

## **MID DEVON DISTRICT COUNCIL**

### **MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 13 January 2015 at 2.00 pm**

#### **Present Councillors**

D R Coren (Vice Chairman),  
Mrs D L Brandon, J D Squire,  
Mrs M E Squires and Mrs N Woollatt

#### **Apologies Councillors**

M A Lucas and J M Downes

#### **Also Present Councillors**

N V Davey, R F Radford, R L Stanley and K D Wilson

#### **Also Present Officers:**

Adrian Cook (Open Spaces Manager), Andrew Jarrett  
(Head of Finance), Nick Sanderson (Head of Housing and  
Property Services), Julia Stuckey (Member Services  
Officer) and Stuart Noyce (Waste and Transport Manager)

## **42 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs J M Downes and M A Lucas (Chairman). In the absence of the Chairman the Vice Chairman, Cllr D R Coren, took the Chair.

## **43 PUBLIC QUESTION TIME**

Referring to item 5 on the agenda Mr Grantham said that this Committee has before it a very comprehensive report by consultants which, if recommended in its present form, can have far reaching effects on local communities in relation to future planning decisions. Are Members aware that there is a part 2 to the report which is not attached to your report, has not been published to date and contains a number of area profiles?

Your Officer kindly supplied the Willand area profile when asked for it but are you aware that the key maps are not very clear and contain errors of designation which lead to misleading information in the main report?

Are members satisfied that such an important decision can be made from a report where the authors do not appear to have visited and inspected the locations?

Referring to item 5 on the agenda Mr Ursell asked are Members aware that the report before you indicates that Willand has sufficient supply of allotment space? The Parish Council administer those allotments on behalf of the landowners, a local charity. They are all allocated and there is a waiting list. Which is to be believed those who operate it or the authors of the report who have not visited the site?

A further example is that it is stated that there are two sites for teenage facilities but only one can be seen on the map supplied. The Parish Council recognise this area as a mound of grass and weed covered earth which was constructed for BMX use. Can members define 'teenage facilities' please?

Are members aware that three of the ten play areas are being considered for removal?

Referring to agenda item 5 Mr Warren said that currently there is a survey being conducted into play area provision and Parish and Town councils are being asked to consider taking over control of some or all of the play areas within the Parish and the removal of some. The outcome of this will affect the report before you. Is there any process in place to have some 'joined up' thinking and decision making on this, as it will affect the planning process?

Is it the right time of year to be asking us to monitor the use of play areas with the dark evenings and adverse weather?

If the Parish take over control and spend Parish money on maintaining the play areas will the ownership of the land pass to the Parish in order that they may have security of tenure to retain the site as a play area or public open space for the future?

Willand Parish Council has offered to take over a large open space from MDDC in the centre of the village in order that it may be properly maintained, as MDDC have not done so, as publicised in the local press. The offer was discussed by MDDC and a decision made but we were not advised of the outcome until the matter was pursued by one of our District Councillors. We have been denied sight of the minutes where a decision was made and we have been told that it would be transferred to the Parish if we supported MDDC selling off part of the land for market housing. Do Members consider this stance likely to encourage Parishes or Towns to take over the maintenance of sites? Is this a sensible decision when the report before you shows that Willand has a considerable shortfall of some open public space?

Finally one of the sites recommended for removal at Willand is well used and has had some items of equipment removed from it. The rest has been repaired and painted to the extent that some thought it had new equipment. This is the nearest play area and open space to a recommended new development under the currently discussed local plan. Do the two departments consult on such issues?

The Chairman indicated that the answers to the questions raised would be provided at the appropriate agenda item.

#### **44 MINUTES OF THE PREVIOUS MEETING**

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

#### **45 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman hoped that Councillor Lucas would have a speedy recovery and sent his best wishes.

## 46 OPEN SPACE AND PLAY AREA STRATEGY (00.09.38)

The Committee had before it a report\* from the Head of Housing and Property Services regarding the revised Open Space and Play Area Strategy which had been amended to meet the National Planning Policy Framework.

The Open Spaces Manager explained that the Council, through its Planning Department had to produce an Open Spaces and Play Area Strategy as part of its Local Plan; this strategy covered the period up to 2033, consistent with the Local Plan review (2013-2033).

The Strategy encompassed all open space and play area provision throughout Mid Devon. It needed to be evidence based and be able to stand up to scrutiny when challenged.

Ethos Environmental Planning, a company specialising in this field were awarded the contract to produce the plan in conjunction with Officers from Planning and Environmental Services.

As this PDG made recommendations regarding how the council's play area stock was managed, it was important that members were aware of the revised standards set for the provision of open spaces.

The Officer went on to explain that a further project, to identify play areas that could be passed into the care of Parish Councils was also being looked into and that this would be an agenda item at a future meeting of this Group.

Discussion took place regarding:

- The cost of commissioning the report;
- The accuracy of the data within the report;
- Consultation that had taken place, who with and the number of responses;
- The need for ongoing updating of the database.

In answer to questions asked during public question time the Open Spaces Manager informed the Group that:

- Part two of the report contained area profiles. This included maps and was a large document. It had not been possible to issue this with the agenda, but it would be available shortly on the internet in order that it could be accessed by all. It was advisable to view this on the internet as maps could be enlarged and therefore more clearly seen. Any errors could be identified here and fed back for amendment.
- With regard to the allotments in Willand the Officer did not think that this information had been fed back from the Parish Council.
- The Officer agreed that it was very difficult to define what facilities should be provided for teenagers and discussion took place regarding the difficulties that other Parishes had experienced with teenagers, despite having provided appropriate facilities.

- The Open Spaces Manager confirmed that where this report had identified over provision there would need to be future discussion.
- The Head of Housing and Property Services responded, with regard to the question about selling land in Willand for housing, that the area was being looked at for potential housing but that this was only in the very early stages. The Council was obliged to make best use of its assets and that was why this was being considered. No decision had been made but at some time in the future an Officer recommendation may be put to Members. He confirmed that there had been no intention to withhold information from the Parish Council and that a meeting could be arranged. The removal of this play area would not necessarily affect the overall provision for Willand as further provision may be provided with investment in other areas.
- With regard to whether or not the services consult each other, the Officer explained that this strategy had been consulted on by Planning, Grounds Maintenance and Open Spaces.

Further discussion took place regarding Parish Councils and the need for them to respond fully to requests for feedback and consultation. All Parish Councils had been consulted regarding this strategy but not all had responded and some had given little feedback in their response.

It was **RECOMMENDED** that the Cabinet adopt the Open Spaces and Play Area Policy, subject to part 2 of the document (area profiles) being made available to Parish Councils and Ward Members for ratification.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr Mrs M E Squires)

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

#### 47 **FIXED PENALTY NOTICES (01.15.00)**

The Head of Finance updated the Group on the number and type of Fixed Penalty Notices (FPN's) that had been issued in the last 12 months.

From April 2014 to the end of November 2014 14 Fixed Penalty Notices had been issued, as below:

3 Dog Fouling  
1 Smoking in a public place  
10 Littering

Of these FPN's 10 had been paid.

This was a similar level of activity to the previous year.

#### 48 **BUDGET UPDATE (01.23.02)**

The Group had before it a report\* from the Head of Finance requesting that Members consider options available in order for the Council to move towards a balanced budget for 2015/16.

The Officer explained that the formal confirmation of the Formula Grant settlement had been received prior to Christmas, which had been £83k more than expected; therefore the budget gap was now projected to be £99k.

He went on to explain that costs and income stream from the new waste scheme were difficult to predict. The figure of £50 per household for garden waste collection had been used, for the purposes of budget setting but this was subject to change. The garden waste scheme would be priced 'at cost'. It had been estimated that there would be a 1/3 take up of the scheme. The trial that would be taking place in February would give further indications on the volume of materials likely to be collected.

Development Control fees had been revised due to increased volume.

The Feed in tariff was performing well.

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

#### 49 **PRIVATE WATER SUPPLIES (01.34.00)**

The Public Health Manager updated the Group on Private Water Supplies within the District

The Officer explained that a private water supply was any supply of water that had not come from the public supply. Mid Devon had a large number of private water supplies due to the rural nature of the area and the type of land.

New legislation introduced in 2010 meant that Local Authorities were obliged to risk assess and test private water supplies that had previously been largely unregulated. This requirement was only on those supplies that provided more than 10 cubic meters per day or commercial supplies (Regulation 9 supplies) and smaller supplies serving more than one property (Regulation 10 supplies).

Regulation 9 supplies had to be risk assessed once every 5 years and sampled annually. For regulation 10 supplies the risk assessment frequency was also 5 yearly however sampling was only required once every 5 years.

Single domestic property supplies did not have to be assessed or tested, but if a test was requested the authority was obliged to do so. This was typically requested when properties with a private supply were sold or a new supply was commissioned.

A charge could be made for risk assessing and testing but the amount was capped by the Government. Some risk assessments could be complex, taking up to two days to complete including site visits and sampling to assess multiple boreholes, storage facilities, pump houses, treatment facilities and supply points across a wide geographical area (e.g. large rural estates or manufacturers). All work had to be done to strict Drinking Water Inspectorate (DWI) requirements.

There were currently almost 100 Regulation 9 supplies and 164 Regulation 10 supplies in Mid Devon.

Water supplies tended to be bore holes or springs in fields so water could be contaminated by animals, land spreading or even human sewage. Ineffective treatment and poor pipework could also cause chemical and biological problems leading to a potentially huge health impact on anyone using and consuming the supply for drinking, cleaning or food production purposes for example.

The Council had powers within the new legislation to require improvements to supplies that failed to meet standards where the owner of the supply was not co-operative.

The DWI had recommended that Local Authorities focus on completing risk assessments/tests on all Regulation 9 supplies by the end of 2014. 87% of those had been completed with the remainder scheduled to be completed by the end of March 2015.

The Officer considered therefore that the Authority was performing well and had achieved an income of £19.5K to date this financial year, more than its £18K target. There was a dedicated Officer who spent most of their time working on this.

## **50 WASTE AND RECYCLING SCHEME (01.48.25)**

The Waste and Transport Manager updated Members on the proposed trial for the new waste and recycling scheme, new vehicles, missed collections and the new depot.

The Officer confirmed that the new depot was still performing well, and there would be further improvement with the introduction of the new vehicles. Some minor changes would be needed to accommodate the materials from the new scheme but the changes would not be required for the trial.

Five new vehicles for urban use had been delivered and five new vehicles for rural use were expected within the next few days. Staff would receive training before the vehicles were put into use.

The trial for the new scheme had been put in place. A roadshow event had been arranged for Tuesday 27<sup>th</sup> January at the Moorhayes centre, Tiverton and leaflets had been prepared. Containers had arrived and would be delivered at the appropriate time along with the explanatory leaflet.

The urban area selected for the trial was within Tiverton and the rural area just on the outskirts of Tiverton. These areas had been selected for their proximity to the town as this would make it easier to monitor and cheaper to operate.

A Member Briefing would be held on Thursday 15<sup>th</sup> January at 5.30pm in the Exe Room for all Members.

It was possible that the collection of mixed plastics and cardboard with the dry recycling could be implemented prior to October. This would generate income, utilise

the vehicles and provide a service that the public want. Discussion took place regarding the types of cardboard and plastic that would be collected and the various means of collecting them.

The Officer explained that the trial would be beneficial in providing information regarding how much plastic and card could be expected when the scheme was fully implemented and the volume of food waste. However, it was unlikely that the trial would provide any indication on the take up of garden waste collection as no charge would be made during the trial and February would not generate large amounts of garden waste.

The Officer provided statistics regarding missed collections, which showed that performance was within target.

|                                           | <b>Refuse &amp; Recycling Missed Collections 2014/15</b> |       |       |       |       |         |       |       |       |       |       |       |
|-------------------------------------------|----------------------------------------------------------|-------|-------|-------|-------|---------|-------|-------|-------|-------|-------|-------|
|                                           | Apr                                                      | May   | Jun   | Jul   | Aug   | Sep     | Oct   | Nov   | Dec   | Jan   | Feb   | Mar   |
| Refuse and Composting<br>Number of missed | 363                                                      | 196   | 631   | 171   | 97    | 84      | 57    | 44    | 39    |       |       |       |
| Kerbside Recycling<br>Number of missed    | 284                                                      | 191   | 244   | 127   | 79    | 51.0000 | 35    | 25    | 20    |       |       |       |
|                                           | Apr                                                      | May   | Jun   | Jul   | Aug   | Sep     | Oct   | Nov   | Dec   | Jan   | Feb   | Mar   |
| Refuse and Composting<br>% of missed      | 0.242                                                    | 0.131 | 0.420 | 0.114 | 0.065 | 0.056   | 0.038 | 0.029 | 0.026 | 0.000 | 0.000 | 0.000 |
| Kerbside Recycling<br>% of missed         | 0.378                                                    | 0.254 | 0.325 | 0.169 | 0.105 | 0.068   | 0.047 | 0.033 | 0.027 |       |       |       |
| Target                                    | 0.3                                                      | 0.3   | 0.3   | 0.3   | 0.3   | 0.3     | 0.3   | 0.3   | 0.3   | 0.3   | 0.3   | 0.3   |

## 51 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Items for the next meeting on 10 March 2015:

Chairman's Annual Report  
Waste/Planning re communal bin stores  
Contaminated Land Policy  
Play Area Update  
Public Conveniences Update  
Performance and Risk  
Financial Monitoring  
Car Parking Working Group update

(The meeting ended at 4.30 pm)

**CHAIRMAN**