

Full Council 23 July Public Questions and Answers

Name of person submitting	Questions
Goff Welchman	My questions refer to the Tidcombe Hall outline development plan. Question 1: The recent appeal was always likely to win, due to the new Government housing targets, which tied the inspector's hands. However, he clearly sympathised with the many objections raised, as he has thrown us the consolation prize of 29 conditions, many of which will act as a deterrent to any developer thinking of taking over the site. Therefore, applications to retrospectively remove the most onerous conditions are highly likely. Will this Council confirm, that any such applications will be robustly refused? Thank you for your questions, Mr Welchman. The application of a significant number of conditions as well as obligations in any associated S106 agreement is a typical level of control to be established over a development of this scale. They are not a "consolation prize" but simply reflect the range of issues that a planning authority would reasonably expect to control or secure further details prior to various trigger stages in the development. At this stage it would be pure speculation to discuss what options any developer may seek to pursue in implementing the planning permission and therefore to pre-determine the planning authorities decision on any such proposals would be both premature and represent an unreasonable starting point to our assessment that could place the authority at risk of a further costs award against it.

The Inspector in his decision has clearly set out the level of impact principally upon heritage assets and landscape (but also other impacted environments) and confirmed that he considers these impacts to be an acceptable cost in order to secure the 100 dwellings. This will represent the starting point for any consideration of alternative proposals if they are submitted.

Question 2:

The Tidcombe Hall area remains vulnerable to further speculative development applications, and even one to enlarge the currently approved plan, due to the original terrible mistake of designating it as a contingency site. Will this Council now commit to removing that designation in the next Local Plan?

The residents of Tiverton, and beyond, are bitterly disappointed at, and outraged by what is happening to the Tidcombe Hall area, and expect very positive responses to my questions.”

As you will know, the current Local Plan was adopted by a previous Council and inherited by this Administration.

You will also recall, in relation to the Housing Delivery Action Plan that Mid Devon adopted in Spring this year, we resolved to exclude the Tidcombe Hall site from early release because of the harms we considered arose from the partial control over the site that was available to the applicant, however the Inspector did not accept that those harms were sufficient to prevent development coming forward.

As you note, the only way to remove a particular site allocation or designation within an adopted Local Plan is by way of a plan review. As you will also know, the preparation of a new Local Plan is at a relatively early stage.

Before committing to the inclusion or exclusion of any sites or opportunities for development, Mid Devon will need to consider at a strategic level how it intends to deliver the government's new housing numbers that will underpin the allocation of development across the district. Any Issues and Options document that we progress will be the subject of a wide public consultation which will

	enable the community of Mid Devon to make clear to the planning authority how they believe growth should be delivered in relation to both location and scale of development. Until we get to that stage however it would be inappropriate for officers or councillors to commit that individual allocations within the adopted Local Plan will be removed from future Plans for the district.
Nicholas Govier	The subject of Anaerobic Digestion Plants in Mid Devon and the conflict between commercial greed, impacts on communities and the environment along with the still to be proven case of supporting net zero remains as strong as ever. I support the motion being proposed with the development of greater transparency for the public, the consultees and applicants being seen as a positive step. Mid Devon carries a disproportionate share of Anaerobic Digestion Plants located in Devon with significant time being consumed by planning officers, Council Members and the public in becoming involved in such applications as a result of the aforementioned tensions. Added to this is the recent involvement of this Councils Enforcement Officer in bringing enforcement action in the face of clear planning condition breaches at one high profile AD location. Again the pursuit of corporate greed ignoring the expected protection afforded to local communities which should have been delivered through this councils very own planning conditions. In light of this position can I please ask this council when discussing the motion they expand the scope of the proposed document and agree: In reaching any planning decision how appropriate and enforceable planning conditions would be, along with explaining the enforcement challenges to date: In reaching any planning decision how important would the health and safety be of local residents (referred to as receptors). This reflecting the statutory guidance from the Government which

profiles the need for such plants to be operating a minimum 200m from the nearest receptor. This has previously been profiled as a concern by the Mid Devon Health Officers

In reaching any planning decision what consideration is given to the significant investment in the Tiverton Eastern Urban Extension. A programme of housing development and road infrastructure improvements which included a core strategic objective to reduce traffic volumes to the east of Tiverton. Recent AD operations have ignored this objective

In reaching any planning decision how can the applicant deliver a complete view of the net zero impacts. This includes the need to demonstrate the full impacts of feedstock production including use of large areas of land, sprays and fertilisers, harvesting, transportation of feedstock and digestate over long distances, fuel consumption and plant operation before reaching any energy production.

I hope these elements are considered appropriate and I ask these are added to the scope of the proposed document. By bringing understanding and transparency to these themes I believe they will simplify future decision making for AD plants and support the motion before the council this evening.

Thank you, Mr Govier for your question and observations which I know is a central theme and concern for many Mid Devon Councillors. I am sure that these matters will be touched on through discussions this evening and I will also ensure that officers consider the points you raise in the context of any decision reached this evening and with a mind to national and local planning policy positions and requirements.

I should however just stress that any policy will necessarily need to consider Anaerobic Digester operations within the District as a whole, and not simply those contained within specific locations within the District.

Peter Drew	In a decision dated 24 June 2025 the Planning Inspectorate allowed an appeal for 100 dwellings at Tidcombe Hall. Luke Taylor claims that the decision was a “consequence of the recent adjustment to housing targets”. However once again the Lib Dems distort fact from reality. The fact is that the Council chose Tidcombe Hall as a contingency site for 100 dwellings in its adopted Local Plan. It then conceded in advance of the Inquiry that it did not have a 5-year housing land supply. That is exactly the scenario in which the contingency site was designed to be released. The Planning Inspectorate noted the housing land supply figure is expected to fall further as the higher targets take effect but that doesn’t alter the fact that the Council itself chose this as the only contingency site in its adopted Local Plan to be released where there was a shortfall in the housing land supply. The Council cannot therefore blame anyone but itself. In granting planning permission the Inspector found the scheme would have negative effects on the Grand Western Canal Conservation Area. In reaching that view the Conservation Area and Management Plan [CAAMP], which the Council rushed to endorse ahead of the Inquiry, does not appear to have been mentioned in the decision letter; it certainly didn’t make any difference. At the time of endorsing the CAAMP, Mr Keable could not answer a simple question about what had changed to lead the same Council to remove trees on my property and elsewhere from the Conservation Area when the statutory test had not changed. The Council claimed the CAAMP would protect the Canal Conservation Area. However this decision adds to the harm that the Council have caused to the canal by removing protection from tens of thousands of trees and failing to stop pollution, including effluent and silt, from entering the canal at Sampford Peverell. In a recent survey 87% of people said that they trust politicians “not very much or not at all” and that comes as no surprise to me given the track record of this Council. Having refused to issue a public apology even when the Local Government Ombudsman found maladministration by the Council, would the Council now like to apologise for its failings in these matters? Thank you, Mr Drew. Talking of distorting fact from reality, let us set some facts straight with regard to your own statements when answering your questions:-
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	1. The current Local Plan was adopted under a previous administration with a significantly different membership and based upon information and evidence available at that time. It therefore seems somewhat absurd to suggest that members within this room should be “blamed” for such a decision. 2. The Council did have a robust Housing land supply position which has unfortunately been undermined by slow build out rates, the age of the adopted plan and fundamentally by Government revisions to the Council’s housing target. 3. The Council undertook a thorough review of the GWC Conservation Area which, after a great deal of effort by many Councillors in this room this evening, produced a positive suite of documents with many stakeholders ultimately acknowledging the efforts that the Council had gone to in producing the document and in engaging key stakeholders in a positive and productive manner. And finally; 4. The Council did not refuse to issue an apology to you. Nor did the LGSCO Ombudsman find Maladministration. Rather, the Ombudsman found that delay had caused you frustration and asked that the Council provide you with a written apology. You received this written apology for this from the interim Development Management Manager in April and within days of the finding being issued.
Paul Elstone	Question 1: Much is being made about the energy efficiency of the ZED PODS modules. In response to a Freedom of Information Request asking how many electric heaters are fitted at the ZED POD Shapland Place development. I was advised that four out of the eight properties have Secondary Electric Heaters installed. The author of the response made an additional comment and in which they said these are <i>“redundant heaters” also “Given the thermal performance of these units they are rarely if ever used”</i>. That was spin now the facts. Are members aware that a report involving Bristol City Council, states that the residents of another ZED POD development not unlike Shapland Place were required to keep their electric ovens switched on this to keep them warm. That the modules monitored in the report had (Quote) <i>“Potentials for unusually high usage of</i>

energy” (Unquote) ?

Response from Cabinet Member for Housing, Assets and Property Services:

For full context, the Council’s earlier FOI response to the questioner provided the following information regarding the infra-red (IR) heating panels installed at our Shapland Place development:

These IR panels are fitted at Shapland Place, but not at St Andrews or Crofts. In the larger units where we have the Nilan heating systems, there is a one IR heat panel installed. Each IR panel is 800w. This is classed as a back-up or redundant additional heating product to the primary heating system, which can be used if required in the event of a prolonged cold snap where the tenant may require an initial boost to the temperature of the property and an instant heat feel. Given the thermal performance of these units they are rarely if ever needed. This is common practice in EPC A/high eco-performance social housing.

The Council is not aware of the purported Bristol City Council report or its possible relevance, if any, with regard to the Council’s Shapland Place development. After the meeting, a copy of the report has been requested from the questioner in support of the above statement and to date this has not been provided. Consequently, no further response can be provided.

Question 2:

The Energy Certificates prepared for Shapland Place classifies the development as Energy Rating ‘A’.

A certificate that makes absolutely no reference to Secondary Electric Heaters being fitted, and which it most certainly should. As a result, the electricity consumption and carbon emission calculations are substantially incorrect.

Therefore, how can it be said these modules are truly nett zero?

Response from Cabinet Member for Housing, Assets and Property Services:

See responses to Q1 and Q3.

Question 3:

It is noted that at least one other ZED POD development is the same. Examination reveals that ZED POD use the same assessor for all of their developments.

Are members aware that landlords can be liable to legal action, fines and even compensations payments for false Energy Certificates?

Response from Cabinet Member for Housing, Assets and Property Services:

The Council is aware it is common for independent specialists and assessors to be appointed to provide a range of services. This may be in relation to construction but of course will also be the case across many different projects and requirements. As such, it is typical for the same assessor or contractor to be used across a number of projects.

There is no suggestion, evidence or other information to support the erroneous and deleterious statement by the questioner that the EPC certificates provided by Zed Pods contractor are anything other than independent, competent and valid.

Question 4:

Over 3 months ago I sent an email to the Cabinet Member for Planning amongst others.

An email that I believe provided irrefutable as built drawing evidence showing that the Shapland Place ZED POD Development does not comply with the Governments Minimum Described Space Standards. This on 3 separate points.

I was promised a response, but nothing has been forthcoming.

When can I expect a response, and a response that fully accepts the points I raised. Or if not debunks them and in detail and importantly on a point-by-point basis?

Response from Cabinet Member for Housing, Assets and Property Services and the Cabinet Member for Planning and Economic Regeneration:

These same matters have been raised by the questioner on multiple occasions and public responses have therefore been provided previously, most recently in April 2025. A response has also been provided directly to the questioner by the Council's planning enforcement officer. These responses are summarised below.

1. Provision of EV charging

The required spaces have been allocated at the development and the appropriate cabling has been installed below ground. The developer has therefore met their requirements. It is now with the Council who are currently undertaking a procurement process for a specialist supplier to install and manage what will be public chargers available to residents of Shapland Place and more widely. This will be similar to the current third-party arrangements in place in our leisure centres. We are looking to appoint a contractor to install and manage all our future EV installations on HRA schemes, not just Shapland Place, so this installation has been sensibly paused whilst this contract is put in place.

Update since April 2025 response:

Due to recently introduced changes to public sector procurement legislation, the Council's housing service has focussed on putting updated, fully compliant contracts in place as required to deliver a myriad of repairs, maintenance and inspection services. As such, it has prioritised the delivery of services essential maintaining the health, safety and welfare of its tenants before undertaking additional procurement for services such as EV charging. The EV procurement will nonetheless now proceed at the earliest opportunity.

2. Frosted glass panels on balconies

Update since April 2025 response:

These are fully installed at the property and have been for several months.

3. Windows on side of the building

These were part of the amendments to the original design and have been approved by planning with all relevant planning conditions discharged. As the questioner is aware from an earlier site visit, the two windows were simply introduced into the build to enhance the natural light in one unit and reduce the need for artificial lighting as a benefit for future tenants. As can be viewed on the online planning portal (under reference 21/01957), there is an approved drawing dated 22 May 2023 of the as built development showing the North and South elevations with these windows incorporated.

Given the above, there is no update since the April 2025 response.

Question 5:

Over 3 months ago I also provide irrefutable evidence to the Enforcement Team showing that Shapland Place had been built in breach of 3 planning conditions.

A fourth breach has since been identified and related to overheating.

When can I expect a response to the planning breaches identified? This consistent with the Enforcement Policy. Especially important given its MDDC themselves who are in breach and with other similar projects ongoing?

Response from Cabinet Member for Housing, Assets and Property Services and the Cabinet Member for Planning and Economic Regeneration:

See response to Q4 above.

With regard to the alleged overheating, this was substantially addressed in the Homes PDG report

	of the Council's modular building programme (see item 12 <u>Agenda for Homes Policy Development Group on Tuesday, 3rd June, 2025, 2.15 pm - MIDDEVON.GOV.UK</u>) which was subsequently reviewed and supported by the Council's Scrutiny committee and approved by Cabinet. For accuracy, overheating is a matter for Building Regulations. As confirmed in the above report, all Zed Pods buildings exceed Building Regulation Part 'O' requirements and include both passive and active cooling technologies where required. This includes Dynamic Thermal Modelling assessments as required following the full Chartered Institution of Building Services Engineers (CIBSE) TM59 Design methodology. As the questioner is aware, as with all of the Council's completed development schemes, Shapland Place has full Building Control approval in place. A copy of the thermal assessment report for this development has also been provided to the questioner via Zed Pods Ltd. Consequently, the management of overheating is not a matter for the planning permission with no planning condition regarding this included within the decision notice for the development. As a result no breach can be identified and the statement above is not correct.
Nick Quinn	I am asking three questions on a matter that affects both the Council and residents. A local news article reported that this Council has agreed to pay 'compensation' to tenants affected by the 2002 Housing Rent Error. But the article suggested that the "compensation" would have strings attached and be limited to £500. Yesterday morning, BBC Breakfast interviewed the oldest Postmistress affected by errors in the Post Office Horizon System. She still has not been given any recompense and their compensation scheme is offering less than half her losses. Like the Post Office, this Council appears to be doing everything it can to avoid repaying the money it has overcharged; using "Lawyers Advice" to restrict outright repayments and touting

“Compensation payments”.

Please remember that this error was made by the Council and resulted in some rents exceeding the maximum level set by the Government.

Also remember that the tenants had to pay their inflated rents - if they did not, they would have been evicted.

From public information, the overcharge on some properties has been calculated to be more than £14,000.

Whilst not all the overcharges are as large, there are a lot of them, totalling £7.5 Million.

But the Council is restricting repayments and compensation – only budgeting £1.8 Million.

So, this error will have “Unjustly Enriched” the Council by Five Million Pounds.

That is a Big Win for the Council and a Big Loss for the Tenants!

All this is all being done in your name, so I ask:

Response from the Chair of Council:

The Council doesn't recognise all of the numbers referenced in these questions and would like to make it clear that all of the amounts quoted in previous reports show the gross impact of this error on the Housing Revenue Account. It should be acknowledged that a significant amount of our housing rent (over 50%) was covered previously by Housing Benefit or now Universal Credit, so many of the sums quoted aren't monies owed to our tenants and will be covered by adjustments to be agreed with the Department of Work & Pensions.

Question 1: Have all Members seen the actual advice given by the Lawyer?

Response from Cabinet Member for Housing, Assets and Property Services:

Councillors have made their decisions after securing external legal advice from a KC.

Question 2: Do all Members realise that “Compensation” may be limited to £500?

Response from Cabinet Member for Housing, Assets and Property Services:

Councillors agreed the current Housing compensation policy.

Question 3: Are all Members happy to accept that the good reputation of this Council will be tarnished by the failure to repay the full amount owed?

Response from Cabinet Member for Housing, Assets and Property Services:

The Council is proactively dealing with this issue and has already released 3 batches of refunds to tenants. The housing regulator in its recent findings report has indicated that they are content with how the Council is delivering this recovery plan.