the railway, river and motorway to link the 2 towns and he feared that this would not be done until an issue arose with someone trying to walk to Tesco. He added that if the Government wanted housing then the Highway Authority must put in the necessary improvements to the M5 junction.

The Chairman indicated that the issues raised would be addressed when the items were discussed.

### 113. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-10-33)**

The following interests were declared:

<b>Councillor</b>	<b>Interest</b>	<b>Reason</b>
C J Eginton	Personal Items 11 and 12	Through his position in the Council, he sat on the Governance Board for the Culm Garden Village
R J Chesterton	Personal Items 11 and 12	Through his position in the Council, he sat on the Governance Board for the Culm Garden Village

### 114. **MINUTES OF THE PREVIOUS MEETING (00-11-17)**

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

### 115. **COMMUNITY ENGAGEMENT STRATEGY**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Community Engagement Strategy and Action Plan 2018-2019 be approved subject to an amended review timeframe from 4 to 2 years.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that this merged document brought together a number of previous policies which now provided an effective overarching strategic approach to the Council's communication and engagement activity. He drew members attention to the Social Media Policy and highlighted the work of the Communications Team

Consideration was given to:

- The Town Centre Manager role and whether such a role could be district wide.
- The Council's mission, operating framework and understanding what the Council was trying to achieve
- Translation services
- The suggested stakeholder map and that as a live document it could be added to

**RESOLVED** that the recommendation of the Policy Development Group be approved subject to the removal of the word "opposition" from paragraph 3.4 (Appendix 1 – Media and Social Media Policy).

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

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

#### 116. **COMMUNITY SAFETY PARTNERSHIP PLAN (00-24-26)**

Arising from a report of the Group Manager for Public Health and Regulatory Services, the Community Policy Development Group had recommended that the priorities of the Community Safety Partnership (CSP) and planned activities within the partnerships priorities and action plan for 2018-21 and the proposed new structure of the CSP be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report informing the meeting of the annual grant from the Office of the Police and Crime Commissioner, the priorities of the Community Safety Partnership, the high level of threat across the county and the link to the Corporate Plan

Discussion took place regarding:

- The priorities of the Community Safety Partnership and the action plan
- Funding for the Devon Youth Games

**RESOLVED** that the contents of the report be noted.

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

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

#### 117. **HEALTH AND SAFETY POLICY**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Health & Safety Policy which was approved by the JNCC on 12th September 2018 and reviewed by the Health and Safety Committee and Unison be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that there was an obligation of the Council to ensure that its activities did not adversely affect the health and safety of officers, members of the public, contractors and others with whom it interacted with. She outlined the work of the Health and Safety Officer and the risk assessment process.

**RESOLVED** that the contents of the report be **NOTED**.

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

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

**118. FINANCIAL MONITORING (00-32-43)**

The Cabinet Member for Finance informed the meeting that in his previous report to the Cabinet he had stated that the deficit for the year was predicted to be in the region of £168k, this had now been reduced to £94k largely as a result of savings made within the Revenue and Benefits service and an increase in planning fees. The Housing Revenue Account was on budget despite challenges such as Universal Credit and it was reported that rent arrears had reduced in comparison to January 2018.

**119. BUDGET 2019/20 - UPDATE (00-34-44)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) reviewing the revised draft budget changes identified and to request discussions on any further changes required in order for the Council to move towards a balanced budget for 2019/20.

The Cabinet Member for Finance outlined the contents of the report informing the meeting that in his previous report to the Cabinet in October he had stated that the proposed budget gap was £662k, this had now been reduced to £253k and it was hoped that this could be reduced further. He explained the provisional settlement from central Government and the increased funding from the Rural Services Delivery Grant. It was felt however that some money from reserves would be required to balance the budget.

Consideration was given to the amount of money held in the reserves.

**RESOLVED** that the draft updated General Fund budget proposals for 2019/20 be **AGREED**.

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

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

**120. TAX BASE CALCULATION (00-37-51)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that this was a statutory report and that each billing authority was required to calculate and approve its Band D equivalent Council Tax Base.

Consideration was given to the new empty property premium which was due to come into effect on 1<sup>st</sup> April 2019.

**RECOMMENDED** to Council that:

1. The calculation of the Council's Tax Base for 2019/20 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **28,596.47** an increase of circa 299 Band D equivalent properties from the previous financial year.
2. The current Council Tax Rebate scheme continues for the next financial year in line with criteria detailed in paragraph 4 of the report.
3. A new empty property premium be introduced with effect from the 1<sup>st</sup> April 2019, detailed in paragraph 3.8 of the report.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

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

121. **CULM GARDEN VILLAGE - CULLOMPTON STAGE 1 CONSULTATION - VISION, PRINCIPLES AND CONCEPTS (00-40-00)**

The Cabinet had before it a \* report of the Head of Planning, Economy and Regeneration submitting information on the Culm Garden Village Vision and Concept document and seeking approval for Stage 1 public consultation on the material.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the vision document for the Garden Village set out the key principles for shaping the Garden Village, setting out the clear intentions and direction of travel for the scheme. Policies CU7-CU12 of the Mid Devon Local Plan Review allocated 160 hectares of land to the east of Cullompton for up to 1,750 homes and associated development within the period up to 2033 (with at least 850 houses thereafter). This allocation was intended to form part of a larger garden village proposal. The Local Plan Review had been submitted for examination and hearings would take place in February 2019, with adoption in the summer of 2019 (subject to Planning Inspectorate timetable). Policy CU7 of the Local Plan Review required comprehensive masterplanning of the development including at least two stages of public consultation, and adoption of the masterplan as a Supplementary Planning Document before any planning application was determined.

Only part of the Garden Village was allocated within the emerging Local Plan and the Greater Exeter Strategic Plan (GESP) was intended to be the policy vehicle to allocate the remainder of the Garden Village. The Vision and Concept Document and the East Cullompton Masterplan Supplementary Planning Document were before Members today. He highlighted the input from the stakeholders meetings and that of the Planning Policy Advisory Group and the list of suggested amendments following consideration of the documents, attached to both reports at appendix 1. Referring to comments made during public question time, he felt that this was an important part of the consultation process and that an additional question would be added to the

concept plan relating to the green landscape area to act as a buffer between the potential extent of the garden village and the village of Kentisbeare.

Paul Brockway, Project Manager for the Garden Village highlighted by way of presentation the key elements of the masterplanning process, the proposed consultation process in line with the Statement of Community Involvement and again highlighted the list of suggested amendments outlined in appendix 1 of the reports which should address some of the concerns raised with regard to the buffer zone.

The Chairman read the key points raised by the local Ward Member who was unable to attend the meeting, that of:

- Build quality and design
- Enforcement
- Affordable housing and Council homes
- Affordable housing for local people
- Infrastructure
- Healthcare
- Education
- Development encroaching into Kentisbeare parish

Consideration was given to:

- The timeline for development
- Whether there was a difference between Garden City Principles and Garden Community Principles
- The Governments requirements for housing numbers and whether housing delivery test information had been released
- The number of dwellings proposed within the emerging Local Plan and those emerging from the Greater Exeter Strategic Plan and how much control the authority would have over the Greater Exeter Strategic Plan. The meeting was informed that all the elements of the Greater Exeter Strategic Plan would have to be approved by all partnering authorities
- The impact of the proposals on residents
- The improvement to infrastructure prior to development of the area
- The importance of the proposed country park and other green infrastructure and that it should be commenced at the start of the project
- The issues of colour blindness in publicity material published by the Council and whether a general policy could be progressed
- The preparation of business cases for any ongoing funding bids to help with the cost of the infrastructure
- The delivery of an employment strategy for the Garden Village
- The importance of a cycle path and walkways within the scheme that would link the village of Kentisbeare to the Garden Village and onwards towards Cullompton

**RESOLVED** that:

- a) That the document at Appendix 2 be approved for Stage 1 public consultation.

- b) The proposed amendments to the document set out in Appendix 1 be approved
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

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

Notes:

- i) Cllrs R J Chesterton and C J Eginton declared personal interests as through their positions in the Council, they sat on the Governance Board for the Culm Garden Village
- ii) \*Report previously circulated, copy attached to minutes.

**122. EAST CULLOMPTON MASTERPLAN SPD (CULM GARDEN VILLAGE PHASE 1)- STAGE 1 CONSULTATION - ISSUES AND OPPORTUNITIES (1-14-22)**

The Cabinet had before it a \* report of the Head of Planning, Economy and Regeneration submitting information on the East Cullompton Masterplan SPD Issues, Opportunities and Concepts document and seeking approval for Stage 1 public consultation on the material.

The Cabinet Member for Planning and Economic Regeneration referred to the previous item and the discussion that had taken place with regard to the draft Vision and Concept document for the whole garden village and the Issues, Opportunities and Concepts document relating to Stage 1 consultation on a Masterplan SPD for the East Cullompton allocation and that it was proposed that they go out to consultation together.

**RESOLVED** that:

- a) The document at Appendix 2 be approved for Stage 1 public consultation.
- b) The proposed amendments to the document set out in Appendix 1 be approved
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

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

Notes:

- i) Cllrs R J Chesterton and C J Eginton declared personal interests as through their positions in the Council, they sat on the Governance Board for the Culm Garden Village;



- ii) \*Report previously circulated, copy attached to minutes.

### 123. **CABINET MEMBER DECISION (1-15-37)**

The Cabinet **NOTED** a recent decision of the Cabinet Member for Housing:

To remove the means test for Disabled Facilities Grant (DFG) applications relating to stair lifts until 31 December 2019 as part of a pilot to increase uptake and accessibility to the scheme.

**Reason:** The government has increased the amount given to Local Authorities under the Better Care Fund (BCF) significantly in over the last few years, with the allocation nationally to be in excess of £500m in 2019/20. The expectation is that the powers under the Regulatory Reform Order 2002 will be used to allow authorities to be more flexible in how the money is spent.

Under the current system all DFGs, apart from those where the disabled person is a child or qualifying young person, are subject to means testing. However, since 2003 local authorities have had the power to apply a much simplified system for provision of adaptations which do not follow all DFG conditions such as waiving means testing for certain types of works or works costing less than a specified amount (e.g.£5,000). The rationale is that the related administrative process of means testing can cost more than the value of a grant for smaller works and result in a significant slowing of the delivery process. Under the current (adopted) Devon-wide Housing Assistance Policy for the BCF (2018-19), such DFG applications are eligible for an Accessible Homes Grant once the mandatory DFG process has been completed. However, this double-application process under the current policy significantly extends the overall delivery timeline.

The proposal to remove the means test for stair lifts is part of a larger pilot in conjunction with Exeter City Council, Devon County Council and the Royal Devon and Exeter Hospital to increase uptake and accessibility, through reducing end to end times for such cases and allowing referrals to be made by the hospital direct to the relevant local authority.

It is proposed to review the pilot after 12-months as part of a formal review of the current Housing Assistance Policy.

### 124. **NOTIFICATION OF KEY DECISIONS (1-16-34)**

The Member Services Manager informed the meeting of the amendments to the plan since the publication of the Cabinet agenda pack prior to the Christmas break.

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

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

125. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-18-25)**

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

It was therefore:

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

(Proposed by the Chairman)

126. **3 RIVERS DEVELOPMENTS LIMITED - PERFORMANCE REPORT**

The Cabinet had before it and **NOTED** a report\* of the Deputy Chief Executive (S151) and 3 Rivers Developments Limited Acting Managing Director updating Cabinet on the Company's financial performance outcomes and outputs of projects and any key risks.

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

Note: \*Report previously circulated.

(The meeting ended at 3.51 pm)

**CHAIRMAN**