Full Council 23 April Public Questions and Answers

Name of person submitting	Questions
Mr Peter Drew	Just before Easter the Local Government Ombudsman made a finding of maladministration against the Lib Dem run Mid Devon District Council and so I am here to obtain the apology that is due to me on behalf of the residents of Sampford Peverell. The facts are that various footpaths were supposed to be opened prior to the first occupiers of the Edenstone housing estate moving into their homes so that pedestrians could walk to the school, and access other services and facilities, in Sampford Peverell. The first dwelling was occupied in February 2024 but the footpaths were not opened until approximately one year later. During that period residents were forced to either drive their children to school, which is ironic for a site that the Council falsely claimed was the most sustainable in the entire District, or risk their lives on roads that the Council itself recorded to be 'dangerous' in its own sustainability assessment. The facts are that the Highway Authority agreed in a statement of common ground with the land promoter ahead of the Public Inquiry that the 30-mph zone should be extended onto all of the roads around the perimeter of the housing site. When granting outline planning permission the Planning Inspector found that the s106 to secure the funding to deliver the speed limit met all of the relevant legal tests. However when dealing with a subsequent variation of condition application the District Council produced what it called a 'supplemental agreement' and in the process 'deleted' the s106 that the Inspector had endorsed as being necessary. The practical effect is that no speed limit has been delivered. The Council has never offered any reason why the speed limit was written out of the legal agreement and local residents have never been consulted about the change.

	The road north of Battens Cross from which the estate road is constructed remains derestricted, such that vehicles can lawfully drive at 60-mph when the Inspector agreed with the Highway Authority that it should be 30-mph. This country lane has no pavement and no street lights yet residents were forced to walk on the road because the District Council failed to respond expeditiously to my complaint. Even now the crossing point on Turnpike, which the response to my freedom of information request sent to the Highway Authority shows was designed for a 30-mph zone, is located on a stretch of road where the most recent speed survey records actual speeds of around 45 mph. When I last addressed the Full Council in December you could not answer a simple question as to why the Council applied the same statutory test differently 30 years apart. You haven't communicated with me at any stage about the so-called Conservation Area consultation. Your Cabinet Member for Community Engagement doesn't acknowledge my emails even though she said in the Halberton Parish Magazine that she preferred that method of communication. Lib Dem election propaganda claims that you have 'strengthened protection for our canal' when the reality is that tens of thousands of trees are no longer within the conservation area and so are not protected. I made you aware that you had allowed silt and effluent to pour into the canal for months. There is a fine line between spin and lies, which the Lib Dems have blatantly crossed in this case. **Question 1:** Why did the Council covertly revise the s106 to delete the speed limit and then make residents walk on dangerous roads for 12 months? **Response from the Cabinet Member for Planning and Economic Regeneration:** Mr Drew, thank you for your question which really took the form of a politicised statement. As this was received after this Bank Holiday and after the deadline for submission you would receive a written response.

	In part your question related to the Local Government Ombudsman decision on a complaint made by yourself. The inaccuracy of your statement in this public forum needed to be called out before unnecessary stress to local residents. It had a clear political bias, taking full advantage of the election timing. The Ombudsman's final summary was: Mr X complained the Council failed to take appropriate action to enforce a breach of planning control relating to the provision of footpaths on a residential development. We found fault by the Council due to delay which caused Mr X frustration. We consider the agreed action of an apology and commitment to keep Mr X advised as appropriate of progress provides a suitable remedy. *The Ombudsman's ruling was issued 15 April 2025 and within 3-working days an apology for the delay in any response was issued in writing by this Council. There has been no malpractice and Officers will keep you informed.* The Grand Western Canal Conservation Area Appraisal & Management Plan, adopted by this Council at the end of 2024, now protected the canal, in better ways than ever before. This was evidenced by the recent Planning Inspector Inquiry where a significant Planning Appeal was rejected and in doing so the Inspector made reference to that decision, of the Council to adopt the Canal Management Plan. Further, this Council was actively pursuing two other initiatives that would enhance the conservation of areas beyond the current Plan. **Response from the Cabinet Member for Planning and Economic Regeneration:** Firstly, I would refute your suggestion that Mid Devon has in any way acted "covertly" in its dealings with the S.106 Agreements linked to the Edenstone scheme. As you will already know from your various exchanges with both the district and county councils relating to the Edenstone housing development, the original requirement for the applicant / developer to fund the costs for the making of a TRO was set out in a single issue Unilateral

	Undertaking dated 21st December 2020 made by the then landowners in favour of Devon County Council. This was separate to the bilateral agreement entered into by the landowners together with both the district and county council relating to other obligations. Subsequently, the developer submitted an application under S.73 to vary a number of planning conditions applied to the outline permission. The original bilateral S.106 did not include a provision that would apply its requirements to the new, S.73 permission therefore a further S.106 agreement was required to apply the original obligations to the new planning permission. By the time of the committee resolution to approve the S.73 application, the county council as highways authority had resolved the TRO was unnecessary and therefore the applicants should be released from the original obligation. I understand you have previously corresponded with the county council and are aware of this decision. Resolution of the TRO obligation matter could have been undertaken in one of two ways, (i) either a bilateral agreement between the developer and county council to deal with the singe issue covered by the original unilateral undertaking whilst the county council would also need to be a signatory to the bilateral agreement between the developer and both the district and county council in respect of the other obligations, or (ii) a more simple process where both the original unilateral undertaking and bilateral agreement are dealt with in a single updated bilateral undertaking. In the event the county council sought to release the original unilateral obligation provisions through their instructions in relation to the new bilateral agreement whilst the district council progressed its obligations through the same agreement. The matter that is the subject of your complaint therefore relates to a county council area of responsibility (traffic speeds and road safety) and the decision to release the original obligation

	arose from the county legal instructions and their decision to combine their objectives for this site into 1 agreement rather than the 2 agreement solution indicated above. Any complaints relating to that issue should therefore be pursued through the County Council.