

**MINUTES** of a **MEETING** of the **CABINET** held on 12 November 2024 at 5.15 pm

**Present  
Councillors**

S J Clist, J Lock, J Buczkowski,  
G Duchesne, S Keable, J Wright and  
D Wulff

**Apologies  
Councillors**

N Bradshaw (online) and L Taylor (online)

**Also Present  
Councillors**

D Broom, E Buczkowski and G Westcott.

**Also Present  
Officers:**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), Paul Deal (Head of Finance, Property & Climate Resilience), Haley Walker (Leisure Business Manager), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Thomas Muston (Conservation Officer), Tristan Peat (Forward Planning Team Leader), Christie McCombe (Area Planning Officer) and Laura Woon (Democratic Services Manager)

**Councillors  
Online**

S Chenore, L J Cruwys, G Czapiewski, M Fletcher,  
A Glover, C Harrower, L G J Kennedy, L Knight, R Roberts  
and S Robinson

**Officers Online**

Dean Emery ( Head of Revenues, Benefits and Leisure)  
and Lisa Lewis (Head of Digital Transformation &  
Customer Engagement)

**78. APOLOGIES (00:04:16)**

Apologies were received from Councillors: N Bradshaw (online) and L Taylor (online)

**79. PUBLIC QUESTION TIME (00:05:00)**

The Chair highlighted he was aware that many of the members of public would be attending this evening to hear discussion of the Grand Western Canal Conservation

Area Appraisal and Management Plan to meet the requirements of the Planning act 1990 and the NPPF 2023 and, possibly, to ask questions of the Cabinet.

He sincerely welcomed those who were here this evening with a genuine passion and interest in protecting the canal and grateful to those who had spent time and effort in participating in, and therefore supporting, the comprehensive consultation exercise that the Council ensured took place in support of this important piece of work. The consultation exercise and the valuable consultation responses received had allowed officers to refine the documents to produce what the Council considered to be a robust and up to date document which would support, protect and enhance the canal into the future.

As had been said before; it was unfortunate that the petition that was set up against the work was slightly misleading, however, he was pleased that Cabinet had the updated document before it this evening and he looked forward to the discussions that Cabinet would have in relation to it later in the meeting. Even more, he looked forward to continuing to see the Council's historic canal protected for our communities and residents.

### **Goff Welchman**

At the first public consultation on the Grand Western Canal proposal, one of the forward planning officers were told that weakening the conservation area in anyway would invite developers to submit planning applications, the reply was "not to worry and that the land would never be built on." The reply was either astonishingly naïve or deliberately misleading, a few weeks later the Secretary of State who was in charge of planning, hates the green belt, was forcing housing to be increased and had over ruled at least one Planning inspector.

The officer's statement was rubbish, it was a reserved housing site and the Council already knew this. This Council were already building on it, we cannot afford to weaken the protection any further. The word "rubbish" was used in to a response to the Leader who attempted to discredit the petition to save the Conservation area and an apology for using this word was demanded. The Leader should apologise in regards to his attitude towards the deep concerns that had been expressed from a large number of local residents and visitors to the town who support our local businesses.

The petition should be debated in accordance to the Council's constitution at Full Council not denigrated.

**Question 1:** If the Council reduced the Grand Western Canal Conservation area in view of the background above, how could the residents of Tiverton trust the Council to continue to protect the site to enjoy?

**Question 2:** Would the Council adhere to the Constitutional rules and debate the petition at Full Council?

In view of the above the proposal should be called into Scrutiny and trust that any decision taken at Scrutiny had not been pre- determined from the current Chair of that Committee.

The Deputy Leader stated that Mr Welchman would receive a written response to his questions in the usual way and in a 'timely manner'

### **Paul Elstone**

**Question 1:** The wording of the Canal Conservation Area petition, which was unfairly criticised by the Council Leader, was to raise public concerns with the Council about developers, or landowners, taking advantage of the removal of conservation area status.

It was ironic that tonight the Cabinet was being presented with a Tiverton Eastern Urban Extension (EUE) Area B map that showed the overall development plan boundaries. A boundary that fully includes a thick wooded area plus other land that was previously protected by conservation status.

While it may be suggested that it would be public open space – this could still impact established wildlife habitats therefore impact on the immediately adjacent canal. Would Cabinet understand why there was an increasing and widespread lack of public trust in what this Council says and what it actually does?

**Question 2:** The feedback from the Council to the various objections, to conservation area status being removed from what the public consider are sensitive areas, was effectively: - don't worry, the importance of the canal would be protected when considering future planning applications. Such statements are meaningless unless the Council actually enforces these protections.

An industrial sized operation had been allowed within 100 metres of the Canal Conservation Area at Crownhill, Halberton.

Yes, the Council did impose conditions in the planning permission but it had allowed this site to continue to operate in blatant breach of all operating planning conditions since 2019, creating noise, odours and dust as well as significant disruption even damage to the fragile road network and yes road traffic and pedestrian safety risk as well.

Despite repeatedly being made aware of serious planning condition breaches, the Council had done nothing meaningful about it. This demonstrated the reality of what this Council said it would do to protect areas and then didn't or couldn't.

Would Cabinet include in any recommendations on the Canal Conservation Area, a guarantee that all the planning conditions which apply to any development neighbouring the Canal Conservation Area would be fully enforced - and without any delay?

**Question 3:** The Council Leader was on record as saying 'Why let facts get in the way of a good petition' this when bad mouthing the integrity of the petition wording or lack of wording.

Accept, it or not, the Council Leader when challenging the integrity of the petition was also effectively challenging the intelligence of all those who signed it, it was his garbage moment. Once again why let the real facts get in the way when defending this Council's position or making political gain. The real facts follow.

The petition wording says, and I quote 'end the protection of parts of the canal area' it does not say the removal of the complete conservation area protection.

Will the Council Leader now publicly apologise to those who signed the petition and without any reservation?

The Deputy Leader stated that Mr Elstone would receive a written response to his questions in the usual way and in a 'timely manner'

### **Barbara Downs**

The Council know of all the wildlife in Snake's Wood which also include deer, bats, water voles, badgers, kingfishers, owls, herons, wild birds and mice.

Are you aware of the following?

All bat species are legally protected by domestic and international legislation. This means the Council maybe committing a criminal offence if you disturb a bat in the roost. Do the Council know HS2 which was government and tax payers had funded and recently constructed a £100 million giant shed to protect the bats in the local patch of the woodland bisected by HS2.

In 1992 the protection of badgers act made badgers a protected species and were protected under a dedicated piece of legislation.

Barn owls are a schedule 1 species and also had legal protection.

Dormice were protected under schedule 5 of the Wildlife and Countryside Act 1981.

The owner of the wonderful canal barge company, Mr Phil Brind had said that if any reduction of the conservation area led to the eventual development of housing between Tidcombe Hall and Snakes Wood, then his business would be forced to close, resulting in the loss of Tiverton's main tourist attraction and the revenue for other traders in the town.

**Question 1:** Would you wish to be responsible for that?

To be assured that the Council knew all the factors above that the removal of the conservation status from Snakes Wood would cause.

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

The Council recognised the value of the canal for ecology. However, this matter was not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan (including Policies S1 Sustainable development priorities, S9 Environment, and DM28 Other protected sites) also seek to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

**Chris Downs- Sandy Elworthy read on his behalf**

**Question 1:** The Mid Devon District Council (MDDC) Constitution Annex D section 5 was very clear stating that a public petition with over 1500 Mid Devon residents signatures must be debated at Full Council.

Also that a petition had to be submitted 10 days in advance of the meeting. The text of the Canal Conservation Area Petition was sent to Democratic Services on the 16th October or 14 days in advance, with the stated expectation that it would be debated at Full Council on the 30th October.

Democratic Services only responded 5 days later, on the 21st October, when stating the requirements of Appendix D - including the need to supply details of the Mid Devon residents signing the petition, of which there were 1,791 out of a total of 4,200.

This signatory information was fully extracted and provided to Democratic Services in easy access format early on the 29th October, or nearly 2 working days before the Full Council Meeting.

Given this information and with the proper will, why was the petition not debated at the Full Council meeting?

**Question 2:** Rather than call for a debate the Council Leader took it upon himself to denigrate the wording of the petition and used the meeting privilege to do this without allowing any response.

When the Council Leader stated that the petition was to be considered at Cabinet - preventing the petition from being debated at Full Council, either the Monitoring Officer or the Chair intervened to remind him of the Constitution requirements.

Bringing the Conservation Report before Cabinet for approval without the Full Council debate on the petition in the first instance was not only going against the MDDC Constitution, it was showing complete disrespect to those 1791 Mid Devon residents who signed the petition in good faith. Mid Devon residents who, I believe, fully understood the meaning of the petition - despite what the Council Leader had implied.

I understand that the MDDC Scrutiny Chair had already predetermined the position of the Scrutiny Committee on any possible call-in by stating (ahead of any Cabinet decision) that "he was not minded to call in the Conservation Report recommendations".

Would the Monitoring Officer please provide a full and unambiguous opinion (ahead of any Cabinet discussion and recommendation) with regards to the requirement for the Full Council to debate the Conservation Area petition before any Cabinet decisions were taken?

The Deputy Leader stated that Mr Downs would receive a written response to his questions in the usual way and in a 'timely manner'

**Robert Wilks**

I believe that the Council was to consider the designation of Snakes Wood in two further meetings and I would be grateful if my comments might be made known to the Council Members.

I am very interested in preserving our natural environment and Snakes Wood is one of the best in our vicinity. To hear that there was an intention to dispense it of its current status as a conservation area was unbelievable unless a survey, of which I am unaware, had been conducted. My time spent there of an evening this last summer surrounded by bats was a delight.

I believe that bats are a protected species and that their roosts are protected. If those roosts are natural, i.e. not in a loftspace, I thought that they could not be interfered with.

**Question 1:** Has the Council had Snakes Wood surveyed?

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

There had not been an ecological survey conducted for Snakes Wood as part of the review of the Conservation Area, as this was not required or relevant to its designation as a Conservation Area. A conservation area was designated because of its special architectural or historic interest. The National Planning Policy Framework (NPPF) cautions local planning authorities to ensure that an area justifies designation so that the concept of conservation was not devalued through the designation of areas that lack special interest. Species and habitats were legally protected and supported by different legislation including the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

**Mr Drew**

Noting that my wife runs Manleys B&B, which was the only hospitality business of its type within the Canal Conservation Area, the Council had consistently failed to engage with us in relation to this and numerous other matters. It was astonishing that we only became aware of this review because it was reported on Devon Live.

Despite reaching out to Mr Marsh personally in an effort to negotiate a compromise and saying "I look forward to your constructive response", I had never had a reply. Indeed the reason I am unable to address the meeting today was because we are on holiday and I naively thought that I would hear from the Council before it reported the matter to Councillors. Clearly the Officer's agenda was to get this passed under the radar so that the Council could remove a constraint to its house building plans. The fact officer's resort to machiavellian tactics should be called out by Members.

I might be naive in trusting the Council despite all that had gone before but I am not stupid enough to believe the claim that this was some dry technical exercise without consequences. Councillors need to be careful what they wish for. If they do not want to destroy the flora and fauna that make the canal the jewel in the crown of Mid Devon then they should oppose the officer's recommendation.

To be clear, without the Conservation Area status almost 1,000 trees could be removed from my garden by a future owner. As I made clear in my submission, none of them are veteran trees and so that advice was not relevant and not a reason to de-designate. Given their track record I have no confidence that officers would attend

my property or impose a Tree Protection Order (TPO) as that was an option I suggested to Mr Marsh.

Mark Baker, the Canal Ranger, has confirmed that the only record of several types of bats, including Barbastelle, Brown or Grey Long-eared, Leislars, Nathusius' pipistrelle or Natterers, had been recorded in my garden. This and other wildlife depend on owners like me working to enhance habitat. In contrast, the Council had harmed the canal by its failure to monitor the Edenstone development, which has resulted in silt and sewage entering the canal from Turnpike. In that context the Council's claim it "recognises the value of the canal for ecology" rings hollow.

Having regard to the above, and my detailed submission on pages 318 to 334 of the public pack.

**Question 1:**

By reference to quotes from the report to the relevant public meeting held by Mid Devon District Council in 1994, why did the Council designate No 16 Turnpike to be part of the Canal Conservation Area and, given that the statutory test had not changed in the interim, why had officers now reached the opposite conclusion in respect of the identical site that retains its attractive sylvan character?

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

The Council designated the Grand Western Canal in 1994, the Cabinet Report from October 1994 was not a detailed document and made no specific mention to No.16 Turnpike. There were no other records held by the Council on the decision from 1994 that included No.16 Turnpike. Nevertheless, the review of the Conservation Area was part of the Council's duty to review their conservation areas in accordance with Section 69 (2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF). Specifically when the review of the Conservation Area, Paragraph 197 of the NPPF is relevant which states:

'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'

Nos. 16 and 16A Turnpike were modern buildings which do not contribute to the Grand Western Canal Conservation Area's special interest or significance. There was no known association to the Grand Western Canal in terms of the canal's construction, use for transportation, its history and significance as a heritage asset. The Council recognised the value of the canal for ecology, however, this matter was not relevant to the designation of the Conservation Area in terms of its special historic or architectural interest. Species and habitats are legally protected. This was included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Local Plan also seek to protect and enhance habitats and biodiversity. The canal is a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park. Additionally, it remains for the Council to assess whether any of the existing trees, or groups of trees merit the making of a Tree Preservation Order (TPO).

### **Dermot Elworthy**

The review of the status Grand Western canal conservation area, there was no statutory compulsion to affect any changes to the existing arrangements. The current plan was drawn up in 1994.

To propose a proportion of the existing area to be excluded from the revised plans due to a claimed absence of architectural or historical interest in isolation of the contiguous areas and misunderstand the ethos underlying the 1994 scheme. Where the authors had the wisdom and foresight to construct as defined in the present plan.

There was historical area and architectural quality in the conservation area building and spaces which contribute to a sense of place. This was parallel with section 72 of the Planning and listed building conservation area act of 1990 and the Mid Devon Local Plan 2020.

I submit that the sense of place should not only be preserved but extended to include Snakes Wood, the area of architectural land eastwards of the hall and shared a boundary of Little Tidcombe Farm.

Those that seek to make those changes to the conservation area, had over looked the matter of Tidcombe Farm of historical interest.

The Grand Western Canal was possibly the attraction of Tiverton, the canal was important to the residents for many good reason as a feature. The land of the canal for more than a mile was the first open space and views to the south were a change and it was vital the land remained in the existing area.

The area revision should not be in isolation and should be protected from expected developers. Over 4000 public objections in respect to the proposal and dismissed at a previous meeting and would be the proposal to the Grand Western Canal and therefore would ask the committee to support this?

The Deputy Leader stated that Mr Elworthy would receive a written response to his questions in the usual way and in a 'timely manner'

### **Barry Warren**

Mr Warren had registered to speak at the meeting as from the published agenda to have some clarification on some of these items. However, due to procedures and processes of the administration in relation to responses that had been received following the recent Scrutiny Committee and had been copied and pasted.

As Mr Warren's statement was not in relation to an item on the agenda, the Chair advised him to use an alternative method.

Question 1: Why?

The Deputy Leader as Chair reminded the Mr Warren his question needed to relate to the agenda.

### **Tim Bridger**



Any petition with over 1500 signatures should be debated by full Council, over 4000 signatories from around the world the majority of whom had visited or lived in Mid Devon over 1700 were still residents.

The basis for the review was your contention that the revised NPFf contained startling new rules regarding conservation areas, and that there was an active body of case law allowing appeals on the basis that an established conservation area lacked historical merit. Whilst I'd happily bet that a vanishingly few people had read the actual text of the NPFf, there was not in fact any new direction within them regarding re-evaluation of existing conservation areas. There was one mention of conservation areas, paragraph 197 on page 57 of 64 - and it referred to the practice of making new conservation areas to try to thwart developers, not to existing conservation status areas. Still, why let facts get in the way of a good little land grab?

I can understand the Leader not wanting to read what other people had to say, but indeed even whilst officers were recommending that Tidcombe Hall fields be retained within the conservation area. Again, details matter why let the fact that the officers recommendation was we had been listened to or stand in the way.

Should the Cabinet wish to actually read the revised NPFf, they would find written through it the concept of 'beauty', 'place', and 'local character and distinctiveness'. These were the elements of the conservation area that had been successfully defended up until this point, and the threat to Snakes Wood and the knock-on effect of opening up adjoining land to development would severely undermine the local character and distinctiveness that add to the beauty of the place.

Therefore, I contend that Cabinet cannot take any decision today on the conservation area, without contravening their own constitution, minor detail for this administration, no doubt - and that when it would correctly brought before them at a future date, they follow the clear instructions of the public and take off the table any reduction to the conservation area.

In relation to item 14 no update on the unfair increases to leisure charges that was asked for at Full Council, and further note that the exclusion of press and public goes against the supposed 'commitment' to transparency which was such a notable absence for this administration.

Finally with regard to item 9, Budget Monitoring, there was a charge of £38k for a 'leadership restructure' I am sure I am not the only Mid Devon resident who can see a much more simple and cost effective alteration to the leadership, that would benefit every person and would precipitate the necessary sea-change in culture, transparency, and accountability that this Council so badly needs. Your conduct demeans the office of leader.

## **80. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:50:00)**

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

## **81. MINUTES OF THE PREVIOUS MEETING (00:50:15)**

The minutes of the previous meeting held on 15 October 2024 were **APPROVED** as a correct record and **SIGNED** by the Deputy Leader.

82. **MID DEVON GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (00:50:40)**

The Cabinet had before it a report \* from the Director of Place and Economy on the Mid Devon Gypsy and Traveller accommodation assessment report.

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

- The number of pitches that were needed to provide permanent new homes for gypsies and travellers and plots to provide permanent new homes for travelling showpeople in the period 2023 to 2045.
- The interim targets were needed for development management purposes and would provide the basis for 5 year supply calculations. Those targets would also be included in the new local plan for the Council.
- The National Planning Policy required the Council to undertake an assessment of the housing needs for different groups in the community. This included the housing needs of gypsies, travellers and travelling showpeople.
- The assessment of the housing need provided technical information that could be used to help inform the preparation of the development plans and other plans, programmes and strategies, and also the determination of planning applications.
- A new Gypsy and Traveller Accommodation Assessment for Mid Devon had been undertaken by consultants “Opinion Research Services” and the final report was completed in September 2024. Similar studies had also been completed for Teignbridge District Council, Exeter City Council and East Devon District Council. The assessment replaced the previous assessment that was completed in 2015 and the findings of that study.
- The interim targets included the provision for: households that met the national planning definitions for gypsies, travellers and travelling showpeople; Households whose status was ‘undetermined’ (those who were unable to be interviewed), and also households that had not currently met the national planning definitions.
- This approach ensured that all the identified housing needs of the travelling community in Mid Devon were taken into consideration and would be planned for. It would provide headroom to mitigate where sites with planning permission may not come forward. Crucially, it would help ensure the Council met the duties of the Equalities Act 2010 and Housing Acts of 1985 and 2016.
- The assessment provided a forecast of housing needs based on travelling households who were residing on established sites in Mid Devon at the time of the survey. The household interviews undertaken for the assessment had identified no households living in other local authorities with a need to move to a site in Mid Devon.
- The Cabinet would note that the assessment had been unable to recommend targets for transit sites. This was due to the absence of detailed and consistent data that would be required through the monitoring of encampments across local authority areas. Officers would be investigating with colleagues from other local planning authorities on how to move forward.

- The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- The Gypsy Traveller Accommodation Assessment had not been able to make recommendations about the need for the provision of transit sites in Mid Devon and the working progress of this.
- When visitors came to transit sites they would bring their own accommodation for a short time.
- More data in regards to transit sites to be provided at a later stage.

**RESOLVED** that:

1. The contents of this report and the Mid Devon Gypsy and Traveller Accommodation Assessment (Appendix 2) be **NOTED**.
2. The recommended interim targets included in Table 1 and Table 2 of this report to help guide decisions taken on planning applications for pitches to provide homes for gypsies and travellers and plots to provide homes for travelling showpeople be **APPROVED**.

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

Reason for decision: As stated in the report

Note: \* Report previously circulated.

### 83. **TIVERTON EASTERN URBAN EXTENSION, AREA B MASTERPLAN (01:05:04)**

The Cabinet had before it a report \* from the Director of Place and Economy on the Tiverton Eastern Urban Extension, Area B Masterplan.

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

- The Tiverton Eastern Urban Extension (EUE) was a 153ha site, allocated for development, to the east of Tiverton. It already benefited from an adopted Tiverton EUE Masterplan Supplementary Planning Document but this Masterplan did not cover the whole of the site in detail due to the absence of some site-wide survey work on land to the rear of properties on the southern side of Post Hill. This area of land was now known as Area B.
- The Local Plan reviews required the completion of a masterplan for Area B ahead of a planning application on the area. Recently, West County Land had been proactively working with the Area B allocation land and considered the future form of development in relation to this land. This had resulted in the Stage 1 consultation material available within the reports pack, produced in consultation with the Council.
- The consultation material set out some emerging ideas for Area B including some particular points that the public would be consulted on.

- Those included: a new point of access from Post Hill including changed prioritisation of traffic; the location for the formal sports included on the southern side of the former railway line; up to 10 units being served off Mayfair; and a street pattern for the main through route being more traditional (informal) in layout and design.
- The public consultation would commence on the 20 November 2024 through to 10 January 2025.

Discussion took place regarding:

- The earlier plans and the concerns of the size of the schools and any clarity on the proposed site and that it would meet national standards.
- The turning at the top of Post Hill and the rationale behind this.
- The problems that may occur in regards to Area B.
- The concerns regarding the Mayfair through road and the access to 10 properties as previously the Council had a commitment that there would be no vehicle access.
- The traffic calming methods that were currently in Blundell's Road and the calming methods that were proposed.
- Would Ward Members and those interested be offered a site visit to examine the area?

**RESOLVED** that:

1. The Tiverton EUE Area B public consultation materials (Appendix A) for a Stage 1 public consultation be **APPROVED**.
2. That delegated approval was given to the Director of Place and Economy, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to make or approve any minor amendments to the consultation materials.

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

Reason for decision: As stated in the report

Note: \* Report previously circulated.

#### 84. **CULLOMPTON TOWN CENTRE RELIEF ROAD (01:23:52)**

The Cabinet had before it a report \* from the Director of Place and Economy on the Cullompton Town Centre Relief Road.

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

- At the Cabinet Meeting on the 4 June 2024, Members received an update on various strategic transport infrastructure schemes in Cullompton and that, at that time, the Council were awaiting a decision from Homes England regarding the possibility of additional funding to ensure delivery of the Cullompton Town Centre Relief Road. This decision had been deferred as a result of the general election that subsequently occurred in July 2024.

- In August, Homes England subsequently confirmed a positive decision by its Board to make available the full funding needed to deliver this hugely important scheme.
- This progress was vastly significant given that the Town Centre Relief Road was of key importance to improve the amenity of the town centre, tackle air quality problems and unlock housing in the area. Furthermore, the vast majority of Cullompton residents were keen to get this scheme delivered, with 92% of local residents supportive of the Relief Road proposal when asked earlier in 2024.
- Since that time, officers had been working hard to continue to progress the scheme. Proactive and positive steps had been taken in relation to the relocation of the Cricket Club, remobilisation of the design team and in making meaningful progress with Tesco in relation to the purchase of its land required to deliver the Relief Road. The latter had recently taken a welcomed and positive step in confirming the sale (subject to contract) of its land to support delivery of the road.
- Building-on and continuing this progress, the report provided an update, but also sought authority to enter into updated agreements with Homes England and Devon County Council which were necessary in order to now fully enable delivery of the Relief Road.
- The Homes England Grant Funding Agreement issued to Mid Devon was set out in a standard form and was an updated version of the previous contractual arrangements that were with them for the initial Housing Infrastructure Grant. Officers, including the Legal Services Manager, had reviewed the draft Agreement and would continue in negotiating and discussing specific matters and wording with Homes England.
- Similarly, the agreement with Devon County Council was also being updated to reflect the latest Homes England requirements and to ensure that the funding could readily be made available to the County Council to enable delivery of the road within the availability period of the grant funding. It should be noted that inflation and contingency had been allowed for within the project cost estimates/funding envelope and that the Council's cost liability would not exceed the funding envelope as set out. As Delivery Partner, Devon County Council would be responsible for delivery of the project - including cost, risk and programme. Updated and strengthened governance arrangements were being put in place to provide delivery assurance to the Council and to create a strong platform for delivery of this key infrastructure. Devon County Council was expected to also take a paper before its Cabinet in December 2024.

Discussion took place regarding:

- Was the agreement with Homes England binding once the Council entered it and could Homes England withdraw their funding once the agreement had been signed?
- At what point would the Relief Road become certain? Was it upon contract signing or at any other critical decisions point where the project could fail?
- Were there any alternative options to Devon County Council as a delivery partner in terms of value for money or contingency plans?
- The grant from Homes England and would this be recouped from S106 contributions and the fund retained by the Council for further potential infrastructure projects. Would these funds be ring fenced for infrastructure that would benefit Cullompton?

**RESOLVED** that:

- i. The entry into an updated Grant Funding Agreement with Homes England to secure £33.5 million of Housing Infrastructure Fund monies and grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to finalise and sign the agreements in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- ii. The entry in to an updated Agreement with Devon County Council (as Delivery Partner) to enable delivery of the Relief Road by the County Council as Highways Authority, in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**
- iii. The use of Homes England Capacity Funding (£109,150) to support work streams during this financial year (2024/25) be **APPROVED**
- iv. To grant delegated authority to the Director of Place and Economy in consultation with the Section 151 Officer and Director of Legal, People and Governance to enter into any subsequent legal agreements should they become necessary to facilitate the completion of the project and in consultation with the Cabinet Member for Governance, Finance and Risk and Cabinet Member for Planning and Economic Regeneration be **APPROVED**

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

Reason for decision: As stated in the report

Note: \* Report previously circulated.

85. **GRAND WESTERN CANAL CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN (01:49:00)**

The Cabinet had before it a report \* from the Director of Place and Economy on the Grand Western Canal Conservation Area Appraisal and Management Plan.

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

- The Grand Western Canal Conservation Area Appraisal and Management Plan, including the amendments to the extent of the Grand Western Canal Conservation Area be formally adopted.
- Sections 69 & 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stated that local authorities shall from time to time determine which parts of their area were areas of special architectural or historic interest, the character or appearance of which it was desirable to preserve or enhance.
- The Grand Western Canal Conservation Area was adopted in 1994, and had not been subject to a review or had proposals for its preservation and enhancement published.

- The Council had prepared the Conservation Area Appraisal and Management Plan in order to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), as amended in December 2023.
- This Appraisal & Management Plan was far superior and much more robust than the 1½ page brevity of the 1994 Report and it now had taken into account the changes in methodology and best practice.
- A full and comprehensive public engagement and consultation exercise on the draft document had taken place. The report included a summary of the public consultation and the key issues raised. All comments received were reported in full within Appendix 2, together with the Council's response and the changes that had been made to the Conservation Area appraisal.
- The specific changes made to the document following the public consultation included:

**Land adjacent to Tidcombe Hall, Tiverton** – The Council had been made aware that Tidcombe Hall and the land adjacent was at one time in the same ownership and had contributed to the layout of the canal. The land adjacent to Tidcombe Hall therefore had sufficient special interest to justify the retention in the Conservation Area and this approach was consistent with the National Planning Policy Framework (NPPF).

**Pondground Cottage, Holcombe Rogus** – The Council had been made aware that Pondground Cottage and the adjacent land had historic links to the nearby quarries and the canal. It was therefore proposed to retain this area within the Conservation Area boundary. This approach was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient architectural or historic interest to warrant designation.

**Area of woodland known as 'Snakes Wood', Tiverton** – The boundary of the Conservation Area adjacent to Snakes Wood had been amended to include the canal's embankment. Residents who were opposed to the de-designation of the woodland and had raised a variety of points including ecology, wellbeing and health as positive attributes for the area. Local planning authorities should ensure that an area justified designation because of its special architectural or historic interest. This area of woodland was not of architectural or historic interest and therefore de-designation of the area was consistent with the NPPF requirement to ensure that Conservation Areas had sufficient interest to warrant designation. This approach was consistent with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

The Council recognised the value of the canal for ecology, informal recreation, and health and well-being for local residents and visitors and in supporting local businesses. The Council acknowledged the public appreciation of the values of conservation including wildlife. The public could be reassured that the Council had other ways to secure the value of sites like 'Snakes Wood' both within the policies of the Council and the biodiversity duty on the Council. This was a future task of the Planning, Environment & Sustainability Policy Development Group. However, those matters were not relevant to the designation of the conservation area in terms of its special historic or architectural interest. Those matters were supported through other

work of the Council as a Local Planning Authority and the promotion by the Council as a visitor destination, and through Devon County Council's management of the canal as a Country Park. Species and habitats were legally protected. This was also included through the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. National planning policy and policies in the adopted Mid Devon Council Local Plan also sought to protect and enhance habitats and biodiversity. The canal was a designated Country Wildlife Site and also a designated Local Nature Reserve and Country Park.

Snakes Wood was designated as an area of Ancient Woodland and also a Country Wildlife Site. The canal and Snakes Wood were protected and managed through these designations.

A number of letters had been received following the public consultation and the publication of the report for this meeting. The Council had acknowledged this as they drew attention to the ecological value of the canal and Snakes Wood. The Council had already given careful consideration to this matter in the responses within Appendix 2 and those letters would be responded to in due course.

The recommendations included in the report had been considered and endorsed by the Planning Policy Advisory Group.

Discussion took place regarding:

- Members had attended Parish Council meetings and that Sampford Peverell Parish Council had taken part and visited people in the community in regards to the consultation.
- The exercise that had been undertaken in regards to the consultation had been appropriate and fully consulted with by those affected.
- The Grand Western Canal Joint Advisory Committee were supportive of the work undertaken by officers.
- The protection of Snakes Wood and whether the Council could further protect the woods.
- The accusation that had been made to the Council and the perceived lack of openness and transparency.
- The Process and the Council's duty to review conservation areas.
- The consultation and correspondence that had been received with regards to the Grand Western Canal.
- The Tidcombe Hall area and two previous planning applications that had been refused.
- The concerns about the conservation area status on the canal and the history of the canal.

**RESOLVED** that Cabinet recommend to Council that:

1. The Grand Western Canal Conservation Area Appraisal and Management Plan (Appendix 1 to this report), including proposed amendments to the extent of the Grand Western Canal Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and used to assist in the process of determining planning



applications and for implementing management proposals be formally **ADOPTED**.

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

Reason for the decision: As stated in the report

Note: \* Report previously circulated.

## 86. **2024/2025 QUARTER 2 BUDGET MONITORING REPORT (02:18:05)**

The Cabinet had before it a report \* from the Deputy Chief Executive (S151) presenting the Quarter 2 Budget Monitoring Report.

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

- Cabinet were asked to note that the improved projected Outturn position for the General Fund was a £398k underspend. This was a significant improvement on the budget and the financial position compared to previous years.
- In regards to income, as outlined in the quarter 1 report, there continued to be areas where the Council had some large variances from budget, both under and over.
- This mainly reflected economic circumstances with Planning and Building Control income, which was lower than forecast due to the stagnation of the housing market. However, those were more than offset by areas that were forecasted to be well ahead of budget in areas such as Waste and Leisure, where recyclable prices were currently strong and Leisure Centre membership where numbers had increased.
- Regarding the expenditure, the key element was the salary budget. There were some significant variances, with underspends through prudent management of costs in services such as Finance, Human Resources (HR) or Legal, or overspends in Information and Communications Technology (ICT) or Environmental Enforcement.
- Although projected to be significantly lower than previous years, the requirement for agency staff was higher than expected. Areas of particular pressure were Waste, Finance, Legal and Planning Enforcement. The main Service variances were explained in Appendix B, with key income forecast shown within Appendix C, and staffing variances within Appendix D.
- The Housing Revenue Account (HRA) also showed a healthy underspend of £315k. This was largely due to staff savings and lower interest costs, but was partially offset by a lower than budgeted investment yield and increased costs of void properties.
- The capital programme had been reviewed and a new deliverable Budget for projects starting in 2024/25 was proposed, The budget was reduced by nearly £5m, made up of over £3m from projects that were no longer going ahead; £1.8m from projects that had been delayed until a future year; £1m from projects reducing in scope; £0.9m from projects being delivered ahead of schedule; and £0.300m from a new project following a successful grant bid.

- There was a sizable variance (£14.6m) against that revised 2024/25 deliverable Budget including £16.5m that would slip into future years, slightly offset by £2m overspend. There were two main reasons including movements in the HRA Development Programme and delays in the Cullompton Town Centre Relief Road which had now reached confirmation of funding being secured.
- Regarding 3Rivers, an application had been submitted on 28 August 2024 to Companies House for the company to be voluntarily struck off, the Council were in the very final few days before it was fully closed. There had been no issues.
- Work was in progress with the conversion of St George's Court into an over 60's community through the HRA, with the first properties included on the tenancy lists and occupation expected before Christmas. The unsold units at Bampton continued to be marketed and had recently generated meaningful interest but to date no offers had been received and would be kept under review.

**RESOLVED** that:

- i. The financial monitoring information for the income and expenditure for the six months to 30 September 2024 and the projected outturn position be **NOTED**.
- ii. The use of Waivers for the Procurement of goods and services as included in Section 8 be **NOTED**.
- iii. The update on the soft closure of 3 Rivers Developments Ltd be noted.
- iv. The revisions to the 2024/25 Deliverable Capital Programme total be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Reason for the decision: As stated in the report

Note: \* Report previously circulated.

**87. 2024/2025 QUARTER 2 TREASURY MANAGEMENT REPORT (02:24:02)**

The Cabinet had before it a report \* from the Deputy Chief Executive (S151) presenting the Quarter 2 Treasury Management Report.

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

- In line with regulations, the mid-year treasury management report required a more in-depth and informative report to be presented to the decision makers about the treasury aspects of the Council's finances.
- The continuation of the current policy and approval of the revised Capital Financing Requirement (CFR), Operational Boundaries and Authorised limits, which were included within paragraphs 5.4 and 5.5.
- In summary, good investment returns had been achieved on the treasury investment due to the slower than expected fall in increased interest rates. However, the rates had begun to fall. The greater yield was also helped by the

slippage on the capital programme enabling higher temporary investments to be made.

- An economic summary provided by the Council's Treasury Advisors, (Link Group), a summary of the deposits at the end of the quarter and the yields that had been achieved.
- No additional borrowing had been required and although potentially up to £6m may be required to be sought from external sources before the end of the financial year, this was lower than originally assumed within the 2024/25 budget.
- Based on the lower Q2 forecast, the report recommended a reduction in the Capital Financing Requirement, leading to a reduction in the Authorised Limit and Operational Boundary for external borrowing.

**RESOLVED** that Cabinet recommend to Council that:

- i. A continuation of the current policy outlined at paragraphs 4.0 – 4.5 be **AGREED**.
- ii. The changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current financial year at paragraphs 5.4 – 5.5 be **APPROVED**.

(Proposed by Cllr J Buczkowski and seconded by Cllr S Clist)

Note: \*Cllr S Keable left the meeting at 19:49pm

Reason for the decision: As stated in the report

Note: \* Report previously circulated.

## 88. **TAX BASE CALCULATIONS (02:27:00)**

The Cabinet had before it a report \* from the Deputy Chief Executive (S151) presenting the Tax Base Calculations.

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

- Each year the Council had to set the Council Tax base on which it and all precepting authorities calculated the precept. Within the calculations were the actual number of properties in the district, the reduction due to the Council Tax Reduction Scheme.
- The forecast growth in properties and the likely level of collection – all of which were converted into an Average Band D property.
- For 2025/26, the Council projected there would be 30,732.91 Band D properties, which was healthy growth of 510.81 on the current year and the Council expected to collect 97.5% of the precept as in the current year.
- The additional funding raised through the second homes premium (c£50k) approved in February 2024 would be earmarked for additional housing activity / projects.

**RESOLVED** that Cabinet recommend to Council that:

- That the calculation of the Council's Tax Base for 2025/26 in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at 30,732.91 an increase of circa 510.81 Band D equivalent properties from the previous financial year be **APPROVED**.
- That the current collection rate of 97.5% remain the same detailed in Section 2 be **APPROVED**.
- The premium charges in 3.7 & 3.8. The premium element of 3.7 will be used to support additional housing activity/projects to be **NOTED**.

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

Reason for the decision: As stated in the report

Note: \* Report previously circulated.

#### 89. **CAR PARKING SPACES AT HALBERTON (02:30:32)**

The Cabinet had before it a report \* from the Deputy Chief Executive (S151) Officer on the Car Parking Spaces at Halberton

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

- Cabinet to consider the current proposal from Halberton Parish Council regarding the future arrangements of the 5 car parking spaces at the Orchard, Halberton.
- The report demonstrated that the Council worked with and liaised constructively with its Parish Councils.

Discussion took place regarding:

- Members were grateful for all the work that had gone into the current proposal.
- This report was a great example of working and engagement with Town and Parishes.

**RESOLVED** that:

The operation of the 5 car parking spaces at The Orchard, Halberton on a commercial basis as identified in paragraph 1.2 be **AGREED**.

(Proposed by the Deputy Leader as Chair)

Reason for the decision: As stated in the report

Note: \* Report previously circulated.

#### 90. **ACCESS TO INFORMATION- EXCLUSION OF PRESS & PUBLIC (02:33:00)**

The Chair stated that discussion with regard to the next item, required Cabinet to pass the following resolution to exclude the press and public having reflected on

Article 12 12.02 (d) (a presumption in favour of openness) of the Constitution. This decision was required because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet decided, in all circumstances of the case, the public interest in maintaining the exemption, outweighed the public interest in disclosing the information.

**RESOLVED:** That, in accordance with Part I of Schedule 12A to the Local Government Act 1972, the press and public be excluded from the meeting for the next item, for the reason set out below:

Information under paragraph 3 (contains information relating to the financial or business affairs of any particular person including the authority holding that information).

(Proposed by the Chair).

#### 91. **LEISURE MANAGEMENT SYSTEM UPDATE (02:34:00)**

The Cabinet had before it a report \* from the Head of Revenues, Benefits and Leisure on the change to the Leisure Management System update.

The Cabinet Member for Service Delivery and Continuous Improvement gave a verbal update. Following discussion and having returned to open session, the Chair highlighted the following:

- The Cabinet had noted the update provided on the leisure management system, this was following Cabinets approval on the 4th June, for the digital transformation of the Leisure Service, a tender process for 'lot' (2.0) commenced.
- This was an update on the progress of the project.
- The Leisure team worked closely with Procurement throughout.
- The tender attracted a lot of interest through the ProContract portal with over 30 companies initially registering an interest. Nine companies underwent evaluation and moderation and had now successfully awarded to the preferred bidder.

Discussion took place regarding:

- The nine companies that underwent the evaluation.

**RESOLVED** that:

The Leisure Management System update be **NOTED**.

(Proposed by Cllr S Clist as Chair)

Note: \* Report previously circulated

#### 92. **NOTIFICATION OF KEY DECISIONS (02:35:30)**

The Cabinet had before it, and **NOTED**, the Notification of Key Decisions \*.

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

- The Housing Rents had been added to 10 December 2024 meeting.
- The Investment in Community Land Trust projects using Devolution funding had been added to 7 January 2025 meeting.

Note: \* Key Decisions report previously circulated.

(The meeting ended at Time Not Specified)

**CHAIRMAN**