

## Agenda for Cabinet

Wednesday, 10 May 2017; 5.30pm

### [Members of Cabinet](#)

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

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Members of the public exercising their right to speak during Public Question Time will be recorded.

- 1 [Public speaking](#)
- 2 Minutes of 5 April 2017 (pages 4-19), to be signed as a true record
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#)
- 6 Confidential/exempt items – there are no items which officers recommend should be dealt with in this way.

- 7 Forward Plan for key decisions for the period 1 June 2017 to 30 September 2017 (pages 20-22)
- 8 Minutes of the Overview Committee held on 28 March 2017 (pages 24-27)  
**Recommendations for Cabinet consideration can be found on page 23**
- 9 Minutes of the South East Devon Habitat Regulations Executive Committee held on 29 March 2017 (pages 28-37)
- 10 Minutes of the Scrutiny Committee held on 30 March 2017 (pages 38-42)
- 11 Notes of the Exmouth Regeneration Programme Board held 30 March 2017 (pages 43-47)

#### **Part A matters for key decision**

- 12 **Sidmouth Beach Management Plan** (pages 48-50)  
This report is primarily intended to secure authority to enter into contracts for the next stage of this project.
- 13 **Cranbrook Healthy New Town Programme: summary of first year's activities 2016/17** (pages 51-54)  
This report gives an overview of the progress on NHS England's national Healthy New Town (HNT) Programme for Cranbrook, through which five priority areas were selected to make a positive difference to Cranbrook residents' health and wellbeing.

#### **Part A matters for decision**

- 14 **Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982** (pages 55-61)  
The report provides an interim update concerning the public consultation undertaken on changing the current Street Trading arrangements within East Devon, to provide for more flexibility whilst allowing the Council to retain its control on the issue of Street Trading Consents.  
**Appendix 1 – Consultation March – April 2017**
- 15 **Seaton Beach Management Plan** (pages 62-64)  
To agree procurement of services to progress Seaton Beach Management Plan.
- 16 **Monthly Performance reports – March 2017** (pages 67-68)  
Performance information for the 2016/17 financial year for March 2017 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.  
**Appendix 1 - March 2017 snapshot**
- 17 **Housing White Paper – Fixing our broken housing market** (pages 69-95)  
The report sets out the main elements of the Housing White Paper published in February and setting out the governments thinking in respect of national housing policy for the future. The four principle themes of the White Paper are outlined. The White Paper contained an Annex which posed a series of questions. This report provides a proposed set of responses to the questions which are recommended to form the submission by this Council.

- 18 **Response to Dunkeswell Neighbourhood Plan Submission** (pages 96-100)  
To agree the response by this Council to the current consultation for the Dunkeswell Neighbourhood Plan.
- 19 **Contract Standing Order Exemption for Locum Legal cover** (pages 101-103)  
This report advises that exemption to standing orders has been applied in order to appoint a locum solicitor to cover the period whilst a new permanent solicitor is hired, following the resignation of a solicitor. A candidate who has the right mix of skills required has been identified and he has been engaged through a reputable agency who have been used previously. It is envisage that a replacement solicitor will start in June.
- 20 **Camperdown seawall** (pages 104-108)  
To seek an exemption from standing orders for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth. To seek capital funding for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth.
- 21 **To approve the appointment of Cyrrus to identify the upgrade works required to the existing Instrumental Landing System at Exeter International Airport.** (pages 109-110)  
This report is written to advise Cabinet that exemption to standing orders has been requested to appoint Cyrrus to analyse of the existing Instrumental Landing System (ILS) for Exeter International Airport and the works required to upgrade the ILS to enable continued development in the West End of East Devon.  
Cyrrus provide a specialist consultancy service on instrumental landing systems for civil aviation. This is the current provider for Exeter International Airport with knowledge of the airport operation. It is unlikely that this consultancy support could be procured from another provider. The estimated cost of the contract is £25,000.

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**EAST DEVON DISTRICT COUNCIL**  
**Minutes of the meeting of Cabinet held**  
**at Knowle, Sidmouth on 5 April 2017**

**Attendance list at end of document**

The meeting started at 5.30pm and ended at 8.28pm

**\*182 Public Speaking**

There were six members of the public present who wished to speak.

One speaker spoke at the appropriate agenda item, Minute 200 - Cranbrook Community Questionnaire and Community Development and Minute 201 - Appointment of Space Syntax to analyse and review the masterplan for Cranbrook

Honorary Alderman Graham Liverton, Chairman of the Manor Pavilion Theatre Management Steering Committee spoke on Minute 198 - East Devon Parking Places Order Update. Honorary Alderman Liverton was concerned that the Manor Pavilion Car Park was too small to be used as a Pay and Display. The 3-hour maximum stay was not long enough as well as the barrier closing at night. He understood the need to make money but stressed that all theatres had to have subsidies. He was disappointed there had been no meeting with the Steering Group and no discussion with the Theatre's stakeholders. He asked that the many letters of complaints to this proposal be taken into consideration.

Elizabeth Hammond, the representative for Sidmouth Amateur Dramatic Society spoke on Minute 198 - East Devon Parking Places Order Update. The Society hired the Theatre for 1 month every year to put on the pantomime. Volunteers spent long days preparing for the shows and should not be penalised with parking charges. Larger lorries needed to manoeuvre freely in and out of the car park. The front of house team was also volunteers providing welcome support to visitors on behalf of the Theatre. The Sidmouth Amateur Dramatic Society's long association with the Manor Pavilion Theatre could end because of the parking charges.

Brian Rees, represented Musical Theatre spoke on Minute 198 - East Devon Parking Places Order Update. Mr Rees was concerned that the 3-hour maximum stay was not long enough for theatregoers. He reminded Members there was no on street parking nearby. Two regional theatres had free parking – the Octagon in Yeovil and the Brewhouse Theatre and Arts Centre in Taunton.

Barry Lister, spoke on Minute 198 - East Devon Parking Places Order Update. Mr Lister was concerned that theatre production staff would be penalised for their hard efforts to produce quality productions at the Theatre.

Councillor Ian McKenzie-Edwards, represented Sidmouth Town Council spoke on Minute 198 - East Devon Parking Places Order Update. Councillor McKenzie-Edwards said the Town Council was only informed of this last week and had had no time for proper consultation. At the last Town Council meeting, there was concern for the Theatre's voluntary groups. He asked if this scheme was financially viable with the car park only having 20 spaces. He reminded Members that rehearsals took place during the day so volunteers and cast would be penalised. Councillor McKenzie-Edwards asked the Scrutiny Committee to consider this proposal again.

\*183 **Minutes**

The minutes of the Cabinet meeting held on 8 March 2017 were confirmed and signed as a true record.

\*184 **Declarations**

Councillor Stuart Hughes – Minute 194

Interest: Personal

Reason: Member of DCC Flood and Coastal Committee

Councillor Eileen Wragg – Minute 194

Interest: Personal

Reason: Member of DCC Flood and Coastal Committee

Councillor Eileen Wragg – Minute 196

Interest: Personal

Reason: Member of DCC Exmouth Regeneration Board

Councillor Phil Skinner – Minute 196

Interest: Personal

Reason: Chairman of the Exmouth Regeneration Board

\*185 **Matter of urgency**

The Chairman agreed to this late item for Notes of the New Homes Bonus Panel held on 23 March 2017, requested by the Community Engagement and Funding Officer. The recommendations in the minutes were a matter of urgency for towns and parishes to use the funding once agreed.

**RESOLVED (1) that the following recommendations be approved**

**Minute 16 - Application from Cranbrook Town Council, Broadclyst, Clyst Honiton and Rockbeare Parish councils – Chelsea’s Choice – child sexual exploitation play - £1,125.82**

Cranbrook Town Councils application for a £1,625.82 be supported and an additional £3,164.08 be provided from previous years underspent funding for funding performances of “Chelsea’s Choice” in other secondary schools in East Devon. A condition of the funding was that all those involved work together to get some good publicity for the project when it actually happened, crediting money from the Parishes Together Fund.

**Minute 17 - Application from Otterton and Woodbury Parish Councils – Educational countryside signage - £3,289.50**

**Minute 18 - Application from Seaton Town Council– Tourism app and booklet projects- £7,124.70**

A condition of the funding was that Seaton Town Council get in touch with Honiton town Council and Exmouth Town Council, who were also running tourism projects with their Parishes Together Funding next financial year, to share any tips and lessons learnt.

**Minute 19 - Application from Plymtree and Talaton Parish Councils Community marquee project - £520**

**Minute 20 - Application for Sidmouth Town Council – Wildflowers Project - £8,532.38**

Councillors stated that they wanted the grant offer letter to state that they would not look favourably on projects of a similar vein (lengthsman duties) from Sidmouth Town Council working together with other town and parish councils.

**Minute 21 - Application from Cranbrook Town Council, Aylesbeare, Plymtree and Talaton Parish Councils – Noticeboards - £1,509.30**

Subject to the addition of signage on the noticeboard's saying that these had been provided the Parishes Together Fund. The cost of this additional work to be paid for from previous years underspent funding.

**Minute 22 - Application from Broadclyst, Clyst Honiton and Poltimore Parish Councils and Cranbrook Town Council – Community heli-pad - £2,829.82**

**Minute 23 - Application from All Saints and Chardstock Parish Councils and Axminster Town council – Defibrillators - £7,236.90**

**Minute 24 - Application from Buckerell Parish Council – Drainage - £233.20**

To carry out drainage and ditch work.

**Minute 25 - Clyst St George Parish Council – Drainage - £658.90**

To enable the clearing of ditches and gullies within the parish.

**Minute 26 - Colaton Raleigh Parish Council Drainage - £627**

To carry out drainage and ditch work.

**Minute 27 - Cotleigh Parish Council- Drainage - £193.60**

To carry out drainage work.

**Minute 28 - Gittisham drainage - £1,457.50**

To carry out drainage and ditch work.

**Minute 29 - Luppitt drainage - £421.30**

To carry out drainage and ditch work.

**Minute 30 - Lypmstone Parish Council – Drainage -£1,722.60**

To carry out drainage and ditch work.

**Minute 31 - Newton Poppleford Parish Council – Drainage - £1,905.20**

To carry out drainage and ditch work.

**Minute 32 - Payhembury Parish Council – drainage - £614.90**

To carry out drainage and ditch work.

**Minute 33 - Stockland Parish Council – Drainage - £580.80**

To carry out drainage and ditch work.

**Minute 34 - Uptontery Parish Council–Drainage - £587.60**

To carry out drainage and ditch work.

**Minute 35 - Kilmington Parish Council drainage - £755.70**

To carry out drainage and ditch work.

**Minute 36 - Dalwood Parish Council – Drainage - £392.70**

To carry out drainage and ditch work.

**Minute 37 - Feniton Parish Council – Drainage - £1,653.30**

To carry out drainage and ditch work.

**Minute 38 - Membury Drainage - £396**

To carry out drainage and ditch work.

**\*186 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

**\*187 Exclusion of the public**

There was one confidential item that officers recommended should be dealt with in this way.

**\*188 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 May 2017 to 31 August 2017.

**\*189 Notes of the Community Fund Panel held 20 February 2017**

Members received the Notes of the Community Fund Panel held 20 February 2017.

**RESOLVED (1) that the following recommendations be approved**

**Minute 11 Consideration of applications received**

1. Peek Hall, Combpyne Rousdon – new floor in hall area - £1,675
2. Clyst Hydon Village Hall - repair flat roof into the storage area at village hall - £1,558.27.  
The Panel raised a query about paying to repair damage caused by water in an insured building and whether this could have been covered by the Hall's insurance. They wished to approve the application subject to confirmation that the repair work was not covered under insurance.
3. Woodbury Village Hall – painting and refurbishment works to village hall - £2,800.  
The Panel felt that a lot of the proposed costs were for routine maintenance such as painting. In line with the eligibility criteria for the fund, routine maintenance could not be funded. They deferred the application for clarification of capital and maintenance costs of the project and subject to this satisfactory confirmation of capital costs and gave delegated authority to the Chairman in consultation with the Engagement and Funding Officer to approve.

**\*190 Minutes of the Recycling and Waste Partnership Board held on 22 February 2017**

Members received and noted the Minutes of the Recycling and Waste Partnership Board held on 22 February 2017. The Portfolio Holder Environment reminded Members that the roll out for the new Recycling and Waste contract would start on 12 June 2017 across all the district.

**RESOLVED (1) that the following be noted**

**Minute 58 - Mobilisation update**

**Minute 59 - Joint contract review and operational update**

**Minute 61 – Risk register**

**RESOLVED (2) that the following decisions be supported**

**Minute 64 - Green waste collection update**

a representative from Otter Rotters be invited to attend the next meeting of the Recycling and Waste Partnership Board.

**\*191 Minutes of the Scrutiny Committee held on 2 March 2017**

Members received the Minutes of the Scrutiny Committee held on 2 March 2017.

**RESOLVED (1) that the following recommendations be approved**

**Minute 45 - Broadband update**

the Council continued to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District. This would benefit members of society both in their individual and business use in either rural or urban areas.

\*192 **Notes of the Asset Management Forum held on 9 March 2017**

Members received the Notes of the Asset Management Forum held on 9 March 2017. The Chairman of Asset Management Forum informed Members that meetings were now going to be held quarterly.

\*193 **Minutes of the Housing Review Board held on 9 March 2017**

Members received the Minutes of the Housing Review Board held on 9 March 2017.

**RESOLVED (1) that the following recommendations be approved**

**Minute 68 - Charging private users of sewage treatment**

private users of sewage treatment works to be charged at a 15% management fee on top of the amount charged for the actual costs incurred.

\*194 **Sidmouth and East Beach Management Plan**

The Strategic Lead - Housing, Health and Environment presented the report, which sought adoption of the Sidmouth and East Beach Management Plan (SEBMP) that would allow procedure to the next stage of the project - namely the production of an outline business case, leading towards the implementation of engineering works to maintain flood and coastal protection.

The Steering Group for the Sidmouth and East Beach Management Plan project met on 15 March 2017. The Steering Group were asked to agree to the BMP as it stands to go forward to Cabinet for approval – the plan had previously been tabled for the 8 March 2017 Cabinet meeting. The report had been put back to the Group following the request for the opportunity for more discussion by the Group on the draft BMP.

The Deputy Leader thanked David Turner, John Golding, the Steering Group and CH2M (formerly Halcrow) for their hard work into the Plan.

Discussions included the following:

- This was the best that could be done - Steering Group gave unanimous support
- How would rocks for the groynes be transported in?

**RESOLVED:**

that the Sidmouth and East Beach Management Plan be adopted.

**REASON:**

To adopt SEBMP and progress a Sidmouth Beach Management Scheme so that there was an integrated, justifiable and sustainable approach to:

1. Maintaining the 1990s' Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion);
2. Reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach);
3. Ensure that EDDC had the best possible case for Flood and Coastal Erosion Risk Management Grant in Aid from DEFRA to finance the necessary flood mitigation and coastal protection works.



195 **Relocation Report**

The Deputy Chief Executive and the Strategic Lead - Finance advised Members of progress on the relocation plans. Members were asked to consider options towards achieving full relocation to both Exmouth and Honiton and sale of the Knowle site. Following the refusal of planning permission and appreciating the continued strategic and operational drivers for relocation, the Office Accommodation Executive Group tasked officers with taking a refreshed review of the Council's options. The Strategic Lead – Finance provided an update on the modelling and presented an additional table, which demonstrated that the worst-case scenario in Option 1 was better than the position presented in the report.

There would be a Joint Audit and Governance, Overview, and Scrutiny Committees meeting on 18 April to discuss this matter further before going onto Council on 26 April 2017.

Discussions included the following:

- The need to know the outcome of the Pegasus planning appeal in order to alleviate the risks
- Betterment was connected to fluctuating energy prices
- Report should include maximising present assets
- Future developers may not match the present offer as aware of keenness to sell
- A cavalier approach to spending public money
- The joint committees meeting should look into the element of risk
- The Knowle was unfit for purpose – transformation and new working practices need a new Headquarters to thrive
- The land at the Knowle was an asset - the building was a liability
- Option 1 was favoured as still have the Knowle as an asset.
- Sooner the building of the new HQ starts the better
- Do not want to rely on planning approval
- Need to provide staff a modern office which they deserve

**RECOMMENDED** to Council that;

1. i. Option 1, as detailed in the report, be adopted and that the Council proceeds with the construction of a new HQ building at Honiton Heathpark, and
  - ii. The Deputy Chief Executive – Development, Regeneration and Partnerships be granted delegated authority; in consultation with the Office Accommodation Executive Group, to commence works and deliver the new HQ building.
  - iii. A budget be agreed of £8,692,000 to provide a new HQ building at Honiton Heathpark, which when added to the approved Exmouth Town Hall refurbishment budget of £1,669,000 gave a total gross budget of £10,361,000.
2. a further sum of £225,000 be allocated to fund the addition of a direct access road to the new HQ building past the East Devon Business Centre. This was a more direct approach to the building rather than bringing traffic through the Heathpark Business Park south of the building and did not affect the conclusions in the report, in relation to viability and ranking of options for the sale of the Knowle site.

**REASON:**

The Council had identified the need to move from its existing premises in Sidmouth to refurbished and new offices in Exmouth and Heathpark respectively. Following the planning refusal of development proposals for the Knowle site in December 2016 officers; on the direction of the Office Accommodation Executive Group, had been considering viability options with a view to advising Cabinet and Council on ways forward.

196 **Exmouth Regeneration Board report**

The Deputy Chief Executive presented the report, which sought agreement regarding proposed changes to the membership and terms of reference of the Exmouth Regeneration Board.

Discussion included the following:

- more flexibility in getting the right people on the Board
- Members were not allowed to attend meetings – no transparency
- Board should show their budgets and expenditure in the minutes of meetings
- This was not a decision-making Board – all recommendation go through Cabinet
- Exmouth councillors had consulted with residents over the years. The Board allows for discussions with Exmouth representatives
- Members had been elected by the public but were discounted by the Board
- Listen to the views of young people, as this was their future. Need a representative from Exmouth Community College
- No regional body representative
- This was not a council meeting. The meetings were for the Council to engage with the private and community sectors in partnership to bring betterment to Exmouth

**RECOMMENDED** to Council that;

1. the changes to the Terms of Reference and Membership of the Exmouth Regeneration Programme Board proposed be agreed; with the exception of Clinton Devon Estates not being a voting member, and
2. the Chief Executive be granted delegated authority in consultation with the Chair and Vice Chair of the Regeneration Board and Strategic Lead (Governance and Licensing) to prepare and finalise the protocol for eligibility for non-voting membership.

**REASON:**

The Exmouth Regeneration Board had been in existence since 2008. It had provided an important advisory function on the development and delivery of regeneration interventions for Exmouth. To maintain its value in supporting regeneration in Exmouth it was important to review the membership of the Board to maintain its strength and representative scope.

\*197 **Enforcement and Prosecution Policy**

The Council had a number of service specific policies relating to how it would carry out regulatory enforcement action in that service. Not all services that carry out regulatory enforcement had a specific policy. Equally, there was no overarching policy that applied across the whole Council. The policy sought to overcome these issues by providing a comprehensive policy applicable to all regulatory enforcement and prosecution actions.

**RESOLVED:**

1. that the Enforcement and Prosecution Policy (Appendix 1) be adopted,
2. that authorisation be granted to the Strategic Lead (Governance and Licensing) in consultation with the Senior Management Team, to approve any service specific strategies

or procedures to sit under the Enforcement and Prosecution Policy and to update Section 8 of the Policy accordingly as and when appropriate.

**REASON:**

To ensure a consistent and lawful approach to carrying out the Council's regulatory enforcement and prosecution actions.

\*198 **East Devon Parking Places Order Update**

Members were asked to approve changes to the legal Order used by East Devon District Council to manage its public car parks in accordance with Civil Parking Enforcement rules. Proposals had been carefully considered with the Council having the right to grant concessions.

Discussion included the following:

- The Manor Pavilion Theatre was a wonderful asset to Sidmouth and East Devon
- Charges should be up to 6pm with a maximum 4-hour stay
- The process had not been done effectively
- The Theatre should be allowed to control the car park as it had only 21 spaces
- Theatre volunteers must be looked after
- Income needed to be generated, what was the problem with paying for parking?
- Important to listen to everyone's views

The Chief Executive confirmed that some of the issues raised would be looked at as part of the ongoing management of the car park.

**RESOLVED:**

1. that the boundary of Exmouth's Camperdown Terrace long stay car park be extended to offer additional parking spaces and trailer storage by extending the car parking areas onto adjacent land recently vacated by Devon County Council's Highways service, and
2. that public pay and display parking in Sidmouth's Manor Pavilion car park be offered, and
3. that Mamhead Slipway, Exmouth be designated as a parking place with just two parking bays and the remainder of the area be enforced for loading and unloading only, allowing vehicles to enter and remain for the purposes of launching and recovering water craft from the slipway but prohibiting the parking of vehicles and the leaving of trailers.

**REASON:**

Section 122 of the Road Traffic Regulation Act 1984 sets out the duties of all local authorities in respect of a range of traffic related functions including the provision of off-street parking. Careful consideration to the needs of the community as a whole in arriving at these recommendations that sought to represent a balance of differing priorities and points of view.

These proposals would not interfere with the security of (or access to) any other premises and they would not be prejudicial to the amenity of the locality. They were in all other material respects consistent with the Council's legal duties and responsibilities to its communities.

\*199 **Greater Exeter Design Support Panel - request for exemption from standing orders**

The purpose of the report was to seek authorisation to enter into a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area.

**RESOLVED:**

1. that entering into a contract with Design Council/Cabe to establish a Design Support Panel for the Greater Exeter area be authorized and delegated authority be granted to the Strategic Lead (Governance and Licensing), to negotiate and complete the contract in consultation with the Growth Points Project Director, and
2. that an exemption from Standing Orders to allow the Panel to be procured be agreed.

**REASON:**

The Design Support Panel would benefit the delivery of strategic developments in the District and help to ensure high quality development.

\*200 **Cranbrook Community Questionnaire and Community Development**

Councillor Kevin Blakey represented Cranbrook Town Council spoke on this item. Councillor Blakey stated the results of the community questionnaire were no surprise, as the town was getting bigger it was inevitable that fewer people would feel part of the community. Cranbrook Town Council could see no need for a Community Development Strategy and would not support or part finance one.

The report outlined the results of the Cranbrook Community Questionnaire 2016, which was undertaken jointly between Organisational Development at EDDC and the Cranbrook Community Development Worker at EDVSA. This was the fourth such annual questionnaire, it was accompanied by a questionnaire specifically aimed at young people in the town. The paper put forward a proposal to commission the production of a Community Development Strategy and sought an exemption from standing orders in order to appoint Action East Devon to coordinate this work.

**RESOLVED:**

1. that the results of the latest Cranbrook Community Questionnaire be noted, and
2. that the commissioning of a Community Development Strategy for the town and a financial contribution of up to £20,000 towards this, and
3. that an exemption from standing orders to allow Action East Devon to coordinate this work be agreed.

**REASON:**

This consultation had been designed to help inform decisions regarding Cranbrook. The first Cranbrook Community Questionnaire was carried out in 2013 and provided vital feedback to help evaluate and plan.

\*201 **Appointment of Space Syntax to analyse and review the masterplan for Cranbrook**

Councillor Kevin Blakey represented Cranbrook Town Council spoke on this item. Councillor Blakey thought this appointment was a poor use of time and money.

An exemption to standing orders had been applied in order to appoint Space Syntax to model, analyse and provide design and development recommendation on the proposed masterplan for Cranbrook, that would underpin the forthcoming Development Plan Document for Cranbrook. NHS England had provided grant funding under the Healthy New Towns' programme to engage Space Syntax specifically.

Space Syntax provided a unique service based on research developed over the last 25 years modelling and analysing the streets and spaces in existing and proposed urban areas. They work around five key issues in spatial layout:

1. Modelling and understanding the distribution of vehicle, pedestrian and cycle movement
2. Understanding the deep level of influence spatial location had on land use
3. Identifying areas of risk and showing how places could be made safer
4. Demonstrating the influence of movement networks and spatial plans on property economics
5. Understanding the contribution of spatial layout on environmental impact

At Cranbrook the focus would be on creating a Healthy New Town and community. The analysis and recommendations would initially work with the masterplan being developed by the masterplanning team led by Savills Urban Design and would focus on optimising the masterplan to create a healthy environment. The analysis would include the wider determinants of ill-health, such as providing quality jobs and social cohesion so would provide recommendations designed to enhance the social, economic and environmental value of the development.

Space Syntax would work on the next draft of the masterplan for Cranbrook, to provide recommendations to the masterplanning team for the next and final iteration of the design. This needed to be complete by the end of April so that programmed delivery of the Development Plan Document could be achieved.

**RESOLVED:**

that the exemption to Contract Standing Orders to enable the appointment of Space Syntax to undertake modelling and analysis, and provide recommendations to the draft masterplan for Cranbrook be noted.

**REASON:**

To ensure that Space Syntax was able to carry out the analysis and provide the recommendations necessary to enable the masterplan for Cranbrook.

**\*202 Monthly Performance reports – February 2017**

The report set out performance information for February 2017. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were five indicators that were showing excellent performance:

- Percentage of Council Tax Collected
- Percentage of Non-domestic Rates Collected
- Days taken to process Housing Benefit / Council Tax Benefit new claims and change events
- % of invoices paid in 10 working days
- Working days lost due to sickness absence

There was one performance indicator showing as concern:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse - Following a period of receiving a number of disappointing allowed appeals, we have in the last couple of weeks received a number of dismissed appeals that will again reduce the percentage of appeals allowed. If this trend continues then the indicator should not be red when assessed over the whole year. The Development Manager is in the process of assessing all the appeal decisions to establish any trends that can be identified, learnt from and addressed. It is proposed

that these findings be presented to the Strategic Planning Committee as part of the annual report into our performance on appeals in the new financial year.

**RESOLVED:**

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for February 2017 be noted.

**REASON:**

The performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

**\*203 Electronic Bathing Water Signs**

The report advised Cabinet that exemption to standing orders had been applied in order to install four new electronic signs on the East Devon beaches that were designated bathing waters; similar to the sign provided in 2016 at Budleigh Salterton.

**RESOLVED:**

that the use of standing orders exemption powers in this case be noted.

**REASON:**

To note the selection of a supplier for these signs who was already working with and approved by the Environment Agency and DEFRA.

**\*204 Alternative models for building repairs and maintenance – to note use of exemption to contract standing orders**

The report informed of the use of exemption to contract standing orders for consultancy work regarding the renewal of the repairs contract and investigation of alternative models for building repairs and maintenance. Echelon were lead consultants operating in a specialist environment and had engaged their services to achieve better value for money as well as improving services to tenants.

**RESOLVED:**

that the exemption to Contract Standing Orders to enable the services of Echelon Consultants to carry out an options appraisal of repairs and maintenance service be noted.

**REASON:**

To ensure a full review of the service and the options for alternative models for building repairs and maintenance.

**\*205 Urgent removal of asbestos material to enable lift replacement works**

The report advised that exemption to standing orders had been relied upon and had been used to deal with the urgent removal of AIB asbestos material which was discovered during the removal of the existing passenger lift as part of the lift replacement project at Morgan Court, Exmouth. The company appointed to carry out the work had undertaken similar works for the Council recently and had proved to be competitive and reliable.

The lift replacement works had been on hold and could not continue until works to remove the asbestos material and a full environmental clean of the area had been completed. It is estimated that the works to remove the asbestos material in accordance

with the Control of Asbestos Regulations would add approximately 5 weeks to the project.

**RESOLVED:**

that the exemption to Contract Standing to undertake the removal of the asbestos material, to ensure the area was safe to enable the lift replacement works to recommence be noted.

**REASON:**

The removal works and a full environmental clean of the lift shaft area were urgently required to enable the lift replacement works to re-commence, thus reducing the likelihood of any adverse financial, health & safety and reputational impact associated with any further delays.

**\*206 Appointment of Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund – request for exemption from standing orders**

Members were advised that exemption to standing orders had been applied, in order to appoint Wessex Community Housing Project to work on the allocation of funding from the Community Housing Fund. They were the only local organisation which had the required knowledge and expertise to work in the community and deliver community led housing.

**RESOLVED:**

that the exemption to standing orders to appoint Wessex Community Housing Project to support with the allocation of funding from the Community Housing Fund be noted.

**REASON:**

To ensure appropriate use of the Community Housing Fund.

**\*207 Appointment of Inspector to Examine the Yarcombe & Marsh Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Yarcombe & Marsh Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers, the services of Mary O'Rourke had been secured. Justification for her appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Yarcombe. The Examination was scheduled to commence on 3 April 2017.

**RESOLVED:**

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Yarcombe & Marsh Neighbourhood Plan be noted.

**REASON:**

To ensure that an independent examiner was in place and appointed.

**\*208 Appointment of Inspector to Examine the Uplyme Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Uplyme Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers, the services of John Mattocks had been secured. Justification for his appointment was detailed

in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Uplyme. The Examination was scheduled to commence on 3 April 2017.

**RESOLVED:**

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Uplyme Neighbourhood Plan be noted.

**REASON:**

To ensure that an independent examiner was in place and appointed.

**\*209 Appointment of Inspector to Examine the Chardstock Neighbourhood Plan**

Members were advised that exemption to standing orders has been applied in order to appoint an independent examiner to examine the Chardstock Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers the services of Robert Yuille had been secured. Justification for his appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Chardstock. The Examination was scheduled to commence on 3 April 2017.

**RESOLVED:**

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Chardstock Neighbourhood Plan be noted.

**REASON:**

To ensure that an independent examiner was in place and appointed.

**\*210 Appointment of Inspector to Examine the Budleigh Salterton Neighbourhood Plan**

Members were advised that exemption to standing orders had been applied in order to appoint an independent examiner to examine the Budleigh Salterton Neighbourhood Plan. In order to secure a speedy examination and to accord with the wishes of the plan producers the services of Jill Kingaby had been secured. Justification for his appointment was detailed in the report. Early adoption of the Neighbourhood Plan would help to establish a positive planning policy framework for the parish to inform determination of planning applications in Budleigh Salterton.

**RESOLVED:**

that the exemption to Contract Standing Order to enable the appointment of the examiner to undertake the Examination of the Budleigh Salterton Neighbourhood Plan be noted.

**REASON:**

To ensure that an independent examiner was in place and appointed.

**\*211 Introduction of a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking in Exmouth and Sidmouth**

The report asked for approval to introduce a Public Space Protection Order (PSPO) to target antisocial behaviour within Exmouth town centre and the surrounding area, and to replace existing Designated Public Places Orders to control the consumption of alcohol within areas of Exmouth and Sidmouth. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014. The required consultation



process, agreed by Cabinet in February 2017, had been completed and no changes to the draft order had been found to be necessary or justified.

**RESOLVED:**

that the introduction of the new PSPO as required by the Anti-Social Behaviour Crime and Policing Act 2014 be agreed.

**REASON:**

In order to meet the requirements of the Act to replace existing Designated Public Places Orders with PSPOs.

**\*212 Adoption of two new Public Space Protection Orders incorporating existing Dog Controls throughout East Devon and on the Seashores and Promenades**

The report asked for approval to introduce two Public Space Protection Orders (PSPOs) to incorporate existing dog control orders. These would include a number of amendments to the existing regime suggested by officers and Town and Parish councils, and a requirement not to feed seagulls on the town beaches and promenades. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014. A consultation period had now concluded and some additional amendments had been made as a result.

**RESOLVED:**

that the introduction of two new PSPOs under the provisions within the Anti-Social Behaviour Crime and Policing Act 2014 be agreed.

**REASON:**

In order to meet the requirements to incorporate existing dog control orders into new Public Space Protection Orders, and to review them during the process.

**213 Exclusion of the public**

that under Section 100(A) (4) of the Local Government Act 1972 and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public (including the press) be excluded from the meeting as exempt and private information (as set out against each Part B agenda item), is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B).

**\*214 1 & 2 Pankhurst Close**

A landowner had acquired the freehold interest of 1 & 2 Pankhurst Close. 1 Pankhurst Close was subject to an overage payment to EDDC due on the grant of planning permission. Both properties were subject to further covenants in favour of EDDC. An offer to settle overage negotiations and release specified covenants had been proposed.

**RESOLVED:**

that the overage settlement based on the terms set out in this report be accepted.

**REASON:**

The proposed offer was considered a fair settlement figure to compensate the Council.

**Attendance list**

**Present:**

Paul Diviani                      Leader  
Andrew Moulding              Deputy Leader/Strategic Development and Partnership

**Portfolio Holders:**

Iain Chubb                      Environment  
Jill Elson                      Sustainable Homes and Communities  
Phil Twiss                      Corporate Services  
Philip Skinner                  Economy  
Tom Wright                      Corporate Business

**Cabinet Members without Portfolio:**

Geoff Pook  
Eileen Wragg

**Cabinet apologies:**

Ian Thomas                      Finance

**Non-Cabinet apologies:**

Brian Bailey  
Matt Booth  
Colin Brown  
Jenny Brown  
Graham Godbeer  
Steve Hall  
Alan Dent  
Bill Nash  
Mike Allen  
Steve Gazzard  
Brenda Taylor

**Also present (for some or all of the meeting)**

**Councillors:**

Megan Armstrong  
David Barratt  
Maddy Chapman  
John Dyson  
Peter Faithfull  
Cathy Gardner  
Roger Giles  
Ian Hall  
Marcus Hartnell  
Stuart Hughes  
Ben Ingham  
Geoff Jung  
Rob Longhurst  
Dawn Manley  
Cherry Nicholas  
John O'Leary  
Val Ranger  
Marianne Rixson  
Pauline Stott  
Mark Williamson

**Also present:**

**Officers:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Simon Davey, Strategic Lead – Finance  
Henry Gordon Lennox - Strategic Lead - Governance and Licensing  
John Golding. Strategic Lead – Housing, Health and Environment  
Karen Jenkins, Strategic Lead – Organisational Development and Transformation  
Charlie Plowden, Service Lead - Countryside & Leisure  
Andrew Ennis, Service Lead - Environmental Health and Car Parks  
Jay Lambe, Service Lead – Regeneration and Property  
Andy Wood, East of Exeter Projects Director  
Steve Pratten, Relocation Manager  
Jules Waddington, Project and Facilities Manager  
Donna Best, Principal Estates Surveyor  
Jamie Buckley, Community Engagement and Funding Officer  
Amanda Coombes, Democratic Services Officer

Chairman ..... Date.....

## EAST DEVON DISTRICT COUNCIL

### Forward Plan of Key Decisions - For the 4 month period 1 June 2017 to 30 September 2017

This plan contains all the (i) important decisions that the Council and (ii) Key Decisions that the Council's Cabinet expects to make during the 4-month period referred to above. The plan is rolled forward every month.

Key Decisions are defined by law as “**an executive decision** which is likely :-

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area

In accordance with section 9Q of the Local Government Act 2000, in determining the meaning of “significant” in (a) and (b) above regard shall be had to any guidance for the time being issued by the Secretary of State.

**A public notice period of 28 clear days is required when a Key Decision is to be taken by the Council's Cabinet even if the meeting is wholly or partly to be in private. Key Decisions and the relevant Cabinet meeting are shown in bold.**

The Cabinet may only take Key Decisions in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution and the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012. A minute of each key decision is published within 2 days of it having been made. This is available for public inspection on the Council's website <http://www.eastdevon.gov.uk>, and at the Council Offices, Knowle, Sidmouth, Devon. The law and the Council's constitution provide for urgent key decisions to be made without 28 clear days notice of the proposed decisions having been published. A decision notice will be published for these in exactly the same way.

This document includes notice of any matter the Council considers to be Key Decisions which, at this stage, should be considered in the private part of the meeting and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting should be sent to the Democratic Services Team (address as above) as soon as possible. **Members of the public have the opportunity to speak on the relevant decision at meetings (in accordance with public speaking rules) unless shown in italics.**

#### **Obtaining documents**

Committee reports made available on the Council's website including those in respect of Key Decisions include links to the relevant background documents. If a printed copy of all or part of any report or document included with the report or background document is required please contact Democratic Services (address as above).

Decision		List of documents.	Lead/reporting Officer	Decision maker and proposed date for decision	Other meeting dates where the matter is to be debated / considered	Operative Date for decision (assuming, where applicable, no call-in)	Part A = Public meeting  Part B = private meeting [and reasons]
1.	Public Toilet Review		Service Lead – Street Scene	<b>Cabinet 12 July 2017</b>	Asset Management Forum 15 June 2017	20 July 2017	Part A
2.	Sports and Activity clubs – Rent and Rent support Scheme Outcomes		Deputy Chief Executive	Council 26 July 2017	Cabinet 12 July 2017	27 July 2017	Part A
3.	East Devon Local Economy		Deputy Chief Executive	Council 26 July 2017	Cabinet 14 June 2017	27 July 2017	Part A
4.	Exmouth Regeneration Update		Deputy Chief Executive	Council 26 July 2017	Cabinet 14 June 2017	27 July 2017	Part A
5.	Port Royal Update		Deputy Chief Executive	Council 26 July 2017	Cabinet 12 July 2017	27 July 2017	Part A

Table showing potential future important / key decisions which are yet to be included in the current Forward Plan

Future Decisions		Lead / reporting Officer	Consultation and meeting dates (Committees, principal groups and organisations) To be confirmed	Operative Date for decision  To be confirmed
1	Business Support – options for the future	Deputy Chief Executive <b>(RC)</b>		

The members of the Cabinet are as follows: Cllr Paul Diviani (Leader of the Council and Chairman of the Cabinet), Cllr Andrew Moulding (Strategic Development and Partnerships Portfolio Holder), Cllr Tom Wright (Corporate Business Portfolio Holder), Cllr Phil Twiss (Corporate Services Portfolio Holder), Cllr Philip Skinner (Economy Portfolio Holder), Cllr Iain Chubb (Environment Portfolio Holder), Cllr Ian Thomas (Finance Portfolio Holder), Cllr Jill Elson (Sustainable Homes and Communities Portfolio Holder), and Cabinet Members without Portfolio - Cllr Geoff Pook and Cllr Eileen Wragg. Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council ) c/o the Democratic Services Team, Council Offices, Knowle, Sidmouth, Devon, EX10 8HL. Telephone 01395 517546.

May 2017

**Recommendations for Cabinet that will resolve in an action being taken:**

**Overview Committee on 28 March 2017**

**Minute 24 East Devon Local Economy**

**RECOMMENDED** by the Overview Committee:

- a. the East Devon Local Economy report formed the basis of an Action Plan and further work to confirm the priorities, projects and financing arrangement for a future pipeline of Local Economic Development activity,
- b. a report be submitted to Cabinet to agree the direction and detail of the Council's Local Economic Development activity to include rural economic development,
- c. a report be presented in Autumn 2017 as part of the preparation of a future Economic Development Investment Plan for the Council within the overall budget planning for 2018/19 onwards.

**Minute 25 Housing Delivery Task and Finish Forum**

**RECOMMENDED** by the Overview Committee:

- (1) that Overview welcomed the Cabinet decision to support the proposal for establishing a Local Housing Company for the Council, as a means of delivering more housing;
- (2) that Council continue to maintain as a priority the delivery of affordable homes in its Council Plan;
- (3) that Cabinet ask relevant officers to undertake further research into the financial model of affordability, considering new practices emerging in other local authorities, to report back to the Overview Committee;
- (4) that Cabinet ask relevant officers to look at means of attracting other registered providers to the District in order to have a wider choice of providers than the dominant Devon and Cornwall Homes (DCH);
- (5) that Council explore how it could better support existing Community Land Trusts, and help bring forward new Trusts, through using partner organisations such as the Wessex Community Housing Project, and regular promotion of successful projects;
- (6) that Cabinet explore investment into property as a means of better financial return on reserves;
- (7) that the forthcoming District Design Guide (under the adopted Local Plan) was developed not only to improve the quality of new buildings, but to be innovative in seeking high quality of design, sustainability, and build, in order to drive a higher quality of planning applications submitted;
- (8) that consideration be given to encouraging the use of off-site manufacture for both developers in the area and for those interested in self-build;
- (9) That Council ensures a robust response to the government on the Housing White Paper including a request for a more coherent national housing policy; a return to a grant providing scheme of funding to stimulate growth; and practical solutions to deliver more diversity in the housing market.

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Overview Committee held at Knowle, Sidmouth on 28 March 2017**

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.06pm.

#### **\*20 Public speaking**

There were no public speakers at the meeting.

#### **\*21 Minute confirmation**

The minutes of the Overview Committee held on the 29 November 2016, were confirmed as a true record.

#### **\*22 Declarations of interest**

Councillor Peter Faithfull

Minute 23

Personal Interest – Member of the Arts and Culture Forum

Councillor Ian Hall

Minute 23

Personal Interest – Chairman of Cloakham Lawns Sports Club

Minute 24

Personal Interest – Employed by Pritchard Patent Product Co Ltd

#### **\*23 Culture Plan 2017 - 2022**

The Service Lead, Countryside & Leisure presented the report that set out the purpose of the Cultural Plan and the cultural activities, which East Devon DC was both promoting and supporting across the district. The report illustrated how cultural activities play an important role in helping to deliver the Council's health and wellbeing agenda, the promotion of its outstanding natural environment and how culture can help support the local economy. The report and Cultural Plan clearly demonstrated how cultural activities could make a difference to the way people lead their lives, engage with the environment and develop civic pride. Income generation was very important as well as the capacity to deliver new cultural programmes once long term financial planning was secured.

During discussions, the following points and questions were raised:

- Should libraries be included within the Plan?
- Industrial culture needed to be highlighted e.g. Honiton Lace and Axminster Carpets
- Culture could bring in additional income. The Arts Council would fund heritage projects
- Provide cultural opportunities for young people so they could engage
- More information on the coast and its capacity to provide culturally
- The outdoor environment was to be used within the school curriculum –presently very topical and relevant
- The need for a decent website/webpage to promote this properly
- Not just about culture, the health and wellbeing agenda should not be underestimated
- Encourage Town Apps – would be useful for visitors to access information



Charlie Plowden and his team were thanked for their hard work in promoting culture and tourism alike.

**RESOLVED:**

that the Overview Committee endorses the cultural activities within the Cultural Plan which sets the vision and ambitions for the Council's future engagement with culture within the district.

**24 East Devon Local Economy**

The Deputy Chief Executive updated Members with an overview on the development of a new economic intelligence report called All Business Great and Small, The East Devon Economy Report. The document gave an update on the district's local economy, recent key achievements, progress of current projects and provided a forward look to what projects were in the pipeline.

During discussions, the following points and questions were raised:

- Productivity nationally was the lowest in Europe but key to future prosperity
- Broadband in rural areas was essential for productivity
- The need to encourage creative businesses not just service industry jobs
- Small businesses need to be aware of the support that was available to them
- Two thirds of the businesses were in rural areas, could analysis be gathered to cover this?
- EDDC should offer advice and guidance within schools – to support its future residents
- The need to promote the right industrial premises in the right areas
- Productivity means increasing the wealth for future generations
- How to measure productivity where the dominant sector was the service industry. It was important to ensure that the correct measures were being used.

The Portfolio Holder Economy welcomed a further economy report in order for discussion and debate to be taken forward.

Members consider the content of this report and Appendix 1 and **RECOMMENDED** to Cabinet:

- a. the report formed the basis of an Action Plan and further work to confirm the priorities, projects and financing arrangement for a future pipeline of Local Economic Development activity,
- b. a report be submitted to Cabinet to agree the direction and detail of the Council's Local Economic Development activity to include rural economic development,
- c. a report was presented in Autumn 2017 as part of the preparation of a future Economic Development Investment Plan for the Council within the overall budget planning for 2018/19 onwards.

**25 Housing Delivery Task and Finish Forum final report**

Members considered the final report presented by the Chairman of the Forum, Councillor Ian Hall. A national shortage of housing had been recognised for some time, but more recently brought to the forefront following the publication of the Housing White Paper on 7 February 2017. This set out how to reform the housing market and boost the supply of new homes in England.

Whilst this district had seen houses built, of most significance in scale in the new town of Cranbrook, demand still outstripped supply. Of particular concern was the proportion of affordable units that had dropped against the total number of house completions. The cost of getting onto the property ladder in the district continued to rise. This impacted on the demographics of the district further, with young people being unable to secure a home in the area of their choice.

During discussions, the following points and questions were raised:

- EDDC officers should be responsible for inspecting new developments of its own houses to ensure high standards
- Lead by example in building quality
- Little support from developers during the TAFF process

The Chairman of the Forum wished to thank John Golding, Ed Freeman and Debbie Meakin for their valuable support.

**RECOMMENDED** to Cabinet:

The Forum had recommended the following, based on the interviews, findings and consultation.

- (1) that Overview welcomed the Cabinet decision to support the proposal for establishing a Local Housing Company for the Council, as a means of delivering more housing;
- (2) that Council continue to maintain as a priority the delivery of affordable homes in its Council Plan;
- (3) that Cabinet ask relevant officers to undertake further research into the financial model of affordability, considering new practices emerging in other local authorities, to report back to the Overview Committee;
- (4) that Cabinet ask relevant officers to look at means of attracting other registered providers to the District in order to have a wider choice of providers than the dominant Devon and Cornwall Homes (DCH);
- (5) that Council explore how it could better support existing Community Land Trusts, and help bring forward new Trusts, through using partner organisations such as the Wessex Community Housing Project, and regular promotion of successful projects;
- (6) that Cabinet explore investment into property as a means of better financial return on reserves;
- (7) that the forthcoming District Design Guide (under the adopted Local Plan) was developed not only to improve the quality of new buildings, but to be innovative in seeking high quality of design, sustainability, and build, in order to drive a higher quality of planning applications submitted;
- (8) that consideration be given to encouraging the use of off-site manufacture for both developers in the area and for those interested in self-build;
- (9) That Council ensures a robust response to the government on the Housing White Paper including a request for a more coherent national housing policy; a return to a grant providing scheme of funding to stimulate growth; and practical solutions to deliver more diversity in the housing market.

**Attendance list**

**Councillors Present:**

Graham Godbeer (Chairman)

Ian Hall (acting Vice Chairman)

Peter Faithfull  
Matt Booth  
Rob Longhurst  
John Humphreys  
Mike Allen

**Councillors Also Present:**

Pauline Stott  
Paul Diviani  
John O’Leary  
Brian Bailey  
David Barratt  
Phil Twiss  
Andrew Moulding  
Phil Skinner  
Douglas Hull  
Tom Wright  
Jill Elson

**Officers**

Mark William, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Henry Gordon Lennox, Strategic Lead – Governance and Licensing  
Charlie Plowden, Service Lead – Countryside & Leisure  
Ed Freeman, Service Lead - Planning Strategy and Development Management  
Jay Lambe, Service Lead – Regeneration and Property  
Alison Hayward, Senior Manager – Regeneration and Economic Development  
Drew Aspinwall, Economic Development Manager  
Lynsey Lawrence, Funding and Research Officer  
Amanda Coombes, Democratic Services Officer

**Councillor Apologies:**

Pat Graham  
Alan Dent  
Geoff Pook

**Officer Apologies:**

John Golding, Strategic Lead - Housing, Health and Environment

Chairman ..... Date.....

## Minutes of the meeting of the South East Devon Habitat Regulations Executive Committee held at Knowle, Sidmouth, on Wednesday 29 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.08pm.

### \*22 Public speaking

The Chairman welcomed everyone present to the meeting.

The Executive Committee had received two questions on notice. The Chairman invited the first speaker to read out their submitted question (the speaker paraphrased the question at the meeting but is printed in full below).

Question received with notice – Jane Evans

'Please can the South East Devon Habitat Regulations Executive Committee demonstrate how the Public Consultation being conducted by the Exe Estuary Management Partnership (EEMP) on behalf of the South East Devon Habitat Regulations Executive Committee and Partnership (SEDHRP) has met the standard for a public consultation given the following information:

- a) The consultation event on 8 December 2016 is claimed to have been public. However the general public were not informed that it was taking place. It appears to have only been notified to people who are on the EEMP mailing list. This list is not a representative cross section of the general public or of the people who are likely to be affected by the proposed exclusion zones.
- b) No information on the proposed exclusion zones or project proposal was added to the EEMP website for months, despite it being claimed that the consultation was being undertaken. It was only after requests from Jane Evans to EEMP on 1 March 2017, 3 March and again on 7 March that any information was added to the EEMP website. This resulted in draft maps being added on 9 March, the project proposal on 10 March and supporting documents on 14 March. The minutes of the EEMP consultation event of 8 December 2016 were added to the EEMP website on 14 March. At the time this information was posted there were two weeks before the consultation was due to close.
- c) No press releases have been made by East Devon District Council, Exeter City Council or Teignbridge District Council advising that the Public Consultation has been taking place.  
The press have not been informed about the public consultation so there have been no articles in the local newspapers.
- d) It was advised that the advertising for the public consultation event was made by social media. However no advertising for the public consultation has been located on any of the three councils' twitter accounts. Eventually a tweet was added to EEMP twitter account on 16 March.
- e) There is no poster at the edge of the proposed exclusion zone in Cockwood so users of the Cockwood foreshore have not been notified of the proposals.
- f) Some water sports associations, clubs and retailers that are listed on page 93 of the Exe Estuary Recreational Framework 2014 have still not been notified of the Public Consultation by EEMP.
- g) The format of the public consultation is informal meetings with the Exe Estuary Officer. Attendees are advised that comments will be taken to the SEDHRP. The

Exe Estuary Officer does not have a minute taker for the meetings. There has not been a circulation of the notes taken by the Exe Estuary Officer made following the meetings to the attendees so the attendees cannot see that their comments are being reported accurately to the SEDHRP.

- h) There is no questionnaire that may be completed by members of the public to contribute their comments to the public consultation.
- i) No information is available on how any responses are being collated, analysed or results published.
- j) No information is available on how the decision makers are assessing the responses and against what criteria.
- k) There is no engagement between the members of the South East Devon Habitat Regulations Executive Committee or the Partnership with the people who will be affected by the proposed exclusion zones or their representatives, for example various sport's national governing bodies. All engagement has so far been required to take place with the Exe Estuary Officer.'

The Chairman invited the Habitat Regulations Delivery Manager to respond to the points raised. The Delivery Manager responded to the question as submitted as follows:

- a) It should be stated that these consultations are in regard to Voluntary Exclusion Zones and so there is no set "standard" – it is not an exact science, although due diligence was shown in the approach. It was agreed with the Exe Estuary Officer that it was logical to begin by consulting with those user groups most likely to be impacted by the proposals. The event on 8 December was advertised to key stakeholders as well as in the public domain on websites, and social media. This consultation event was specifically targeted to user groups that regularly use the Exe Estuary for their activity, rather than occasional users.  
The intention was to invite the input of local users who have good knowledge of the Exe and the areas that were particularly important for their activity - and to identify any potential impact on local businesses. There were a lot of specific (and sometimes conflicting) interests to take into consideration, so the consultation needed to be targeted in order to explore the best option for all parties.
- b) The consultation was publicised from mid-November on EEMP website, and specifically the first public event was publicised both by direct email invite and on the EEMP and Eventbrite websites from that date onwards.  
Unfortunately, due to technical problems outside of EEMP's control, the website was unavailable between 20 December 2016 and 2 February 2017. It took longer to put up amended maps due to specific software issues at EEMP. These were available from 9 March and would remain available until the end of April.  
The review of zonation was introduced a year ago, at the Winter Forum on 9 February 2016. The review was also advertised through the Exe Press newsletter, in the editions of spring 2016, winter 2016 and spring 2017. The newsletter had been distributed via post and email to approximately 2,000 people, and available free of charge at Tourist Information Centres, libraries, doctor's surgeries. The consultation was also advertised on Devon County Council's website. A review of zones of activity, codes of conduct and the consultation were part of a press release from the Local Authorities on 11 July and 4 November 2016
- c) This was a consultation which has primarily been advertised to key stakeholder groups through long established channels of communication at the Exe Estuary Management Partnership. In order to reach a wider audience, the Partnership had extended the consultation and would be issuing a press release within a day or so. The consultation would be re-publicised through partner authority media

contacts. However, we had no control over whether or how the newspapers used it - they may decide not to feature it. Advertising on posters and leafleting had been carried out in specific areas to reach out directly to people using the affected areas.

The consultation had been in local papers (such as The Exeter Daily online newspaper in November and Dawlish Gazette in March). The Exmouth Journal retweeted details of the consultation on 13 March.

- d) @Exeestuary tweeted/retweeted about the consultation on 17, 18, 21 November and 6 and 12 December. Tweets had also been sent about the Exe Press, which contained details of the consultation (this was also available on the EEMP website).  
@Teignbridge had tweeted about the consultation on 18 November and 1 December. @PlanTeignbridge, @ExeterCouncil, @EEDGrowthPoint and @eastdevon had all tweeted / retweeted about the consultation. It had also featured widely on facebook accounts, with local stakeholders targeted.
- e) As mentioned above (c) posters have been put up at the Cockwood notice board and the Cockwood steps (also Starcross noticeboard0, by the Habitat Mitigation Officer. Users of the Cockwood foreshore are predominantly bait diggers and crab tilers. These users were some of the first to be contacted in face-to-face meetings with the Exe Estuary Officer. Other users such as anglers (and dog walkers) were already excluded from the area under the existing byelaw and codes of conduct.
- f) A small number of email addresses had been found to be out of date and either had been or were in the process of being amended by the Exe Estuary Officer.
- g) There was no specific requirement to publish the minutes of these meetings. However, the Exe Estuary Officer did take minutes during meetings and had always intended for these to be made available prior to the next stage of consultation. Minutes would be on the EEMP website by end of month, in conjunction with updated maps.
- h) As part of the extended consultation period, a questionnaire had been drafted and would be available online and by paper copy on request, by the end of the week.
- i) Details of next steps for the proposal of these voluntary zones would be included in the press release and on the dedicated consultation pages of the EEMP's website. When complete, results of the consultation would be also be published here.
- j) The criteria was very simple and was explained in the face to face user group consultations, on the EEMP website and was now included in the questionnaire: *The areas identified are sensitive areas for internationally important species and habitats – disturbance from human activity risks impacting upon those species and habitats. The responses will therefore be assessed against how any amendments to the proposals can meet the aims of protecting these areas and species.*
- k) The Executive Committee had given delegated powers to the Habitat Regulations Delivery Manager to work on implementing the approved Annual Business Plan. As part of the Annual Business Plan, the Executive Committee had also approved the consultation on revised zoning and codes of conduct to be undertaken by the EEMP.  
The Habitat Regulations Delivery Manager, Habitat Mitigation Officers, Dog Project Officer and EEO had all given presentations on the background to the work at the consultation meeting held at the beginning of December 2016. Officers from Natural England, the RSPB, EDDC Countryside Team, Devon Wildlife Trust and IFCA had also been present at the stakeholder meeting.

Arrangements were being made for as officers as possible to be present at the next general consultation meeting to be held on 20 April 17.

In accordance with the published constitution, meetings of the Executive Committee were open to the public and members of the public were able to engage by making statements or asking questions.

Under the Executive Committee's terms of reference in respect of questions submitted in advance, the questioner had the right to ask a supplementary question relevant to the original question printed above. In response to the supplementary question asked, the Habitat Regulations Delivery Manager advised that the consultation had been reviewed and extended as a result.

Cllr Rachel Sutton commented that the proposals had clearly generated a lot of public interest and therefore it was helpful that the consultation had been extended. The Chairman apologised if the original message regarding the consultation had not reached all users of the Exe.

The second person who had submitted questions on notice was invited to speak. The Chairman invited the Habitat Regulations Delivery Officer to respond after each question had been asked.

Questions received with notice – Vyv Game

- a) What is the evidence that sailing activities are having an impact on migrating birds in these areas?

Response: The Exe Disturbance Study 2011 was an extensive piece of survey work originally commissioned by the Exe Estuary Management Partnership. This clearly indicated that disturbance caused by current levels of recreational access (including sailing) was influencing the distribution and behaviour of birds on the Exe.

*Extract from the Exe Disturbance Study 2011*

*“Using the counts of people and birds undertaken in this project for each survey location we find evidence that the number of birds fluctuates in relation to levels of access at Lympstone, Powderham, the Duck Pond and at Starcross South. Numbers of birds at these locations are lower on particular visits when levels of human activity are higher.”*

*“After controlling for distance, tide and location, birds were more likely to take flight when the activity took place on the intertidal or on the water compared to the shore.”*

*All birds were observed to take flight when the disturbance was close – indicating that appropriate exclusion zones would offer refuge and a “buffer” to disturbance. Nearly all sailing activities were observed to cause a disturbance response from the birds present.*

*“The work presented... shows that disturbance is reducing the habitat available to the birds and that the numbers of birds in certain parts of the estuary are related to the levels of access. Disturbance is currently therefore influencing the distribution and behaviour of birds on the Exe.”*

There was, therefore, reasonable doubt that recreational activities including sailing were not affecting the protected species and habitats present on the Exe. In order to meet their legal obligations under the Habitat Regulations, respective Local Plans had been assessed in terms of the likely significant effects of, in this case, residential development and an associated increase in recreational activity.

The local authorities of Teignbridge, Exeter and East Devon were following the precautionary principle which required that likely significant effects were mitigated before they had an impact. This was considered a correct and appropriate interpretation of their legal obligations. Doing nothing was not an option.

The speaker disputed this response and stated that there was insufficient evidence to support that sailing created a disturbance to the habitats.

b) Who has the legal authority over maritime activity on the Exe Estuary?

Response: The Harbour Authority & Marine Coastguard Agency (MCA) both had a legal duty in respect of maritime activity on the Exe.

Additionally, the Marine Management Organisation (MMO) licensed, regulated and planned marine activities in the seas around the English Coast.

The Devon and Severn Inshore Fisheries Conservation Authority was the statutory organisation which managed both commercial and recreational marine fishing activities from the shore out to the six nautical mile limit.

Both the Harbour Authority and IFCA had been fully consulted on the proposed voluntary exclusion zones and had no objections to them.

In response to a supplementary question, the Habitat Regulations Delivery Manager advised that 'voluntary' exclusion zones were proposed.

c) How do you keep the public informed?

Response: The public were kept informed through ongoing consultation events, through social media and through the dedicated web pages on the EEMP's website. The questionnaire which would be available by the end of the week would offer the opportunity to be updated with progress on the consultation.

Final proposals would be available on the EEMP website and any recommendations to the Executive Committee would form part of the agenda papers which were published on the Committee's dedicated web pages of East Devon District Councils' website.

If final proposals were approved by the Executive Committee then other projects include the provision of new interpretation boards in priority areas on the Exe and new signage at all slipways.

Other work would include:

- Featuring the zones and codes of conduct in reprints of the "Exe" leaflets distributed by the EEMP.
- Distributing copies of codes of conduct and zonation leaflets to clubs and associations.

In addition, it is the remit of the Habitat Mitigation Officers to engage with and help to educate members of the public as to how they can best enjoy their chosen activity and help care for the special places at the same time.



In response to a question regarding public safety, the Habitat Regulations Delivery Manager advised that the voluntary exclusion zones would not apply if someone was to get into danger and that public safety concerns would be considered as part of the consultation process.

The Chairman invited the two members of the public who had registered to speak at the meeting to address the Committee.

Michael Arstall raised concern about the introduction of enforcement measures against waters users on the Exe and the impact the voluntary exclusion zones would have on people being able to enjoy activities on the water. He referred to the high performing athletes that took part in water sports on the Exe and considered that the Council should be encouraging these activities for health benefits rather than discouraging and preventing them.

In response to the speaker, the Habitat Regulation Delivery Manager advised that no enforcement action was currently being taken. Amanda Newsome, Natural England, added that many of the users of the Estuary were very responsible, however the measures being put in place, such as the Wardens, were there to educate people and mitigate against an increasing population. The measures were not designed to stop people using the Exe, but were designed to protect the habitats concerned.

Nick Webber raised concern about the safety of water users if the exclusion zones were introduced. He advised that the clubs using the waters were responsible users and understood the competing pressures regarding the protected areas, however hoped their comments would be taken on board.

The Chairman thanked the speakers and members of the public for attending the meeting. The Executive Committee Members encouraged users to submit comments to the consultation so that their concerns could be taken on board.

**\*23 Declarations of interest**

There were none.

**\*24 Matter of urgency**

There were none.

**\*25 Exclusion of the public**

**RESOLVED:**

that the classification given to the documents submitted to the Executive Committee be confirmed; there were two items which officers recommended should be dealt with in Part B.

**\*26 Rebasing the South East Devon European Site Mitigation Strategy**

The Executive Committee considered the Habitat Regulations Delivery Manager's report updating Members on the work undertaken to rebase the South East Devon European Site Mitigation Strategy and detailing the initial findings from this work and the significant variants that had been revealed. Members noted that further work was required to refine the analysis undertaken to date and that a report would be presented at the next Executive Committee providing greater detail and proposing a strategic way forward.

**RESOLVED:**

1. that the work that has been undertaken to rebase the South-East Devon European Site Mitigation Strategy be noted and that the significant deviations from the original assumptions that have been revealed be acknowledged.
2. that a further paper setting out the final assessment and proposed strategic way forward be presented at the next Executive Committee meeting.

**\*27 Financial report**

The Executive Committee considered the Habitat Regulations Delivery Manager's report updating Members on the overall financial position of developer contributions received by all three local authorities as mitigation payments toward measures identified in the South East Devon European Site Mitigation Strategy. The report set out details of the contributions received from inception until the end of the second and third quarters of the 2016 financial year and also included anticipated income from contributions where planning permission had been granted, however the mitigation payment had not yet been paid.

Cllr Rachel Sutton expressed concern about the pressure being placed on resources at the three Councils to produce quarterly financial reports and queried whether it would be sufficient to produce six monthly reports be produced in future. Officers raised no concern with this approach.

**RESOLVED:**

1. that the quarterly update on the overall financial position including contributions received, contributions not received because arrangements may be in place for contributions to be with-held, expenditure and anticipated contributions (from signed S106) be noted.
2. that the Executive Committee receive six monthly updates on the overall financial position in future, instead of quarterly updates.
3. that an update on 5 year income forecasts of developer contribution receipts be presented at the HREC meeting in June 2017. This will clearly identify where these have been retained by the collecting authority where any agreement is in place for contributions to be with-held.

**\*28 2016 Annual Business Plan – progress report**

The Habitat Regulations Delivery Manager presented the report setting out the mitigation measures put forward in the 2016 Annual Business Plan and outlining progress made towards delivery of the measures outlined in the committee report during the period 12 August 2016 to 17 February 2017.

In response to a question regarding the patrol boat, the Habitat Regulations Delivery Manager advised that finding a boat that met the required specification and was within the budget had proved challenging, however he was satisfied that a solution had now been found.

**RESOLVED:**

1. that the progress made towards delivering the 2016 Annual Business Plan be noted.
2. that the expenditure of £1500 from Patrol Boat revenue budget towards purchase of small inflatable boat and outboard motor be approved.
3. that an Annual Review on the implementation of the 2016 Annual Business Plan be presented at the Executive Committee meeting (June 2017).
4. that recommendations for the 2017 Annual Business Plan be presented at the next Executive Committee meeting (June 2017).

**\*29 Dawlish SANGS Marketing Strategy**

The Executive Committee considered the Habitat Regulations Delivery Manager's report outlining the proposed Marketing Strategy for the Dawlish Countryside Park and marketing budget which Members were asked to agree. Members were advised that in order to be effective, all SANGS needed to be actively promoted to ensure key users were aware of the location and layout of the site and that there was a risk that if key users groups were not targeted the effective use of the site as mitigation would be compromised.

The Executive Committee members spoke of the importance of promoting the site successfully so that people understood its benefits. The Habitat Regulations Delivery Manager advised that the marketing strategy would be reviewed in the second year to ensure its continued effectiveness.

**RESOLVED:**

1. that the Dawlish Countryside Park Marketing Strategy be approved.
2. that the Dawlish Countryside Park Marketing Budget (Appendix A to the committee report) of £38,958 for the first 3 years be approved.

**\*30 Exclusion of the public**

**RESOLVED:** that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B).

**\*31 Suitable Alternative Natural Green Space (SANGS) Strengths, Weaknesses, Opportunities and Threats (SWOT) – Analysis of options**

The Executive Committee considered the Habitat Regulations Delivery Manager setting out strengths, weaknesses, opportunities and threats (SWOT) analysis of the potential strategic SANGS sites currently under investigation across the three partner authorities and making recommendations on preferred options for delivery based on the analysis.

Natural England confirmed that the SANGS options as proposed would be delivering the Mitigation Strategy.

**RESOLVED:**

1. that the South West Exeter SANGS site be agreed as the preferred option for the delivery of SANGS in Strategy Zone B (as shown in Appendix A of the confidential committee report)
2. that an appraisal of future SANGS capacity and likely delivery costs of works be undertaken (including in Exeter's Valley Parks), where practicable in association with potential SANGS providers. This appraisal to inform the development of the Greater Exeter Strategic Plan (GESP) and any future iteration of the South East Devon European Site Mitigation Strategy (SEDESMS), with appraisal costs being borne from partnership GESP funds.
3. that officers commence consideration of options for offering SANGS mitigation capacity to developers who are unable to provide on site SANGS, with further reports to be addressed through the GESP process.

**\*32 Suitable Alternative Natural Green Space (SANGS) – Proposal in SANGS Zone B**

The Principal Growth Point Officer presented a report setting out the proposed acquisition, instatement and management arrangements for the preferred site in SANGS Zone B. The site would play a key role in mitigating the impacts of development within the Partnership's three local authority areas. Members noted that the report outlined expectations of Teignbridge District Council, however formal approval from Teignbridge District Council was required.

**RESOLVED:**

1. that Teignbridge District Council undertake the following actions for the purposes of providing SANGS:
  - a) Acquisition of the land within the approximate area identified at Appendix A (on page 85) of the confidential committee report.
  - b) Procurement of a contract or direct works to the land in order for the SANGS to be provided in broad accordance with the site masterplan at Appendix B (on page 86) in the confidential committee report.
  - c) Procurement of a contract or direct works that ensure ongoing management and maintenance (but not ownership transfer) of the SANGS.
2. that the proportionate (to be agreed, subject to ongoing work to rebase the mitigation strategy) payment, as outlined in the confidential committee report, be paid to Teignbridge District Council as a contribution towards the SANGS, as soon as funds for SANGS become available, and upon confirmation of the final land transaction costs.
3. that Teignbridge District Council be requested to provide detailed reports on purchase, delivery and management/ maintenance arrangements regarding the South West Exeter SANGS.

**Attendance list**

**Committee Members:**

Cllr Andrew Moulding, East Devon District Council (Chairman)  
Cllr Humphrey Clemens, Teignbridge District Council  
Cllr Rachel Sutton, Exeter City Council

Amanda Newsome, Natural England

**Officers**

Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)  
Simon Davey, Strategic Lead – Finance (EDDC)  
Ed Freeman, Service Lead – Strategic Planning and Development Management (EDDC)  
Neil Harris, Habitat Regulations Delivery Manager – Growth Point Team  
Naomi Hartnett, Principal Projects Manager – Growth Point Team  
Peter Hearn, Strategic Infrastructure Planning (ECC)  
Anne Mountjoy, Growth Point Communications Officer – Growth Point Team  
Fergus Pate, Principal Growth Point Officer (TDC)  
Hannah Whitfield, Democratic Services Officer (EDDC)  
Andy Wood, Projects Director – Growth Point Team

**Apologies:**

Peter Lacey, Green Infrastructure Board

Chairman ..... Date.....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 30 March 2017**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 7.22pm

#### **\*47 Public speaking**

There were no questions from members of the public.

#### **\*48 Minutes**

The minutes of the Scrutiny Committee held on the 2 March 2017 were confirmed and signed as a true record.

#### **\*49 Declarations of interest**

Councillor Darryl Nicholas: minute 55; personal interest; works for New Devon CCG.

#### **\*50 Mental Health Services for East Devon**

The Committee was reminded that the Chairman of the Honiton Hospital League of Friends and the Honiton Dementia Action Alliance had asked the Committee to consider the current state of services in the district. This request was as a result of the imminent closure of 'the Haven', Honiton, run by MIND and the transfer of the East Devon Community Mental Health Team from Honiton to Exeter.

#### **RESOLVED**

1. that this topic be considered at a future meeting of the Committee – at the earliest opportunity;
2. that the Chairman write to the Portfolio Holder, Stuart Barker, at Devon County Council, to advise that the Committee wished to debate the current state of mental health services in the district and ask him and officers to attend, giving him the chance to respond;
3. that the Chairman write to the Chairman of the Health and Wellbeing Scrutiny Committee to advise of the Committee's intended debate on mental health service issues in the district and invite his attendance to respond in respect of the allocation of resources for health services.

The aim would be for the item to be included on the agenda of the next Committee meeting of 9 May 2017 subject to responses received – resolutions 2 and 3 above refer.

#### **\*51 Modern Day Slavery**

The Committee received a verbal presentation on modern day slavery from Inspector Julian Pezzani. This was a global problem and, now estimated to be the second largest illicit trade worldwide. Inspector Pezzani gave statistical information on modern slavery's prevalence in the UK. However, he advised that this was also a local problem across all sectors of the economy but particularly within hospitality and agriculture. An example given in the South West was industrial cannabis manufacture. Victims earned their captors thousands of pounds; their heinous crimes needed to be addressed.

The police service across the UK was committed to combating modern day slavery. Work was been undertaken by the police in partnership with the government, other law enforcement agencies and partnerships (significantly including the voluntary sector) to improve the response to modern day slavery. For the police, the overriding focus was to

improve its ability to identify, rescue and support victims and in doing so ensuring that perpetrators were brought to justice. The perpetrators were often involved in other crimes including drugs firearms, money laundering and child abuse.

The initiative was supported through the Modern Slavery Bill legislation, which provided law enforcement agencies in the UK with greater opportunities and stronger framework to protect victims, bring offenders to justice and recover illicit assets. As modern day slavery was a hidden crime, the police had to act proactively to increase the detection rate. The complex legislation now covered child trafficking, forced labour/debt bondage, sexual exploitation, criminal exploitation (the most prevalent crime in this area where trafficked individuals were forced to carry out illegal acts) and domestic servitude. When an offence was discovered, there was a set legislative procedure in place to protect the victim. However adult victims had to consent to action being carried out – there was often reluctance on their part to come forward.

Addressing modern day slavery had significant government commitment supported by funding and a national action plan. Issues faced included:

- Un-reporting – victims can be unwilling to assist with investigations due to being manipulated by their abusers.
- Complex investigations – the perpetrators are very wily and so significant resource (including time) was required in identifying and investigating the crime.
- Recognising that, although involved in illegal trade, the modern day slave is a victim.
- The problem needed to be tackled though all partners working together.
- Trafficking had an impact on local services and included risks to local communities.

The police needed help in increasing general awareness and council support particularly in the early days following a rescue when victims needed accommodation.

Following the presentation, the Committee raised a number of issues including:

- Was there a manned confidential telephone number that members of the public could use to report concerns? Inspector Pezzani advised that the 101 service was improving but noted comments made at the meeting on its inadequacy. The default position was 'crimestoppers' (0800 555111) – operators had specific training on hidden crime which included domestic violence and modern day slavery. Alternatively, there was a national intelligence bureau form for organisations to enable intelligence to be shared.
- What was the level of co-operation on an international scale? Inspector Pezzani advised that new issues would need to be faced now that Britain was leaving the European Union. The British police had a good track record of procedures and worked closely with the International Crime agency.
- Would legalising growing cannabis make the problem of industrial manufacture easier to deal with? Inspector Pezzani did not think that such a change in legislation would help. The Devon and Cornwall Police was making good progress in identifying victims, filtering the exploiters from the victims when an illegal operation was detected. The police wanted to deal with modern day slavery issues as a whole and would hesitate to support the legalisation of cannabis.
- The Home Secretary had asked for additional funding. How could this impact on other police services? Inspector Pezzani advised that tackling modern day slavery

was complex and expensive, particularly when on an international scale. Local policing was fundamental to tackling modern day slavery in the area. A national modern slavery team was being set up in Exmouth to look at crime patterns and best policing practice. This small team was to be drawn from forces all over the country – all forces would be able to tap into this knowledge.

- It would be useful for all Councillors to have documents or briefing notes to increase general awareness. What signs should everyone be aware of? What can the Council do to help? Inspector Pezzani advised that Torbay Council had a draft toolkit prepared for their staff. When this document was signed off, it would be circulated to authorities across Devon – the toolkit included signs and symptoms to look out for. Gerry Moore advised that the Community Safety Partnership had run events to increase awareness and that he would circulate these slides to Councillors.
- Were the victims initially accommodated in safe houses following their rescue? Inspector Pezzani advised that he was not aware of any safe houses in the Devon and Cornwall area. Ideally, he would like to see victims accommodated outside the immediate area to get them away from those who have exploited them – so that a Devon victim was initially accommodated in Cornwall, for example.
- There appeared to be an increase in the number of people (often young) begging in Exeter and an increase in people sleeping rough. Inspector Pezzani agreed that there were instances of aggressive begging linked with modern day slavery.
- All Members should be enlightened and made more aware. If Councillors were better informed, they may be more likely to support a safe house.
- Inspector Pezzani was unable to comment on the penalties imposed due to the range of levels of crime involved but that it was usual for a custodial sentence to be given to a trafficker.
- Does trafficking into the UK mean that people are smuggled in without passports? Inspector Pezzani advised that nationally this was the case. There were concerns that now that borders controls had been tightened around the usual traffic routes that the traffickers may start to look for less obvious routes and this would make the South West coastline vulnerable.

The Chairman thanked Inspector Pezzani for his informative presentation. The Council would look into possible awareness training for all Councillors through Democratic Services.

**RESOLVED** that modern day slavery awareness training be arranged for all Councillors with the slides from the recent awareness session, organised by Gerry Moore, the Council's Community Safety and Anti-Social Behaviour Officer being circulated in the meantime.

**\*52 Report from East Devon District Council's Community Safety and Anti-Social Behaviour Officer**

The Chairman welcomed Gerry Moore, Community Safety and Anti-Social Behaviour Officer to the meeting.

Members noted the current priorities of the East and Mid Devon Community Safety Partnership for 2016/2017 and additional priorities for 2017/2018. The report outlined the Partnership projects and initiatives, in place and planned, to achieve these priorities.



Committee members were invited to attend the Partnership's Annual Conference at Broadclyst Victory Hall on 5 April – this year Alison Hernandez, the Police and Crime Commissioner would be speaking at the event.

Gerry Moore advised that there was a legal responsibility for the work of each Community Safety Partnership across the county to be subjected to a scrutiny process but the current joint arrangement with Mid Devon was proving ineffective. He suggested that as an alternative, the Community Safety Officer for each authority report direct to meetings of the Scrutiny Committee – either six-monthly or annually - with reports focusing on East Devon.

Issues raised by members of the Committee included:

- The Parishes Together Fund had supported the funding request for a hard-hitting play called Chelsea's Choice about child sexual exploitation to be performed at the eight secondary schools across the district.
- Boy-racers continued to be a problem in Exmouth. Although they were not always breaking the speed limit, the high revs and noise were generating on-going public complaints. A speed awareness group would be supported by the Police but only in daylight hours for safety reasons. Gerry Moore advised that the Council had been requested to impose specific public spaces orders to help tackle the issue as this would give the police greater powers to act. Cabinet had already supported the request; the next step was public consultation. The police had not been made aware of a greater increase in incidents of boy-racing but suggested that there could be under-reporting. He believed that a volunteer group would be helpful.

Chief Inspector Sarah Johns acknowledged the police resource issue but confirmed that a full team of officers was working across the district throughout the night. She also acknowledged the depth of feeling in respect of boy-racers and that the police would benefit from the public space restriction orders. The Chief Inspector advised that she would investigate support that could be given to a speed-watch group in Exmouth and possible training.

The Chairman thanked Gerry Moore and Chief Inspector Sarah Johns for their attendance and contribution.

**RESOLVED** that the Council's Community Safety and Anti-Social Behaviour Officer be invited to meetings of the Scrutiny Committee on a six-monthly basis to present his report on community safety activity within East Devon.

**\*53 Scrutiny Forward Plan**

The forward plan was noted. The following comments were made:

Manor Pavilion car parking arrangements – being referred to April Cabinet.

NHS Property Services – correspondence had been received – the Chairman would continue to push for representatives to address a future meeting.

New Devon Clinical Commissioning Group – useful update was needed.

Thelma Hulbert Gallery – progress – Officer advice was that this was not an appropriate item for this Committee.

Local Plan – processes – Officers had advised at a previous meeting that this was not an appropriate issue for the Scrutiny Committee; site identification had now gone through the Strategic Planning Committee. However, issues around the call for sites may need to be considered.

Sports Club rents – on-going issue. Cabinet was discussing the Playing Field Strategy – as Scrutiny was retrospective, it was unable to deal with this on-going issue. The Sports Champion was working with Officers on this matter.

Possible charging organisers for Streetscene clean-up after events had been discussed at the joint meeting of Scrutiny and Overview Committees in January. Charges needed to be fully assessed and balanced with the economic benefits from staging the events. This possible new charge would not be introduced in April this year but would be reviewed for possible inclusion in the future - it would be an Overview Committee matter until a decision was made.

**Attendance list (present for all or part of the meeting):**

**Scrutiny Members present:**

Roger Giles  
Alan Dent  
Dean Barrow  
Maddy Chapman  
Bruce de Saram  
Cathy Gardner  
Simon Grundy  
Marcus Hartnell  
Bill Nash  
Cherry Nicholas  
Darryl Nicholas  
Val Ranger  
Marianne Rixson

**Other Members**

Megan Armstrong  
David Barratt  
John Dyson  
Peter Faithfull  
Dawn Manley  
Tom Wright

**Officers present:**

Jaye Lambe, Service Lead – Regeneration and Property  
Anita Williams, Principal Solicitor  
Diana Vernon, Democratic Services Manager

**Apologies:**

Jill Elson

Chairman ..... Date.....

**EXMOUTH REGENERATION PROGRAMME BOARD  
ACTION POINTS FROM A MEETING  
HELD AT OCEAN, ESPLANADE, EXMOUTH ON THURSDAY 30 MARCH 2017**

Present:

Councillor Philip Skinner	PJS	EDDC
Andrew Moulding	ATM	EDDC
Jill Elson	JME	EDDC
Pauline Stott	PS	Exmouth Town Council
Deborah Hallett	DH	
Jay Lambe	JL	Service Lead – Regeneration & Property
Alison Hayward	AH	EDDC
Mark Williamson	MW	Exmouth Town Council
Tom Vaughan	TV	Devon County Council
Steve Gazzard	SG	Exmouth Town Council
Tim Wood	TW	Honorary Alderman
Richard Jacobs	RJ	EIC Group
Linda Perry	LP	EDDC

Apologies:

Ian MacQueen	NM	Exmouth Chamber of Commerce
Bernard Hughes	BH	Devon County Council
Andrew Ardley	AA	Devon County Council
Neil Downes	ND	Exe Estuary Partnership
Eileen Wragg	EW	Devon County Council
Ian Harrison	IH	Consultant
Lisa Bowman	LB	Exmouth Town Council
Richard Cohen	RC	Deputy Chief Executive, EDDC

The meeting started at 9.15am and finished at 11.45am.

<b>Item</b>	<b>Notes/Decisions</b>	<b>Action</b>
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<p><b>1.Introduction</b></p>	<p>Councillor Phillip Skinner welcomed all those present to the meeting and particularly Jay Lambe, Service Lead – Regeneration &amp; Property.</p>	
<p><b>2. Report of meeting held on 1 December 2016</b></p>	<p>The report of the meeting held on 1 December 2016, was confirmed as a true record.</p>	<p>To note</p>
<p><b>3. Update on Mamhead Slipway</b></p>	<p>AH reported that the Mamhead Slipway was now open and positive feedback had been received from users. There were some outstanding issues, including regarding car parking. There was room for 2 cars and trailers and a private parking firm would be employed to enforce the parking regulations. This would allow a 15 minutes limit to stay and no return within 30 minutes. AH would check with parking services regarding the implementation of this limit.</p> <p>A member raised the issue of parking outside Rockfish on Victoria Road and whether double yellow lines could be introduced to reduce this problem. TV reported that he would report this matter to the local HATOC via the DCC Ward Member, Cllr Wragg.  <b>ACTION</b> TV to raise the issue of double yellow lines outside Rockfish restaurant at the next DCC HATOC meeting. <b>ACTION</b> AH to raise the issue of car parking on Mamhead Slipway with Parking Services.</p> <p>The following additional points on Mamhead Slipway were noted:</p> <ul style="list-style-type: none"> <li>• There would be signs erected;</li> <li>• The slipway would be power washed once a month;</li> <li>• Half barriers would be installed on the steps;</li> <li>• The glass panels by Rockfish restaurant would be replaced;</li> <li>• Event licences would be dealt with through Street Scene;</li> <li>• Planters would hang along the wall;</li> <li>• Snagging issues would be dealt with by the end of April;</li> <li>• The opening event would be held at a date to be agreed in Mid-May;</li> <li>• Information on Mamhead Slipway would be put on the EDDC website.</li> </ul> <p>The issue of the Camperdown Terrace planning application for car parking could be discussed at a future meeting of the Board. There had been reported that this area would be used for car parking for staff working at Exmouth Town Hall.</p>	<p><b>Noted</b></p> <p><b>TV</b></p> <p><b>AH</b></p>

<p><b>4. REL</b></p>	<p>Members noted that there was little further to report on the Rolle College site. A meeting had been held with the Marketing Director of the Deaf Academy and they had confirmed that they wanted to get on site as quickly as possible. They had indicated that they wanted to open up part of the site for community use and were keen to share the Owen Building with the community.</p>	<p><b>Noted</b></p>
<p><b>5. Thomas Tucker</b></p>	<p>AH reported that the planning application to convert the Thomas Tucker building to a restaurant of the ground floor and 7 apartments above had been approved and work was expected to start soon.</p>	<p><b>Noted</b></p>
<p><b>6. Orcombe Point</b></p>	<p>AH reported that there had been over 50 suggestions received with ideas for Orcombe Point in a recent public consultation. The Council was looking at a practical solution for the site, particularly bearing in mind that there were no services on site at present and that it would be very expensive to get them on site.</p> <p>JL reported that the Council were looking at an adapted containerised provision for the site. This would involve a three year temporary licence and any successful tenderer would be subject to the street trading consultation period which was expected to end in July.</p> <p>The Regeneration Board were minded to support the proposal to have an adapted containerised catering provision for an initial three period before further investigation was undertaken to provide longer term catering provision for the site.</p>	<p><b>Noted</b></p>
<p><b>7. Relocation and the Town Hall</b></p>	<p>AH reported that work was underway on modernising Exmouth Town Hall to enable up to 80 EDDC staff from Housing and Revs &amp; Bens to be based there. It was hoped that work would be completed by November and further updates would be provided as work progressed. PS reported that due to the small sizes proposed for public meeting rooms, Exmouth Town Council were reconsidering whether they should return to the Town Hall or stay in their current premises in Rolle Street.</p>	<p><b>Noted</b></p>
<p><b>8. Coastal Community Team/Exmouth Visitors Survey</b></p>	<p>LP presented the Exmouth Visitors Survey which had been commissioned by EDDC on behalf of the Exmouth Coastal Community Team and undertaken by the South West Research Company Ltd. There were 3 elements of the research – 1. Visitor’s survey; 2. Business survey and 3. Economic impact study. The Visitor Survey involved 1,000 face to face interviews</p>	<p><b>Noted</b></p>

	<p>and had indicated a high level of satisfaction about visits to Exmouth but an overall low level of average spend.</p> <p>The challenge highlighted by the Survey was 1. To diversify the visitor profile; 2 Raise visitor expectations. 3. Increase visitor expenditure.</p> <p>During discussions the following points were noted:</p> <ul style="list-style-type: none"> <li>• Need to invest in hotel accommodation in Exmouth;</li> <li>• Extend the visitor season;</li> <li>• Meet the modern leisure need of resident and catchment area populations;</li> <li>• Invest in additional quality accommodation in the town;</li> <li>• Issue of getting visitors into the town centre;</li> <li>• Improve the range of shops/retail experience.</li> </ul> <p>Members noted that there was the need to look at the retail plan for the town centre. However, it was noted that there was a problem with the disparate ownership of property throughout the town centre, and whether EDDC should consider investing some of its reserves in the purchase of land, such as Magnolia Centre.</p> <p>AH reported that the Visitor survey would be presented to businesses in Exmouth to allow them to engage with the findings.</p> <p>LP was thanked for her excellent and informative report.</p>	
<p><b>9. Exmouth Gateway</b></p>	<p>TV reported that discussions were on going regarding the train station improvements, but the improvement proposals were modest. GWR were hoping to start work very shortly. There was still an issue with the bus stop.</p> <p>SG reported that there was still problems with flooding in the subway.</p>	<p><b>Noted</b></p>
<p><b>10. Queens Drive update</b></p>	<p>AH gave an update on the Queens Drive development. The reserved matters part of the planning application was being considered by Development Management Committee at its meeting on 11 April. There were a number of ideas being explored to see if any temporary use could take place on the site during the summer period. However, there are a number of significant constraints to this. At the end of August further consideration would be given to what will happen on the site and a report made to Councillors. A development agreement and lease were being prepared with Grenadier for the end of May.</p>	<p><b>Noted</b></p>

<b>11. Communication Update</b>	AH would take the messages arising from the Board meeting back to the Comms team, particularly those arising from Orcombe Point and the Visitors' Survey.	<b>AH</b>
<b>12. Dates and times of future meetings</b>	The next calendared meetings to be held on Thursday 13 July 2017 ( <b>at 2.00pm</b> ), 14 September 2017 and 14 December 2017. All at Ocean, Esplanade, Exmouth.	<b>CL/All</b>

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 12

**Subject:** Sidmouth Beach Management Scheme

**Purpose of report:** This report is primarily intended to secure authority to enter into contracts for the next stage of this project.

**Recommendation:** **It is recommended that necessary works to produce the Outline Business Case for consideration by the Environment Agency are progressed within the allocated budget.**  
**It is recommended that the Strategic Lead Governance and Licensing, and Strategic Lead Housing, Health and Environment are authorised to enter into contracts for provision of the consultancy and surveying services required to do so.**

**Reason for recommendation:** To progress a Sidmouth Beach Management Scheme so that there is an integrated, justifiable and sustainable approach to:

- Maintaining the 1990's Sidmouth Coastal Defence Scheme Standard of Service (protection against flooding and erosion); and
- Reducing the rate of beach and cliff erosion to the east of the River Sid (East Beach);
- and to ensure that EDDC have the best possible case for Flood and Coastal Erosion Risk Management Grant in Aid from DEFRA to finance the necessary flood mitigation and coastal protection works.

This requires appointment of a consultant (and associated surveyors) with appropriate experience and expertise to produce an Outline Business Case so that EDDC can seek formal Environment Agency approval for Sidmouth Beach Management Scheme.

**Officer:** Dave Turner, Engineering Projects Manager  
[dturner@eastdevon.gov.uk](mailto:dturner@eastdevon.gov.uk)  
tel: 01395 571619

**Financial implications:** The capital bid referred to in the report now forms part of the approved budget. These monies were approved to make a final scheme recommendation and any actual scheme will need separate consideration and approval.



**Legal implications:** This report simply seeks authority to enter into contracts with the successful tenderers for various elements of the project. One of the successful tenderers is known, while others are not. As the sums are budgeted Cabinet can approve the contracts being entered into with the successful tender but it would be open to Members to await the outcome and know who the successful party is before awarding if so minded. The Legal Team will advise on the appropriate form of contract.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** .

**Link to Council Plan:** Encouraging communities to be outstanding  
Developing an outstanding local economy  
Delivering and promoting our outstanding environment

## 1. Background

- 1.1 Sidmouth and East Beach Management Plan was adopted at April Cabinet.
- 1.2 The BMP sets out a forward action plan to progress Sidmouth Beach Management Scheme (BMS).
- 1.3 A capital bid has been submitted for financial years 2017/18 and 2018/19 for £250,000 for surveys, investigations, modelling and appraisals required to complete the Outline Business Case (OBC) for submission to the EA for approval of the DEFRA element of funding in the Summer of 2018.

## 2. Procurement

- 2.1 To ensure that this work can proceed without delay, procurement of this work has already started with a view to appointing a surveyor and consultant in May, so that bathymetric surveys and sediment sampling can begin once the risk of disruption from poor weather is reduced.
- 2.2 Following a competitive tendering exercise via the Council's e-tendering portal, 6 suppliers tendered for the project. All of whom were well qualified, and experienced in projects of this nature.
- 2.3 Following evaluation by EDDC and the Environment Agency, Royal HaskoningDHV have been identified as the preferred supplier for the consultancy services based on quality criteria and price in accordance with Council standing orders and the evaluation criteria for the tender.
- 2.4 The evaluation criteria for the tender were as follows:

Section	Weighting
Price	40%
Quality	40%
Capabilities and Experience	10%
Health and Safety	10%

2.5 With quality questions marked as follows:

<b>Rating of response</b>	<b>Score</b>
Very good submission – fully meets all requirements and is explained in comprehensive detail. The bid addresses issues that were not previously considered by the team.	9 - 10
Good submission – meets all requirements and is explained in reasonable detail. Response provides a high degree of confidence.	7 - 8
Adequate response – meets requirements and is explained in adequate detail.	5 - 6
Weak submission – falls short of some requirements, approach lacks clarity in key areas and/or is not adequately explained.	3 - 4
Unacceptable submission – fails to meet requirements and is poorly explained. The proposed approach has major issues.	1 - 2
Nil response or completely fails to address the question.	0

2.6 The Royal HaskoningDHV scored highest of all 6 tenders for quality, capability and experience, health and safety and price.

2.7 Royal HaskoningDHV have delivered, or are in the process of delivering a number of Outline Business Cases (OBC) both for the Environment Agency and Local Authorities, including:

- A package of 9 OBC across Devon and Cornwall for the Environment Agency
- Cremyl Quay OBC for Cornwall Council
- Long Rock Strategic Coastal Improvements OBC for Cornwall Council
- Forton, Seafield and Alverstoke OBC for Gosport Borough Council
- Southsea FCERM Scheme OBC for Eastern Solent Coastal Partnership

As such they are well placed to deliver the OBC for Sidmouth Beach Management Scheme.

2.8 Tendering of bathymetry (a survey of the seabed) and sediment sampling is due to be completed shortly via the South West Coastal Monitoring Programme who have a framework of suitable suppliers already in place.

2.9 Current monitoring will be scoped by the appointed consultant, and timed to take place over the winter period.

2.10 Site investigations will be scoped by the appointed consultant, and procured in accordance with standing orders at the appropriate stage in the project.

### **3. Recommendations**

3.1 It is recommended that necessary works to produce the Outline Business Case for consideration by the Environment Agency are progressed within the allocated budget.

3.2 It is recommended that the Strategic Lead Governance and Licensing, and Strategic Lead Housing and Environment are authorised to enter into contracts for provision of the services required to do so.

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 13

**Subject:** Cranbrook Healthy New Town Programme: summary of first year's activities 2016/17

**Purpose of report:** This summary gives an overview of our progress on NHS England's national Healthy New Town [HNT] Programme for Cranbrook, through which five priority areas were selected to make a positive difference to Cranbrook residents' health and wellbeing.

**Recommendation:** To recognise the achievements of the programme to date and to note the change in emphasis towards new care models and the programme lead role now passing to Devon County Council's Director of Public Health.

**Reason for recommendation:** To help ensure that members and staff across the Council are aware of this national programme and able to support activities which support health and wellbeing in Cranbrook.

**Officer:** Helen Wharam, Public Health Project Officer, Environmental Health, [HWharam@eastdevon.gov.uk](mailto:HWharam@eastdevon.gov.uk) 01395 571651

**Financial implications:** Finance implications have been included with in the report. However it must be noted that the Lead role is now being hosted by DCC and no longer being hosted by EDDC. The current post holder will continue with the HNT project but will no longer be funded by the NHS, thus requiring EDDC to fund the post for 2017/18. The funding required will be met by a reserve held from 2016/17 but will create a short fall of £3,456.79 which will be funded from the existing Environmental Health budget Staff savings through 2017/18.

**Legal implications:** There are no direct legal implications arising.

**Equalities impact:** High Impact  
This Programme identifies activities designed to improve healthcare delivery in Cranbrook, with emphasis on supporting those most in need. In a partnership approach working across local and national networks, examples this year have showcased the opportunities provided through developing strong links with the schools.

**Risk:** Low Risk  
External funding was received from NHS England for this Programme.

**Links to background information:** NHS England's national [Healthy New Towns programme](#)  
[Cranbrook healthy new town programme](#)

**Link to Council Plan:** Encouraging communities to be outstanding, delivering and promoting our outstanding environment and continuously improving to be an outstanding Council.

**Report in full:**

**Cabinet briefing: Cranbrook Healthy New Town Programme: summary of first year's activities 2016/17**

**BACKGROUND AND PHASE ONE 16/17**

Cranbrook was one of ten sites chosen in March 2016 to join NHS England's [Healthy New Towns programme](#). Programme aims were to support and explore how the ten sites can redesign local health and care services and take a cutting edge approach to improving their community's health, wellbeing and independence.

1. Priority work streams identified by Cranbrook partners over summer 2016 for the local programme:

1. Creating opportunities for healthy schooling
2. Exploring new models of care
3. Encouraging physical activity
4. Creating imaginative health messaging
5. Influencing development of a healthy built environment.

Steve Farmer the Head of the secondary school at Cranbrook Education Campus has led the healthy schooling work stream; Lucy O'Loughlin from Devon County Council's Public Health team has led the physical activity work stream. Helen Wharam EDDC Public Health Project Officer has led the work stream for innovative health messaging; Andy Wood and Kenji Shermer have led the healthy built environment work stream.

2. Some of the local projects supported / delivered to meet these priorities, funded though the HNT programme and perhaps unlikely to have been implemented otherwise, include:

1. [Brain-in-Hand](#) app licences for the Cranbrook Education Campus
2. Art & Drama therapist sessions in the Education Campus
3. [Sherborne Movement](#) sessions at St Martin's primary school
4. Healthy food awareness for invited families: "Cranbake" cooking together and eating together at classes delivered by charity [HALFF](#) at the Education Campus
5. Oral hygiene awareness training by [Peninsula Dental Social Enterprise CIC](#) for teachers to run brushing clubs initially for Reception children at the Education Campus
6. [Live digital radio broadcast](#) by [Sound Communities](#) for students to explore their understanding of health issues relevant to them and share their messages with school, families and community
7. Contributing to Cranbrook Education Campus School's "thought for the week"
8. Safe online health information skills training using recommended sites, to [community champions in Cranbrook's volunteer library](#)
9. Purchase of [Reading Agency's Reading Well](#) Mood-Boosting and Books-on-Prescription [book collections for the Education Campus](#) and volunteer library to support mental wellbeing
10. Catering support for monthly Mocktail Bar - alcohol-free evening for residents run by teenagers, volunteers and partners

11. [Premier League Kicks](#) at the Education Campus on Saturday evenings
  12. Signage advising shared pavement-use by pedestrians and cyclists
  13. Evidence-base checked for successful health messaging activities/techniques - to accelerate and inform what might work best for Cranbrook's population.
3. Substantial multi agency partnership work involving Cranbrook TC and local residents has been progressing over the year in addition to above projects, including:
1. Planning activities and consultation work e.g. with [Space Syntax](#) to inform master plan and development management process
  2. Planning Cranbrook's health and wellbeing centre
  3. Developing [Cranbrook's health and wellbeing strategy](#)
  4. Many activities encouraging physical activity via other funding streams
  5. Linking with regional and national campaigns e.g. [One Small Step](#), [One You](#), [Making Every Contact Count](#).
4. Indicative range of activities which the delivery team at EDDC have been pleased to deliver on behalf of the Healthy New Town programme in 2016/17:
- 4.1 Nationally-required activities have included:*
1. Performing Self-Assessment process for NHS England [NHSE]
  2. Delivering July's Stocktake event for NHSE
  3. Negotiating priorities to meet NHSE and local needs
  4. Working with local planning team and national HNT consultants to agree local support package for Cranbrook's built environment
  5. Arranging Logic Model workshop for NHSE and producing Logic Model as required by NHSE
  6. Producing draft Delivery Plan on behalf of partners
  7. Facilitating, collating and submitting final Delivery Plan for NHSE and partners
  8. Attending, presenting at and feeding back on national networking events [London, Manchester, Darlington]
  9. Facilitating attendance by colleagues at national networking events [London, Manchester, Bicester, Cambridge]
  10. Managing large volumes of complex emails from NHSE and other sites.
- 4.2 Local coordination and delivery activities have included:*
1. Negotiating priorities to meet NHSE and local needs
  2. Arranging creative facilitation "ideas day" at Met Office
  3. Leading / supporting / facilitating a range of programme activities especially around the priorities for healthy schooling and health messaging
  4. Liaising with workstream leads
  5. Extending local network of partners / stakeholders to develop local champions
  6. Specific engagement activities e.g.:
    - a. Delivering various awareness-raising presentations
    - b. Met Office event
    - c. Organising and running live FaceBook hour
    - d. Attending January's Mocktail bar / support of Dry January to meet residents
    - e. Organising and delivering healthy breakfast Saturday event to meet residents
    - f. Attending March's Fun Day

7. Creating webpage and keeping it updated [www.eastdevon.gov.uk/healthycranbrook/](http://www.eastdevon.gov.uk/healthycranbrook/)
8. Liaising and supporting Comms e.g. drafting press releases, logo design, PR materials
9. Creating various tailored briefings e.g. for exec and other stakeholders
10. Setting up and attending numerous meetings with various stakeholders.

## PHASE TWO 17/18

Our vision for the future of Cranbrook was to:

*"Use innovation to deliver independence, health and wellbeing at the heart of the Cranbrook community by understanding the needs of individuals and communities and create the built environment, infrastructure and services that offer the best opportunity for everyone to easily choose healthy lifestyles and delay frailty in later life."*

Working with work stream leads and other key partners we submitted an ambitious [delivery plan](#) to NHS England in January '17 outlining a range of proposed activities planned for 2017/18 and beyond. The delivery plan included a number of "investable propositions" including innovations in new care models within Cranbrook and working with developers to create a healthy built environment.

NHS England have indicated that they intend to continue funding in 17/18 by up to £170,000 to support Cranbrook in progressing the following activities:

- 1) New Care Models
  - a. Applying the [Integrated Care for Exeter's \[ICE\] model](#) to Cranbrook
  - b. Developing a Community Pharmacy
- 2) Built Environment
  - a. Further work on the proposals for a health and wellbeing campus
  - b. Producing a development plan document with a strong health and wellbeing theme
- 3) Community Engagement.

There is the possibility of further healthy new town funding from NHS England for Cranbrook into 18/19.

At a meeting in March '17 of the Cranbrook Healthy New Towns Executive Group it was agreed that following the direction from NHS England the programme should now concentrate on developing the new care models work stream and that therefore the lead role should move away from East Devon District Council.

The Group agreed that Virginia Pearson (Devon County Council's Chief Officer for Communities, Public Health, Environment and Prosperity) would take the lead at least on an interim basis. She undertook to collaborate with NEW Devon CCG on the secondment of a suitably qualified and experienced Programme Director and this new role would be likely to focus on adopting a programme in Cranbrook based on [Integrated Care for Exeter's \[ICE\] model](#).

East Devon District Council will continue to support the programme through partnership work such as ongoing public health activities and commitment to developing a healthy built environment.

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 14

**Subject:** **Street Trading – Designation of Streets Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982**

**Purpose of report:** The report provides an interim update concerning the public consultation undertaken on changing the current Street Trading arrangements within East Devon to provide for more flexibility whilst allowing the Council to retain its control on the issue of Street Trading Consents.

**Recommendation:** **To note the update on the public consultation being undertaken on changing the current Street Trading Arrangements in East Devon and if considered expedient to make a recommendation to the Licensing and Enforcement Committee following the publication of the agenda for their meeting on 10 May 2017.**

**Reason for recommendation:** In order to update Cabinet on the consultation process and afford Cabinet the opportunity to make a recommendation to Licensing and Enforcement Committee prior to their meeting on 17<sup>th</sup> May.

**Officer:** Steve Saunders, Licensing Manager: [ssaunders@eastdevon.gov.uk](mailto:ssaunders@eastdevon.gov.uk)

**Financial implications:** It is assumed that any additional administration costs incurred by the Council will be more than offset by additional income that will be generated

**Legal implications:** There are no legal implications arising from the detail of this report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Appendices:**

Appendix A – Consultation March – April 2017

**Background Papers:**

- [Street Trading Report, Overview Committee, 30 Jun 2015](#)
- [Street Trading Report Minutes, Overview Committee, 30 Jun 2015](#)
- [Street Trading Report, Licensing Committee, 26 Aug 2015](#)
- [Street Trading Report Minutes, Licensing Committee, 26 Aug 2015](#)
- [Street Trading Report to Overview Committee, 29 Nov 2016](#)
- [Street Trading Report, Licensing Committee, 15 Feb 2017](#)

**Link to Council Plan:** Encouraging communities to be outstanding, delivering and promoting our outstanding environment and continuously improving to be an outstanding Council.

## 1 Background

- 1.1 In November 2016 Overview Committee considered the findings of the street markets and street trading consultation exercise that was undertaken in 2016. This public consultation exercise concerning the introduction of a Consent Streets arrangement and the rescinding of the existing prohibition on street trading was deemed necessary to understand the views of the Towns and Parishes after the Licensing and Enforcement Committee had considered a report on Street Trading in 2015 to change the existing arrangements and policy. Work was undertaken seeking views and inviting comment on a questionnaire prior to conducting a full consultation exercise in the future.
- 1.2 In 2016 questionnaires were provided to towns, parishes, local organisations, businesses, traders themselves, and the public and 198 responses were received last year. The results of the consultation showed overall that there is a desire to extend street trading opportunities in East Devon where street trading is largely prohibited, with an exception of Sidmouth where the response was against any changes to existing restrictions.
- 1.3 As a result it was recommended to Cabinet, and to Licensing and Enforcement Committee:
- 1. That the Licensing and Enforcement Committee authorise public consultation (in accordance with the legislative requirements) on a proposal to:*
    - a. Rescind all the Council's previous resolutions to designate streets as 'Prohibited Streets' within the District, and*
    - b. Resolve to designate all 'streets' in East Devon as 'Consent Streets' as defined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 save for certain streets in Sidmouth (as listed) which shall be 'Prohibited Streets' except during Folk Week.*
  - 2. That the Licensing and Enforcement Committee receive a further report which considers the representations made during the public consultation exercise and which makes further recommendations as to the approach to be adopted by the Council to street trading. Should this approach be to resolve to make additional consent streets then the report shall also detail for the Committee to consider; the likely resource implications, fees to be charged for consent, the Street Trading policy proposed to be adopted and standard conditions to be imposed on any consent granted.*
- 1.4 East Devon is unusual in the almost blanket prohibition of its streets for Street Markets and Trading and by comparison, many other authorities (West, North and South Somerset, Taunton Deane for example) have in recent years adopted a 'Consent' approach whereby street trading is controlled through consideration of applications and conditioning of permissions rather than blanket prohibition. Presently it remains difficult to provide opportunities in East Devon for a street market environment with continuing prohibition across the district. As a predominantly small business economy including high quality craft, food and drink sectors in our rurality and towns and an associated tourism offer, the prohibition sits increasingly at odds with the council's economic objectives.
- 1.5 In February 2017 the Licensing and Enforcement Committee agreed recommendations to further consult (in addition to the exercise in 2016) on changing the current regime. A further consultation was approved to be widely undertaken in March and April 2017 to include all Town and Parish Councils within the District, the Highways Authority, Devon and Cornwall Police, East Devon District Council Environmental, Commercial and Environment Protection Teams and Street Scene. The circulation of the consultation can be found in **Appendix 1**.



## **2 Update on Public Consultation - 2017**

2.1 The latest consultation exercise was undertaken from 6 March to 26 April 2017. The consultation was publicised widely and was sent out in a variety of ways:

- Two press releases were sent out to the local media.
- It was publicised on the council's social media accounts and website.

The consultation and reminders to take part were sent out to:

- 184 local businesses by e-mail, those which we have non personal email addresses for.
- All our town and parish councils and EDDC elected members. They were asked to complete it themselves and then publicise it within their town or ward.
- All the local large organisations that organise street trading in the area. They were asked to complete it themselves and send it onto traders.
- All East Devon Chambers of Commerce. They were asked to complete it themselves and send it onto local businesses.
- All street traders from the Sidmouth Folk Festival.
- All mobile businesses registered with our Environmental Health Team.
- All respondents to the last stage of the consultation that gave us their e-mail addresses for follow up consultations to be sent.

Following the close of the consultation a total of 77 responses to the latest questionnaire and 6 further comments received in the post or by email being:

- 39 from local residents
- 18 from static businesses
- 13 from street traders
- 1 from a visitor
- 2 from an organisation that arranges street trading
- 8 from official representatives of organisations

2.2 A full review of all comments and responses is to be fully reported with the results to the Licensing and Enforcement Committee at its next meeting on 17 May.

2.3 In the interim period, a provisional update can be provided to this committee following the headline analysis of all returns. It is evident that the number of received responses was lower than that of 2016 which was not unexpected given this is a second consultation being undertaken.

2.4 A number of organisations have expressed support for change including Cranbrook Town Council, Whimple Parish Council, Chardstock Parish Council, Sidmouth Folk Week Ltd and Budleigh Salterton Town Council. In the formal questionnaire respondents were asked the key questions, here is a very brief summary of the key answers:

1. *Do you agree or disagree with all the factors that would be taken into account when considering applications to street trade?*

The majority of both non-Sidmouth and Sidmouth respondents agreed with the proposed factors. However a significant percentage also disagreed. Of those that disagreed the main area of concern that may need addressing is that they felt all these factors would make it too bureaucratic for street traders to make a living.

2. *Do you agree or disagree with the people and organisations who would be asked for their views on street trading applications?*

The majority of both non-Sidmouth and Sidmouth respondents agreed with the list of consultees. Of those that disagreed the main area of concern was that residents should be consulted, a few from Sidmouth also stated that the Chambers of Commerce should be consulted.

3. *Would the timescales proposed cause you, your organisation or your business any problems?*

The majority of both non-Sidmouth and Sidmouth respondents said the timescales would not cause any issues. However, a significant proportion said that it would cause them issues. For businesses and organisations that said it would be a problem they said it would not give them enough time to give their views. A small proportion of street traders also said this would be too long for them to hear whether their application had been successful.

4. *Do you agree or disagree with the proposal to make the whole of East Devon apart from Sidmouth a consent street, meaning all street traders would have to apply for a licence to trade?*

Around half of Sidmouth respondents agreed with the proposal. Of those that disagreed the majority disagreed as they felt the changes shouldn't be happening anywhere in the district, or that Sidmouth should be included in the changes.

Around two thirds of respondents from outside Sidmouth agreed with the proposal, of those that disagreed the majority did so as they felt the consent street shouldn't apply to the whole of the district, just larger parts of it than at present.

In terms of businesses with fixed premises, overall (although noting that there were only 16 respondents) around two thirds disagreed for a number of different reasons including that it is unfair that street traders would not be paying rates and that parking spaces would be taken up. These issues will be addressed in the report to the Licensing and Enforcement Committee. In terms of Sidmouth, three quarters disagreed, while in Budleigh Salterton there was 100% support.

- 2.5 Sidmouth Town Council has asked that the currently prohibited location of The Ham Recreation Field be included as a Consent location but otherwise continues to seek prohibited locations elsewhere in the town (the Ham being a location that has begun hosting food and music festivals that would fall within street trading requirements under proposed changes).
- 2.6 Sidmouth Chamber of Commerce responded as being against the proposed changes as previously. Although they are supportive of Sidmouth being excluded from any proposals, they feel that the changes shouldn't be introduced anywhere in the district. Honiton Town Council also did not support the proposals, although it is considered that this was due to a misunderstanding of how the new regime would impact on their Charter Market.
- 2.7 As a consequence of both consultations undertaken in 2016 and 2017 the recommendation that is likely to be made to the Licensing and Enforcement Committee is the continued progression of a district wide consent regime, excluding Sidmouth (except during Folk Week and the Ham playing field) and a map will identify the areas of Sidmouth that are prohibited. It should be noted that the report to the Licensing and Enforcement Committee will be published on the day of the Cabinet meeting thereby providing Cabinet Members with the opportunity to consider the recommendation(s) to the Licensing and Enforcement Committee and suggest any changes or amendments that may be felt appropriate / necessary.

- 2.8 In addition, responses were received from the East Devon District Council Environmental, Commercial and Environment Protection detailing proposed changes to be made to the draft Street Trading policy document along with suggestions for revisions of grammar or duplication in wording. The full list of revisions will be provided in the draft policy to be presented to Licensing and Enforcement Committee.
- 2.9 Other organisations and authorities that would be informed of street trading applications under revised arrangements have been consulted without adverse feedback although the Highways Authority and Devon Fire and rescue Service report wishing to have limited engagement only for those applications which may be worthy of their involvement or representations.

### **3 The Next Step**

- 3.1 The most recent consultation exercise concluded on 26 April and the full review of all comments and responses will be reported back to the Licensing and Enforcement Committee at its next meeting on 17 May. Work continues with regard to the resourcing implications and staffing arrangements within licensing with the expectation being for a fixed term Scale 5 post being required for the first 12 months to complete the administrative and enforcement work that is expected with implementation of increased consent locations across the district. This work includes consideration of the street trading application fees. The culmination of this work will be reported to the Licensing and Enforcement Committee at its next meeting on 17 May to enable an informed decision to be made.
- 3.2 If the Committee accepts the results and agrees to formally consult on changing the current regime a public notice will be placed in a local newspaper inviting residents' views for a 28 day period.
- 3.3 Should the Licensing and Enforcement Committee approve the next formal round of statutory consultation, it will be on the basis of a clear direction, fully revised policy and map to identify the extent of prohibited areas for Sidmouth. That consultation has to be undertaken in order to "propose to pass" the resolution to change the current designation of prohibited locations to consent locations (provided the consideration to keep the prohibited status for Sidmouth).
- 3.4 Provided this course of action is approved, consultation responses will be reported back to a further Licensing and Enforcement Committee meeting which will be considered for a date in June.
- 3.5 Having considered the responses to the public notice and the rest of the consultation if the Committee resolves to confirm their decision to change the Street Trading scheme as recommended a further final advertisement process is required to take place to confirm that the notice "has been passed" with requirement for a further notice being placed in the local press for two consecutive weeks to give notice of the Council's decision and of the date it comes into force.

# News release



East Devon – an outstanding place



06 March 2017

## Have your say on East Devon District Council's amended proposals to change street trading rules

**Council has listened to people's views and changed the proposals, but now needs people to express their views again**

Having listened to the results of the consultation on an initial street trading proposal, East Devon District Council is now proposing to designate the whole of the district as a consent street, meaning street traders have to apply to the council for a licence to trade, with the exception of Sidmouth. Applications would be assessed by the district council, taking into account a wide variety of factors, and street traders would either be given or refused a licence to trade. A variety of consultees will be told about each street trading application, asked for their views and their views will be taken into consideration.

Street trading includes stalls at outdoor events, street stalls, street markets, outdoor markets, festivals, roadside food vans and food vans in car parks (including supermarket car parks). In fact, anything where someone is selling goods or services on the streets, or outside in pedestrian areas or open spaces constitutes street trading.

Street trading rules in Sidmouth would remain the same as they currently are with a general ban on street trading apart from during Folk Week.

To find out more and take part online, visit the street trading page on the East Devon: [www.eastdevon.gov.uk/streettrading](http://www.eastdevon.gov.uk/streettrading)

All completed questionnaires must be back with the council by 5pm on Wednesday 26 April 2017. If you would like a paper copy of the consultation, a copy in large print or another format contact: [jbuckley@eastdevon.gov.uk](mailto:jbuckley@eastdevon.gov.uk) or telephone 01395 517569.

### **The current rules**

Currently there is a mixture of rules for street trading in East Devon:

- In some places it is banned, so it can't happen no matter who wants it to or why. This includes the majority of the more central streets in Exmouth, Honiton, Seaton and Sidmouth
- In a few places people have to apply to East Devon District Council for permission to trade, these are called consent streets. This currently only applies to six streets in the whole district.
- In most of East Devon anyone can set up and street trade at any time, it is a free for all. This applies to the whole of Budleigh Salterton, Ottery St Mary, villages, more rural areas and less central areas of Exmouth, Honiton, Seaton and Sidmouth.

### **Proposals for change**

Last summer East Devon District Council asked residents, organisations, businesses and street traders what they thought of their proposal to designate the whole of East Devon as a consent street. This would have meant that if anyone wanted to street trade or have a street market in East Devon they would have to apply for permission, their application would be assessed by the district council, taking into account a wide variety of factors and they would either be given or refused a licence to trade.

The council received 198 completed questionnaires back. The results of this consultation showed there is a desire to extend street trading/street market opportunities in East Devon, with the notable exception of people and organisations who responded to the consultation from Sidmouth who were overwhelmingly against any relaxation of Sidmouth's existing rules on street trading. Static businesses from throughout East Devon also expressed concern that street trading/street markets would take away their trade.

The council has revised its previous proposal in light of the consultation and is now putting forward this amended recommendation, which it wants your views on.

Councillor Philip Skinner, East Devon District Council's portfolio holder for economy, said: "I would like to thank everyone that gave us their views in the initial consultation, and would encourage them to have their say again. As shown, we did listen and make changes because of what people told us in the previous street trading consultation.

"There would be a wide variety of factors taken into account when deciding whether street traders/street markets are given permission to trade, the list of factors we'll take into account is one of the things we want people's views on in this consultation. This list includes consideration of what nearby permanent businesses were concerned about in the previous consultation, including taking into account what the street traders want to sell, to avoid them selling the same things as nearby permanent businesses."

Please note that Honiton High Street and a part of Axminster town centre have ancient charters that allow their weekly markets to take place. This proposal does not apply to these areas as the charter exempts them from being controlled by this more modern legislation.

ENDS

**(Ref: 10890)**

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 15

**Subject:** Seaton Beach Management Plan

**Purpose of report:** To agree procurement of services to progress Seaton Beach Management Plan.

**Recommendation:** It is recommended that the Strategic Lead Governance and Licensing, and Strategic Lead Housing, Health and Environment are authorised to enter into a contract with CH2M for provision of the services to produce a Beach Management Plan for Seaton.

**Reason for recommendation:** To progress a Beach Management Plan for Seaton so that there is an integrated, justifiable and sustainable approach to managing the risk of flooding and coastal erosion from the Axe Estuary to Seaton Hole.

**Officer:** Dave Turner, Engineering Projects Manager  
[dturner@eastdevon.gov.uk](mailto:dturner@eastdevon.gov.uk)

tel: 01395 571619

**Financial implications:** There was an approved revenue budget of £50,000 in 16/17 which remained unspent and has been carried forward to 17/18. These monies were approved to enable the production of the Plan and it should be noted that any recommended works will need separate consideration and approval.

**Legal implications:** The report simply seeks authority to enter into a contract and as the sum is budgeted this is within Cabinet's remit. The Legal Team will advise on the appropriate form of contract.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** .

**Link to Council Plan:** Encouraging communities to be outstanding  
Developing an outstanding local economy  
Delivering and promoting our outstanding environment

## 1. Background

1.1 Following the winter storms of 1989/1990 the beach at Seaton was significantly reduced, with further losses in 1992.

- 1.2 The lowering of the beach presented a number of problems at the time, including:
  - Erosion of the cliffs from Seaton Hole to West Walk
  - Undermining and damage to West Walk
  - Potential further lowering of the beach in front of the Town's seawall which could have had implications for stability of the wall.
- 1.3 As a result EDDC commissioned a Coastal Study in 1994 to inform the future management of flood and coastal erosion risk in this area.
- 1.4 A number of projects were undertaken as a result of this study including installation of a rock revetment from Seaton Hole to West Walk and repairs to West Walk itself.
- 1.5 A number of other changes have occurred across the frontage, including changes to the harbour entrance and as a number of flood and coastal erosion risk management issues have been identified relating to the beach and shoreline, funding for a Beach Management Plan (BMP) was included on the Environment Agency (EA) and EDDC Capital programs.
- 1.6 Initial meetings with statutory consultees and the various community groups who utilise the beach were undertaken to help inform the scope of the BMP.
- 1.7 The following flood and erosion risk management issues have been identified:
  - Scour on the Eastern side of the Axe harbour entrance
  - Accelerated Low Water Corrosion of piles on the Eastern side of the Axe harbour entrance
  - Future management of Axe spit into which dredged material from the harbour has been deposited over a number of years
  - Erosion between West Walk and Seaton Hole
  - Wave runup and overtopping of the Environment Agency seawall
- 1.8 In addition, a number of other issues have been identified which relate to the beach, and its future management:
  - Disposal of dredged material from Axe harbour which is dependent on the future management approach for the spit
  - Landscape and connectivity with the beach where the EA seawall prevents access to, and interrupts views across the beach
  - Opportunities for concessions to encourage more activity on the beach, generate income to assist with maintaining the area and add to the economic activity within the Town
  - Seaton Seafront Enhancement plans by the Town Council

## **2. Procurement**

- 2.1 The agreed scope of the project has been tendered utilising the Council's approved e-tendering portal.
- 2.2 Following a competitive tendering exercise via the Council's e-tendering portal a preferred supplier for the consultancy services has been identified based on quality criteria and price in accordance with Council standing orders.
- 2.3 Tender analysis against the evaluation criteria has been undertaken by the Engineering Projects Manager, Strategic Lead for Housing, Health and Environment, and by the Environment Agency.
- 2.4 Following tender analysis, CH2M have been identified as the preferred supplier, with the project delivered from their office in Exeter.
- 2.5 CH2M have produced over 20 Beach Management Plans around the South West of England, including Exmouth and Sidmouth within East Devon and they have recently completed modelling of Lyme Bay including wave overtopping at Seaton for the Environment Agency.
- 2.6 CH2M did not tender the lowest price (nor is it the highest), but the tender analysis concluded that the CH2M bid represented the best value on balance of quality, capability, experience and price based on the criteria within the tender.

- 2.7 The tendered price is within the budget allocated by EDDC and the Environment Agency for the project.
- 2.8 The tender included an option for an additional BMP for Branscombe to explore options for the beach there, however following EDDC approval of a planning application for coastal protection works there earlier this year it is thought unlikely that this element of the works will proceed.
- 2.9 The project has been tendered based on an NEC3 professional services contract with terms and conditions based on EDDC standard terms and conditions, and in accordance with standing orders.

### **3. Project Proposal**

- 3.1 The project is split into 6 main stages:
  - Stage 1 Project Initiation & Planning
  - Stage 2 Data Collation
  - Stage 3 Establish Baselines for defences, coastal processes, environment and economics
  - Stage 4 Review existing issues and management
  - Stage 5 Develop future management options
  - Stage 6 Reporting
- 3.2 Non-technical summaries will be produced at each stage to aid the understanding of stakeholders, and these will be published on the EDDC website.
- 3.3 Information and feedback will be sought from the various statutory and non-statutory stakeholders through regular meetings throughout the project.
- 3.4 The stakeholder engagement plan will be developed further in conjunction with EDDC Communications Team.
- 3.5 The project program will be confirmed once the contract has been signed (when CH2M can proceed) it is anticipated that the project reporting will be completed by December 2017.

### **4. Recommendations**

- 4.1 It is recommended that necessary works to produce the Beach Management Plan for Seaton are progressed within the allocated budget.
- 4.2 It is recommended that the Strategic Lead Governance and Licensing, and Strategic Lead Housing, Health and Environment are authorised to enter into a contract for provision of the services required to do so.



**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 16

**Subject:** Monthly Performance Report March 2017

**Purpose of report:** Performance information for the 2016/17 financial year for March 2017 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

**Recommendation:** That the Cabinet considers the progress and proposed improvement action for performance measures for the 2016/17 financial year for March 2017.

**Reason for recommendation:** This performance report highlights progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Management, Housing and Revenues and Benefits.

**Officer:** Karen Jenkins, Strategic Lead – Organisational Development and Transformation

[kjenkins@eastdevon.gov.uk](mailto:kjenkins@eastdevon.gov.uk)

ext 2762

**Financial implications:** There are no direct financial implications

**Legal implications:** There are none arising from the recommendations in this report

**Equalities impact:** Low Impact

**Risk:** Low Risk

A failure to monitor performance may result in customer complaints, poor service delivery and may compromise the Council's reputation.

**Links to background information:**

- [Appendix A – Monthly Performance Snapshot for March 2017](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2016/17 financial year up to March 2017](#)
- [Appendix C – System Thinking Reports for Housing, Revenues and Benefits and Development Management for March 2017](#)



**Link to Council Plan:** Continuously improving to be an outstanding Council

### **Report in full**

1. Performance information is provided on a monthly basis. In summary most of the measures are showing acceptable performance.
2. There are four indicators that are showing excellent performance:
  - Percentage of Council Tax Collected
  - Percentage of Non-domestic Rates Collected
  - % of invoices paid in 10 working days
  - Working days lost due to sickness absence
3. There are two performance indicators showing as concern.
  - **Percentage of planning appeal decisions allowed against the authority's decision to refuse** - The Development Manager is in the process of assessing all the appeal decisions to establish any trends that can be identified, learnt from and addressed. It is proposed that these findings will be presented to the next meeting of the Strategic Planning Committee as part of the annual report into our performance on appeals.
  - **Days taken to process Housing Benefit / Council Tax Benefit new claims and change events** - March is the assessment team's busiest month assisting our customers and receiving a large volume of new claims. The increase in NI181 is due to the impact of this additional work pressure on our resources. Our reduced performance in March 2017 compared with March 2016 is a reflection of these additional pressures.
4. Monthly Performance Snapshot for March is attached for information in [Appendix A](#).
5. A full report showing more detail for all the performance indicators mentioned above appears in [Appendix B](#).
6. Rolling reports/charts for Housing, Revenues and Benefits and Development Management appear in [Appendix C](#).

# Monthly Performance Snapshot – March 2017



This monthly performance snapshot shows our performance over the last month:

- **5.4 days** to process your Housing or Council Tax Benefit claims
- **97%** of invoices received by us are paid within 10 days
- An estimated **47%** of all waste collected was recycled in March
- **99.93%** of rent due on council owned homes collected % excluding former tenant arrears (98.75% including former tenant arrears).
- We dealt with 187 reactive building maintenance cases at EDDC's public buildings during March 2017, this compares with 180 in the previous month, and 235 in March of 2016.
- Total Monthly Thelma Hulbert Gallery sales were £3,820 up **+323%** on last March and donations were also up **+25%**

Latest headlines:

- **Headline Stats for the new waste collection service**
  - Average recycling capture rate for the new service is 59% (refuse 41%), previously the rate was 44% recycling and 56% refuse
  - Recycling capture has increased by 24.4 t per week - meaning over a year this could add up to 1270 t extra recycling
  - The refuse collected has decreased by 18.9 t per week - meaning over a year this could add up to 982 t decrease in refuse.
  - Households now produce 5.3 kg of recycling per week, previously it was 4.2 kg, an increase of 1.1 kg per week. This will mean an extra 57 kg of recycling per household per year
  - Households now produce 3.7 kg of refuse per week, previously it was 5.3 kg, a decrease of 1.6 kg per week. This will mean a decrease of 81 kg per household per year.
- Latest Housing Monitoring data considered by Strategic Planning Committee on 29th March shows that the Council continues to have a 5 year housing land supply and therefore housing restraint policies in the Local Plan continue to carry full weight.
- A number of East Devon developments have been nominated in the Michelmores Property Awards 2017 which celebrate outstanding construction projects throughout the South West. Projects in East Devon that have been shortlisted are the Met Office Super Computer Building at Science Park, Seaton Jurassic Centre, Cranbrook and Sky Park District Heating System and Cedar Court, Rockbeare.

- The Planning Team have successfully bid for capacity funding from the HCA Large Sites and Housing Zones Fund receiving £224,000 to support the delivery of housing sites in the district as well as receiving a further £90,000 over 3 years from DCLG to assist the delivery of self and custom build housing plots in the district.
- The Planning Team successfully hosted a consultation event on the issues to be considered as part of the new Greater Exeter Strategic Plan. The event was held in Honiton on 8th March and was well received by attendees.
- The Building Control Service has attended a spate of dangerous structures issues in recent weeks advising the emergency services on structural safety issues associated with a fire at a thatched cottage in Newton Poppleford and a garage wall in Honiton that had taken a heavy impact from a car. In both cases the calls came out of office hours and were vital in protecting public safety.
- Thelma Hulbert Gallery has scooped yet another award! We won **Best Family Event** for our 'outstanding contribution' to the national Get Creative Family Arts Festival 2016 with our Halloween Party beating 736 other venues.
- A total of 1,494 people attended East Devon Dance Academy show Triple Fantasy over 2 weeks at the Manor Pavilion Theatre, Sidmouth.
- The Manor Pavilion Theatre, Sidmouth is proving very popular as it is taking advance hiring's and bookings into 2019.
- Housing news: The Designated Tenant Complaint Panel completed its fourth case, members and tenants joined Housing officers in an estate walkabout at Kendal House and Mead View Road, Honiton. Mobile Support Workers held Xbox Challenges with tenants in Axminster and Exmouth. Health and Local Food for Families (HALFF) Axminster won the People's Projects vote which will enable their excellent work with SWITCH, teaching healthy cooking and eating, to continue.

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 17

**Subject:** **Housing White Paper – Fixing our broken housing market**

**Purpose of report:** The report sets out the main elements of the Housing White Paper published in February and setting out the governments thinking in respect of national housing policy for the future. The four principle themes of the White Paper are outlined. The White Paper contained an Annex which posed a series of questions. This report provides a proposed set of responses to the questions which are recommended to form the submission by this Council.

**Recommendation:** **The responses to the questions set out in the Housing White Paper as detailed in the report are endorsed and forwarded to Government.**

**Reason for recommendation:** To ensure that this Council provides feedback to the Government in respect of the White Paper.

**Officer:** John Golding Strategic Lead – Housing, Health & Environment;  
[jgolding@eastdevon.gov.uk](mailto:jgolding@eastdevon.gov.uk)  
and  
Ed Freeman, Service Lead - Planning Strategy and Development Management.  
[efreeman@eastdevon.gov.uk](mailto:efreeman@eastdevon.gov.uk)

**Financial implications:** The proposals related to the setting of fees for planning appeals if implemented, may have an impact on future years income budgets.

**Legal implications:** As this is a consultation response (the detail of which is set out in the report) there are no direct legal implications arising.

**Equalities impact:** Low Impact  
It is for government to undertake an equality impact assessment on their policy proposals.

**Risk:** Low Risk  
A risk assessment should be performed by government as part of their policy considerations.

**Links to background information:**

- [The White Paper](#)

**Link to Council Plan:** Encouraging communities to be outstanding.



## **1. Introduction - Fixing our broken housing market**

- 1.1 On 7 February 2017 the Department for Communities and Local government published a White Paper called – Fixing our Broken Housing Market. The White Paper sets out the Governments vision and policy for housing and planning.
- 1.2 The proposals in the White Paper articulate how the government intends to boost housing supply and over the long term create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households, and which support wider economic prosperity.
- 1.3 The list of proposals in the Housing White Paper come under four headings:

### **Step 1 Planning for the right homes in the right places**

- Making sure every part of the country has an up-to-date, sufficiently ambitious plan so that local communities decide where development should go;
- Simplifying plan-making and making it more transparent, so it's easier for communities to produce plans and easier for developers to follow them;
- Ensuring that plans start from an honest assessment of the need for new homes, and that local authorities work with their neighbours, so that difficult decisions are not ducked;
- Clarifying what land is available for new housing, through greater transparency over who owns land and the options held on it;
- Making more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, releasing more small and medium-sized sites, allowing rural communities to grow and making it easier to build new settlements;
- Maintaining existing strong protections for the Green Belt, and clarifying that Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements;
- Giving communities a stronger voice in the design of new housing to drive up the quality and character of new development, building on the success of neighbourhood planning; and
- Making better use of land for housing by encouraging higher densities, where appropriate, such as in urban locations where there is high housing demand; and by reviewing space standards.

### **Step 2 Building homes faster**

- Providing greater certainty for authorities that have planned for new homes and reducing the scope for local and neighbourhood plans to be undermined by changing the way that land supply for housing is assessed;
- Boosting local authority capacity and capability to deliver, improving the speed and quality with which planning cases are handled, while deterring unnecessary appeals;

- Ensuring infrastructure is provided in the right place at the right time by coordinating Government investment and through the targeting of the £2.3bn Housing Infrastructure Fund;
- Securing timely connections to utilities so that this does not hold up getting homes built;
- Supporting developers to build out more quickly by tackling unnecessary delays caused by planning conditions, facilitating the strategic licensing of protected species and exploring a new approach to how developers contribute to infrastructure;
- Taking steps to address skills shortages by growing the construction workforce;
- Holding developers to account for the delivery of new homes through better and more transparent data and sharper tools to drive up delivery; and
- Holding local authorities to account through a new housing delivery test.

### **Step 3 Diversifying the market**

- Backing small and medium-sized builders to grow, including through the Home Building Fund;
- Supporting custom-build homes with greater access to land and finance, giving more people more choice over the design of their home;
- Bringing in new contractors through our Accelerated Construction programme that can build homes more quickly than traditional builders;
- Encouraging more institutional investors into housing, including for building more homes for private rent, and encouraging family-friendly tenancies;
- Supporting housing associations and local authorities to build more homes; and
- Boosting productivity and innovation by encouraging modern methods of construction in house building.

### **Step 4 Helping people now**

- Continuing to support people to buy their own home – through Help to Buy and Starter Homes;
- Helping households who are priced out of the market to afford a decent home that is right for them through our investment in the Affordable Homes Programme;
- Making renting fairer for tenants;
- Taking action to promote transparency and fairness for the growing number of leaseholders;
- Improving neighbourhoods by continuing to crack down on empty homes, and supporting areas most affected by second homes;
- Encouraging the development of housing that meets the needs of our future population;
- Helping the most vulnerable who need support with their housing, developing a sustainable and workable approach to funding supported housing in the future; and
- Doing more to prevent homelessness by supporting households at risk before they reach crisis point as well as reducing rough sleeping.

1.3 The Housing White Paper has received mixed reactions with some commentators suggesting that it has failed to address some aspects of market failure and is seeking to blame others for the lack of delivery of the fragmented national policy in the past.

- 1.6 Some of the headline features of the Housing White Paper include:
- Housing targets – The government will introduce a standardised assessment of housing need, which will apply from April next year if a Local Plan is not in place. Over time if councils are not delivering a high enough percentage of their targets in their Local Plan presumptions in favour of sustainable development will apply.
  - CPO powers – The government will prepare guidance for local authorities encouraging use of their compulsory purchase powers to support the building of stalled sites. This has been seen as a threat to force builders to develop.
  - Affordable housing in build to rent – Build to rent developers will be allowed to offer discounted rental apartments instead of more traditional affordable housing. A condition will be that 20% of the development is affordable and three year tenancies are offered throughout.
  - Starter Homes – Plans to impose 20% of Starter Homes on all new developments were changed in favour of an expectation that 10% of new sites be affordable home ownership. The manifesto pledge to build 200,000 Starter Homes by 2020 has been scrapped.
  - Registered Provider rents – The rent cut will continue as planned until 2020, with a new rent standard introduced by the regulator from that point, the contents are unknown at this time.
- 1.4 The government plans to punish councils who miss their own housing targets in Local Plans by making it easier for developers to gain planning permission. Savills have reported that half of all planning authorities have lower housing targets in their Local Plan than the objectively assessed housing need (this does not apply in East Devon). The White Paper says that councils will have to update their Local Plans if the housing target “can no longer be justified against their objectively assessed requirement”.
- 1.5 Consultation on the White Paper runs for twelve weeks and responses have been sought by 2 May 2017. A series of 38 questions are posed that respondents are invited to answer in their responses. Proposed responses by this Council are set out below/over the page. It should be noted that in order to meet the Government deadline for submission of comments the recommendations set out in this report have already be submitted in draft form but with the provision that they may be subject to amendment following Cabinet consideration.
- 1.6 The proposed responses to the questions should be read in conjunction with the National Planning Policy Framework which can be viewed at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)



## Proposed Response by East Devon District Council to the Questions in Annex A of the Government White Paper

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
<p><b>Question 1</b> Do you agree with the proposals to:</p>	
<p>a) <i>Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?</i></p>	<p>It would appear appropriate for the National Planning Policy Framework (NPPF) to make it clear that strategic priorities should be set out in Local Planning Authority planning policy. The list at Paragraph 156 of the NPPF should not, however be a definitive list of matters that a plan or plans may seek to address. The NPPF could usefully stress that authorities, backing their choices with reasoned logic, should establish what the priorities are in their area. It should also be recognised that with increasing emphasis attached to joint plan making across separate authorities, and sometimes an individual authority producing more than one plan, or a joint plan 'delegating' some policy matters to other plans, it should not be the role for every plan to revisit strategic priorities and policy matters covered in another of the authorities plans. The onus should be on building up a comprehensive and robust policy coverage, informed by strategic policies, across one or more local authority plans.</p>
<p>b) <i>Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?</i></p>	<p>It is agreed that it is appropriate and desirable for Spatial Development Strategies or other plans produced by Combined Authorities to allocate strategic sites. However the NPPF should go further by clarifying that authorities working together on a joint plan (but not as a Combined Authority) should also consider allocating strategic sites. The NPPF could useful advise that authorities should establish what is strategic in scale and why in the context of their local area or areas.</p>
<p>c) <i>Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?</i></p>	<p>If this is felt to be necessary then no objection but it is typically reasonably obvious what evidence is required. There may, however, be some benefit in the NPPF specifying minimum evidence levels for what may be key plan issues.</p>
<p><b>Question 2</b> <i>What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?</i></p>	<p>Consultation and examination should be proportionate to the evidence base, issues and proposals. On the surface it would appear reasonable to suggest that SDS's should need to follow the same procedures for consultation and examination as Local Plans. Streamlining or cutting the process down for them would be inappropriate and result in less scrutiny. Having said that, if an adopted SDS (or Joint Local Plan) is in place (and has therefore been through consultation and examination already it may be reasonable for any subsequent Local Plans or Neighbourhood Plans which would need to be in broad conformity with the plans above them to be</p>

Question in the White Paper	Proposed Response by East Devon District Council
	subject to more proportionate and simplified consultation and examination procedures as they are essentially adding detail to the already approved direction of travel.
<p><b>Question 3</b> Do you agree with the proposals to:</p>	
<p>a) <i>amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?</i></p>	<p>Agree that the evidence bases (such as may be expressed in Strategic Housing Market Assessments) should assess the housing needs of different groups where they have a defined specific need that differentiates the required supply from that which would normally be delivered by market housing. However, the groups considered to have different needs must be clearly defined and justified and for example linked to an appropriate Equalities Impact Assessment.</p> <p>Where evidence shows there is a specific need, then policies should be drafted to identify how those needs will be met. A specific methodology for the calculation of needs and also the supply of such housing and its relationship with overall needs or at least guidance for such a methodology should be set out. It should be noted, that “older persons housing” is a catch-all term and there are multiple components within this group. A definition of older person’s housing including a breakdown of the different types would be particularly helpful. This would enable any ‘older persons need’ to be understood and broken down into its various component parts, ensuring the whole range of needs can be met, through support for a range and variety of different older persons housing products. The NPPF should be explicit about this with clear definitions of what can be constituted as C2 or C3 housing (or if CRRCS and similar are in fact sui generis) to ensure a level playing-field, and a provide certainty as to which residential schemes should and should not pay CIL and/or make Section 106 provisions (or its replacement). The need to consider disabled persons needs is supported, but the issues affecting delivery of financially sustainable supported housing schemes, must also be addressed.</p>
<p>b) <i>from early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?</i></p>	<p>A standardised approach to assessing housing requirements would be welcomed as this would reduce unnecessary conflict and discussion during consultation and examination of plans to focus on the main issues of whether or not the allocations and projected supply of plans will meet needs. It may also reduce costs on Local Authorities for consultancy support as calculations may potentially be able to be run in-house with more confidence. If there is no up to date plan then use of the new standardised approach would appear reasonable in principle. The background notes state that “In specific circumstances where authorities are collaborating on ambitious proposals for new homes, the Secretary of State would be able to give additional time before this new baseline applies.” This is a laudable concept in theory, however, once a standardised methodology is published it may be impossible to ignore the outcomes. Whilst an emerging Local Plan housing need may not be given full weight until it has been through Examination, the basic standardised approach would be treated as fact until</p>

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
	<p>adopted policy replaces it. Who does the authority need to be “collaborating” with? Does that mean producing a Joint Local Plan or does it mean addressing Duty to Cooperate issues about taking housing need from a neighbouring authority or does it mean working in partnership with a developer consortium to bring forward a strategic site? Perhaps if it is the latter (where an authority is proactively planning to deliver a significant amount of its housing need in a strategic allocation that will take time to come to fruition) there should be an alternative calculation of five year land supply such as a mechanism to allow disaggregation of housing need/supply? There should also be a specific explanation / methodology of how to calculate requirements where there is a joint plan.</p>
<p><b>Question 4</b>  <i>Do you agree with the proposals to amend the presumption in favour of sustainable development so that:</i></p>	
<p><i>a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;</i></p>	<p>Land is a finite resource and so suitable use of land should always be maximised and encouraged. This is fundamentally the role of Local Plans. However, planning is about long-term holistic gains and not just about a narrow focus on short term delivery of housing. Whilst housing <i>may</i> be a suitable land use, it may be one of a number of suitable land uses for a site and other land uses may have less choice about where they are located. For example employment or sports pitches require flatter areas of land. Housing developers / land agents often prefer to put housing on such parcels of land, but doing so would compromise the delivery of land uses such as employment or sports pitches which cannot be delivered on more uneven/steep terrain. Housing is the more flexible land use and this should be identified in the NPPF.</p>
<p><i>b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;</i></p>	<p>Agreed.</p>
<p><i>c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with</i></p>	<p>Agreed.</p>

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
<i>the addition of Ancient Woodland and aged or veteran trees?</i>	
d) <i>its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?</i>	This is a particularly open ended statement/question and it is not clear what the intentions are. Re-ordering and simplifying text may change the focus and intent so judgement is reserved on this point for further consultation on the changes themselves.
<b>Question 5</b> <i>Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of planning consent which they have granted to themselves?</i>	Yes. The current arrangements are convoluted and unnecessarily restrictive.
<b>Question 6</b> <i>How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?</i>	This process is entirely reliant on staff resources, funding and streamlined processes such as for Compulsory Purchase Orders. Good planning seeks to put different land uses in the most appropriate places, and significant effort is expended on Masterplans and Strategies which set out key aspirations for development. Securing these wider holistic benefits is very important for development to be sustainable. However, such distribution of uses often do not reflect land ownership, or developer options particularly for strategic sites where more than one house-builder is developing. As a result wider public benefits can be negotiated away by arguing viability at a site specific level, thus undermining the benefits of wider land assembly. Delivery options such as land equalisation deals are constrained by things outside of planning including tax regulations, and CPO are complex and uncertain and put the Local Authority in conflict with landowner/community. Financial support to recruit and retain skilled staff and create in-house multi-disciplinary delivery teams could significantly help to facilitate and maintain delivery, but delivering new communities takes years and the short term nature of many of the funding streams for such posts creates additional staffing challenges.
<b>Question 7</b> <i>Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration</i>	This question is not particularly relevant in East Devon. In principle, these are fairly obvious things that are surely considered anyway by any competent authority, but rather than simply stating social and economic <i>benefits</i> , policy should refer to <i>impacts</i> . Estate regeneration and subsequent gentrification can have adverse social impact upon certain communities that must be considered.

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<p><i>when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?</i></p>	
<p><b>Question 8</b>  <i>Do you agree with the proposals to amend the National Planning Policy Framework to:</i></p>	
<p><i>a) highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;</i></p>	<p>Yes, these opportunities (amongst others) should be highlighted. However, the viability and deliverability of allocations in Neighbourhood Plans should be considered in the same way as they are for Local Plans. Otherwise allocations may be made with no real prospect of delivery. Neighbourhood planning groups who are actively promoting development need access to specialist skills and advice (including surveyors, valuers etc.) to ensure their plan are deliverable. Reliance on neighbourhood plans to deliver housing, relies on voluntary effort, and as such may not tie in to the delivery of housing where it is most needed.</p>
<p><i>b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;</i></p>	<p>Yes, where this would fit with the presumption in favour of sustainable development. Sites in rural areas can make a key contribution to meeting housing needs and helping to sustain local facilities. However, rural area are also the location where economies of scale can make delivery difficult and many builders, and indeed housing associations often have minimum unit requirements to be interested in a schemes. A few houses in a village is simply not commercially attractive. Support for Community Led Housing projects and CLTs, etc. can assist this but delivery and access to finance remains challenging. We also have evidence and experience that suggests shared ownership properties in rural area which are subject to stair-casing restrictions are proving challenging both in terms of securing any interest from RPS and the availability of mortgages for potential purchasers. Community-led housing schemes may offer better solutions in terms of meeting need in rural areas, but funding is needed to support them in terms of capacity and technical support to undertake neighbourhood planning and community led development, and professional expertise required to work up a deliverable scheme. There is clearly scope for partnerships, particularly with SMEs builders but this again takes times skills resources and money. The failure to replace Right to Buy houses on a one for one basis and the restriction of the Housing Revenue Account present further challenges to Local Authorities taking effective action to address housing needs in rural areas. Building new attractive well designed homes in rural local that are then lost through Right to Buy and potentially Voluntary Right to acquire again undermines confidence in the system and hampers our ability as a Housing Authority to effectively meet housing needs in the longer term.</p>
<p><i>c) give stronger support for 'rural exception' sites – to make clear that</i></p>	<p>Agree that this is a sensible policy approach and one already reflected in the adopted East Devon Local Plan. However, we are starting to see viability arguments being made on exception sites, referencing full residential</p>

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<p><i>these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;</i></p>	<p>land values. Exception sites are allowed as an exception to normal policies of development restraint and as such the reasonable expectation of a willing landowner must be understood in this context. Consideration of the income to house price ratio is required if the resulting housing are to be genuinely affordable to local people. Local connections criteria are also important in ensuring the houses are allocated/sold to people with a genuine local connection. Even in open market house sales we find cash buyers from elsewhere often out compete locals with a mortgage.</p>
<p><i>d) make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;</i></p>	<p>No, making the allocation of a specific percentage of small sites a requirement would be a red herring and fail to achieve the Government's intentions regarding encouragement of SME builders/developers. Does the 10% mean 10% of sites or 10% of overall dwelling numbers? What if the pot of smaller sites to choose from is small? This could lead to less desirable or sustainable outcomes just because a certain number of small sites have to be allocated. It would likely not provide additionality in terms of dwelling numbers as these are likely to be smaller windfall sites anyway. If the Government wants to encourage SMEs then it should look beyond the planning system to address access to funding and other issues affecting access to the market.</p>
<p><i>e) expect local planning authorities to work with developers to encourage the sub-division of large sites?; and</i></p>	<p>In principle there is no objection to this, but how would it work? It would be difficult to require such sub-division and it would require additional staff resources to implement.</p>
<p><i>f) encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?.</i></p>	<p>It is questioned whether LDOs and design codes actually help small sites to come forward? In relation to LDO and Design codes issues around increasing their use seem to relate more to the capacity of community groups to bring these forward as they need technical support and expertise. Area wide design codes only help bring forward development quickly when developers comply with them. There is the potential for them to unintentionally create conflict. Communities who want development often do so only when they comfort that the design etc. will be well thought through, and locally distinctive. Enabling design guidance is of assistance in bringing forward development of small sites only where development partners are developers to follow it.</p>
<p><b>Question 9</b> <i>How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?</i></p>	<p>New garden towns and villages, and new towns in general, where carefully planned and sited, can play a positive contribution to supporting housing supply and securing sustainable forms of development. Extensive experience in East Devon with the new town of Cranbrook shows how positive collaborative working between the private and public sector, and wider partners, can ensure delivery of high quality development. It must be questioned, however, whether innovation and especially high quality development can and will be enhanced through efforts to streamline planning procedures. The successes of Cranbrook have been a product of careful and rigorous planning with careful attention paid to a considerable number of matters of detail, a streamlined system could reduce or undermine the ability of Council's to articulate local community views for new development and</p>

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	reduces the checks and balances that a planning authority put in place to ensure and enforce the need and importance of quality in development. The use of Design Review Panels is important, but again these require resourcing with specific expertise and developer partners who welcome such feedback and are genuinely committed to improving the design of their schemes.
<p><b>Question 10</b> Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:</p>	
<p>a) <i>authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?</i></p>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<p>b) <i>appropriate facilities for existing cemeteries should not to be regarded as ‘inappropriate development’ in the Green Belt?</i></p>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<p>c) <i>appropriate facilities for existing cemeteries should not to be regarded as ‘inappropriate development’ in the Green Belt?</i></p>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<p>d) <i>development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?</i></p>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<p>e) <i>where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the</i></p>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.

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<i>detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?</i>	
f) <i>when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?</i>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<b>Question 11</b> <i>Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?</i>	There are no Green Belt designations in or close to East Devon and this Council would have no comments.
<b>Question 12</b> <i>Do you agree with the proposals to amend the National Planning Policy Framework to:</i>	
a) <i>indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;</i>	The supporting text to the question refers to potential for a standard methodology for calculating need at a Neighbourhood Plan area. Whilst there may be a case for a local planning authority to set out policy based housing figures for Neighbourhood Plans to accommodate it would only be in exceptional circumstances (debatable if ever) that an objectively assessed need figure could be established for a Neighbourhood Plan making area. Objectively assessed housing need assessments generally only have statistical legitimacy at larger scale geographies, for example at the size of a larger town, a planning authority or sometimes even larger areas, such as a group of authority areas. This reflects the realities of the distances that people travel to work or for recreation purposes and how they view where they may choose to live. Neighbourhood Plan areas are typically too small for objective assessment to determine appropriate scales of overall housing need. With respect of 'need' for specific sectors of the community such as for affordable housing or perhaps to meet a specific local elderly person housing requirement there may be more of a basis for objective assessment though there is arguably greater merit in allowing planning authorities and others to determine local means to calculate such needs.



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	<p>With respect to planning authorities establishing and ‘delegating’ policy target housing figures for Neighbourhood Plans to accommodate we are aware that this approach has been done and may have some legitimacy, but it would only seem appropriate where a Neighbourhood Plan group actively want to take on this responsibilities. Experience in East Devon indicates that many Neighbourhood Plan groups do not wish to use their plan to allocate land for housing development. The position we have in East Devon is that the District Local Plan makes appropriate land allocations to address housing needs; by default the minimum policy provision for Neighbourhood Plans to meet is zero, but some plans choose to exceed this level.</p>
<p>b) <i>make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;</i></p>	<p>Whilst policy documents setting out design expectations will frequently be appropriate it needs to be recognised that not all plans need to or will want to cover design matters. Those producing a Neighbourhood Plan may be very content to rely on design policies set out in a higher level plan, for example a District Council Local Plan, and instead at the Neighbourhood Plan level may want to concentrate of other policy considerations that are seen of particular relevance to the local community. Notwithstanding this important point if a Neighbourhood Plan making group do wish to include design issues in their plan then expectations should be clearly set out so that all involved can have greater clarity over what may be acceptable and why. Any guidance changes should make it clear what level of detail NP groups can go into when setting out ‘clear design expectations’, given that the NPPF states that design policies should avoid unnecessary prescription and not impose architectural styles or particular tastes.</p>
<p>c) <i>emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;</i></p>	<p>We would endorse pre-application discussions between the applicant and local community and planning authority. However, we would not wish to see these restricted just to “<i>design and the types of homes to be provided</i>”. Planning, of course covers, many more matters and any encouragement or possible requirement of pre-application discussions should cover all matters of relevance and importance.</p>
<p>d) <i>makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and</i></p>	<p>Whilst development that complies with design policy should not be refused planning permission it does need to be recognised that:</p> <ol style="list-style-type: none"> <li>1. There is frequently a judgement that needs to be taken about whether a scheme is in compliance;</li> <li>2. There can be case where a ‘higher tier’ plan might set out some design principles where as a ‘lower-tier’ plan may set out more detail.</li> </ol> <p>With respect to point 1 policies can legitimately be broad brush in nature, for example referring to need for high quality design or respecting the local vernacular. Whilst a developer might claim that a scheme accords with these policies (and if the policies are adopted it would be unlikely for a developer to explicitly say that by clear intent a proposal does not) it would be for the planning authority to critical review compliance and take a</p>

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	judgement. Point 2 can further complicate matters as it might be that a proposal accords with ‘higher tier’ policy, e.g. perhaps broad policy in a District Council’s Local Plan, but at the ‘lower-tier’ there may be very local policy expectations that feature in neighbourhood Plan, reflecting local aspirations and concerns, that a proposal does not accord with.
<p>e) <i>recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?</i></p>	Use of widely accepted standards, and their inclusion in policy, in assessing and shaping proposals makes entire sense. There is a need, however, to go further and to ensure such standards are compatible with and are informed by Building Regulation standards.
<p><b>Question 13</b> Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:</p>	
<p>a) <i>make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;</i></p>	<p>The efficient and effective use of land, being a finite resource, should and does run through all of planning. It is questioned, however, why the only housing is referred to in the question. Efficient use of land should apply for all forms and types of development, unless very clear identified exceptions are warranted. The wording of the question is also challenged. The text refers to avoiding low density “where there is a shortage of land for housing”. This could be read to infer that low density should only be avoided when conditions of land shortage to meet need apply (i.e. when there is sufficient supply to meet need then higher densities are not applicable). Low density development will often be inappropriate regardless of shortage or surplus of supply.</p> <p>Unlike the former Planning Policy Statement the new National Policies are silent on actual measured density standards. Whilst any quantified standards must have some flexibility (e.g. it would be inappropriate to advise that all housing must be built at a minimum of say 30 dwellings to the hectare) having defined standards to inform decision making can be a very useful and informative planning tool.</p>
<p>b) <i>address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density</i></p>	In principle this suggestion is supported, it would, however, reduce scope for higher density development just to housing and in particular locations well served by public transport, routes carrying frequent services or more significantly transport nodes can be highly appropriate for mixed use development. In general terms any land use that attracts lots of visitors or users, such as shops, can be particularly appropriate in areas with good public

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<i>uses in area of high housing demand, or which offer scope to extend buildings upwards in urban areas?;</i>	transport and such uses where well planned and developed can be built at higher densities and they can happily sit alongside new, higher density, housing development.
c) <i>ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;</i>	It should be, and is from a local planning authority perspective, a matter of normal good practice for the “density and form of development” to “reflect the character, accessibility and infrastructure capacity of an area”. It would do no harm for planning guidance to be amend to reflect planning authority practice.
d) <i>take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?</i>	There will and is frequently the need for flexibility in planning and planning authorities, in particular and through their plan making, should take into account particular local considerations to ensure their local need are best met and most appropriately planned for.
<b>Question 14</b> <i>In what types of location would indicative minimum density standards be helpful, and what should those standards be?</i>	General across the board guidance would be desirable, but in line with comments elsewhere there does need to be the ability to take specific account of local characteristics and circumstances. Whilst urban and larger town or city centre locations will often be built to higher densities, and often have scope for further higher density in-fill, it does not follow that smaller town and villages are and should typically or always be built to lower densities of development. Often in rural areas density levels can be high and further development can be most appropriate at higher levels. This to a large part can be about quality of design, but also smaller properties (and those with less scope to be expanded) can be more readily afforded, noting that rural areas will often have some of the most expensive housing but rural wage levels can be low. Encouraging more development of smaller cheaper houses can help with securing a broader housing supply that more closely matches the wallet or purse of those in need.
<b>Question 15</b> <i>What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?</i>	It is clear that in some areas there is underused public sector land (and quasi-public sector land) that could be suitable for housing development but there is also underused private sector land as well that may fall into this category. The key challenge is finding mechanisms to bring land that is underused or vacant forward for development. Planning tools, such as those described, may be of some though perhaps limited value in bringing such sites into productive use but of greater importance is the issue of whether its suits the land owners, or they can be bothered, to see their land developed. A statutory requirement to register land holdings in an accessible manner would be a useful starting point and there should be an onus on and powers for local planning authorities to acquire land and bring into productive use in an affordable manner. Such powers should be

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	simpler, with less cost/financial uncertainty, than applies to compulsory purchase order powers and there should be powers and incentives in place for local authorities to undertake development of houses directly, to increasingly become main stream major housing providers.
<p><b>Question 16</b> Do you agree that:</p>	
<p>a) where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?;</p>	<p>Whilst creating a system where there is confidence in recording and calculating five year land supplies it is questioned why a 10% buffer is appropriate and where the 10% comes from – why not 5% or 15%? The real onus should be on establishing a clear and robust mechanism for measuring land supply.</p>
<p>b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?</p>	<p>Leaving aside the issue of whether the Inspectorate have the capacity to undertake this task it does feel somewhat non-proportionate, especially in a case where an authority has and up to date and recently adopted plan or otherwise has clear robust evidence of appropriate land supply.</p>
<p>c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?</p>	<p>Any review of land supply is liable may get into site specific details and therefore there could be challenges if just the approach taken is robust. If the approach is taken to be the key consideration then it suggests that a common methodology for undertaking assessment is needed.</p>
<p><b>Question 17</b> In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:</p>	
<p>a) a requirement for the neighbourhood plan to meet its share of local housing need?;</p>	<p>To a large part it depends on what is meant by meeting "its share of local housing need". It is not considered statistically reasonable or possible (or at least it would be very exceptional circumstances) for a situation to arise where it would be reasonable to define an objectively assessed housing need at a Neighbourhood Plan scale. It would therefore be policy, and the scale and distribution of housing set out in policy, against which any tests</p>

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	would need to be made. Where a Neighbourhood Plan making group choose to have policy for development in their plan, and quantify a scale of housing growth, it would seem a reasonable that they should be tested against this.
<p>b) <i>that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?</i></p>	A fundamental challenge in respect of responding to this question is that it is unclear where the percentage figures come from and why they are or might be justified, or further what does “ <i>delivery has been over 65%</i> ” mean?
<p>c) <i>should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?</i></p>	The ‘attraction’ of retaining a test of an allocation or allocations in a plan is that for any land allocation there should be confidence in delivery and some kind of quantified scale, and potentially timeframe, within which development will happen. This quantified position provides a measure against which delivery can be assessed. The alternative approach of having policies that could provide for housing delivery, for example defining development boundaries within which new housing can be developed, is that they are unlikely to quantify the scale of development that could be expected or is desired. Across large scale geographies it can be possible to reasonably estimate total delivery but at smaller geographies, for example at the village level, then validity in making quantified estimates diminishes.
<p><b>Question 18</b> <i>What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:</i></p>	
<p>a) <i>how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;</i></p>	Any fee charged should, to some degree at least, be proportionate to the time and costs associated with processing the scale and nature of application. In order to avoid discouraging SME’s from appealing it may be appropriate to leave an opportunity for small scale developments to be considered for free through the written representations route to ensure that they can still afford an appeal route but have the choice of paying more if they wish to insist on a hearing or inquiry.
<p>b) <i>the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and</i></p>	It would not be appropriate for fees to be returned to an applicant when an appeal is successful. The fee structure is in place to ensure that applications can be processed in an effective and efficient manner, amongst other things this includes ensuring that public consultation takes place and that planning applications can be effectively tested and reviewed. Return of fees would break the link between the necessary work associated with any application, regardless of whether an application (in full or parts) is good, bad or indifferent.

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<p>c) <i>whether there could be lower fees for less complex cases.</i></p>	<p>Any fee charged should, to some degree at least, be proportionate to the time and costs associated with processing the scale and nature of application. Larger scale and more complex applications should, logically, attract larger fees. A simple way of doing this may be to link the fee charged to the established planning applications fees schedule and making the appeal charge a proportionate to the original application fee.</p>
<p><b>Question 19</b>  <i>Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?</i></p>	<p>Whilst having high quality digital infrastructure in place is desirable there is frequently very little that planning authorities can do to require delivery. In some rural areas in particular (and some more urban and built-up areas) internet speeds can be very slow but unless the Government intend to change powers and make finances available to invest to secure infrastructure provision it is to a large extent down to internet providers and telecommunication companies whether they choose to improve systems and deliver new or improved technology. Without giving planning authorities money and power to supply infrastructure directly it would, in most cases, be disingenuous to infer that planning authorities can make provision happen.</p>
<p><b>Question 20</b>  <i>Do you agree with the proposals to amend national policy so that:</i></p>	
<ul style="list-style-type: none"> <li>• <i>the status of endorsed recommendations of the National Infrastructure Commission is made clear?; and</i></li> </ul>	<p>There are no national infrastructure projects in East Devon and this Council would have no comment.</p>
<ul style="list-style-type: none"> <li>• <i>authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?</i></li> </ul>	<p>Where infrastructure comes forward that allows or facilitates the provision of relevant and desirable extra or associated development (including housing) it would be appropriate for planning authorities to explore the scope and potential. However, infrastructure capacity should not be the over-riding determining factor for where development can or should take place. Of greater importance in determining where and how much development should happen is the suitability and desirability for development are the wider goals around the positive benefits that development will help secure.</p>
<p><b>Question 21</b>  <i>Do you agree that:</i></p>	
<p>a) <i>the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?</i></p>	<p>It is questionable whether the information provided, if required, would be robust and of any real practical use so it is not seen as a particularly reliable source of information.</p>
<p>b) <i>that developers should be required to provide local authorities with basic</i></p>	<p>Once planning permission has been granted it would be more useful if returns were made on delivery of sites. This information might be most relevant for larger sites, however if provided in a consistent, accurate and</p>

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<i>information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?</i>	useable fashion it could greatly assist planning authorities in respect of monitoring requirements. A considerable amount of time and expense is expended by planning authorities in undertaking housing monitoring. Any systems and process that can assist with this function, doing so in an accurate and precise manner, would be of assistance to monitoring processes.
c) <i>the basic information (above) should be published as part of Authority Monitoring Reports?</i>	It would be reasonable for such information to feature in housing monitoring reports/outputs and indeed many authorities do publish such data anyway.
d) <i>that large housebuilders should be required to provide aggregate information on build out rates?</i>	Whilst it is questionable when and whether such information could be used it would be of interest to have access to data on build-out rates.
<b>Question 22</b> <i>Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?</i>	The critical issue around houses not being built out in the past is to have an understanding of why development might not have happened and to use this to help ensure that appropriate development can come forward in the future. To refuse planning applications or not allocate land, just because development has not happened in the past, is not seen as a robust position stance. It is envisaged, as well, that (on a site otherwise suitable for development) it could generate all sorts of legal challenges if permission were refused on the basis of permissions not being implemented in the past.
<b>Question 23</b> <i>We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.</i>	It is not clear if or how this would assist in determination of applications and there are all sorts of reasons why applicants might or might not build out sites. The planning system is based around the suitability and appropriateness of proposed development schemes and not the characteristics of the applicant. It would be a bold and radical step to make the characteristics of the applicant, such as their track record in building, a valid and relevant planning reason to take into account in determining an application.
<b>Question 24</b> <i>If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?</i>	There would appear to be no reason to differentiate between small and large schemes. Planning permission should be granted or refused on the basis of the development proposals and not on the back of a somewhat arbitrary division of applicant's characteristics dependent on whether a scheme/site is small or large.

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
<p><b>Question 25</b>  <i>What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.</i></p>	<p>Given an objective of encouraging quicker rates of development the difficulty here is that developers can implement a material start on most sites by undertaking comparatively limited and cheap works. Reducing the time available to start would be of limited benefit. If, as is reasonable, the desire is to see development happening more quickly it would be more appropriate to look at other, for example financial measures (probably beyond the planning system), that incentive completion or are punitive should development not happen or if it happens slowly.</p>
<p><b>Question 26</b>  <i>Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?</i></p>	<p>Whilst the idea of encouraging developers to complete their schemes is laudable, in reality it is unlikely that developers are actively choosing to have money tied up in schemes they are not completing (unless this offers some tax or other advantage). Our experience suggests sites that are stalled have many genuine reasons for stalling, the majority of which have nothing to do with the planning system, for example lack of finance, lack of skilled tradespeople, increasing material costs or other unforeseen circumstances. Fundamentally though many stalled sites secured permission for schemes that were not viable (when considering all the planning policy requirements) in the first place.</p>
<p><b>Question 27</b>  <i>What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?</i></p>	<p>In some circumstances this could be appropriate but only where there is no reasonable prospect of the developer completing the development themselves such as where they have gone bust.</p>
<p><b>Question 28</b>  <i>Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:</i></p>	
<p><i>a) The baseline for assessing housing delivery should be a local planning authority's annual housing</i></p>	<p>It is appropriate for housing delivery to be measured against the housing requirement. However, it is not as simple as a straight measure, by local planning authority area, of its (a) requirement and actual delivery. In some cases planning authority areas may be sub-divided into separate areas for very sound policy reasons with</p>



<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
<i>requirement where this is set out in an up-to-date plan?</i>	different target figures in differing parts. Such divisions should be taken into account when undertaking assessment. The issues is further complicated where a number of authorities come together to produce a joint plan and if/where, by clear intent and design, the authorities do not plan to Council boundaries but rather take the more objective and analytical approach of constructing a spatial logic that reflects need and policy aspirations for developing in differing location – in these cases delivery should be measured against the spatial policies that are set out in the plan.
<i>b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?</i>	Use of a standard methodology for establishing a baseline is appropriate, notwithstanding the fact that authorities should be able to refine the approach and set spatial appropriate targets or levels for housing building as part of the policy making process.
<i>c) Net annual housing additions should be used to measure housing delivery?</i>	Net housing additions form the logical means to measure delivery. It is not clear what if any alternative could be used?
<i>d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?</i>	Using a rolling period, in principle, makes sense but it is not clear if there is any logic in using three years, why not two or five or some other number. Three is a comparatively short time period and it is not clear if it would actually “even-out peaks and troughs”. In terms of ‘ironing-out’ influences of economic cycles three years is probably too short and where strategic large scale site development is concerned three year can be a short time period to get to a stable and established pattern of delivery.
<b>Question 29</b> <i>Do you agree that the consequences for under-delivery should be:</i>	
<i>a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority’s annual housing requirement?</i>	The housing delivery tests and consequences of under delivery are too crude a tool to be used in isolation and they should be part of a comprehensive assessment of the situation in a specific authority which is both quantitative and qualitative. The reasons for under delivery should be clearly explored and taken into account in determining future requirements and any penalties. Where an authority is making clear progress and efforts to address the issue or supply is tied up in one or more strategic sites which will take time to come to fruition but calculations don’t technically show a 5 year supply or completions drop below a certain percentage then there should be some leeway to ensure the system remains plan-led and doesn’t become reactionary and unsustainable. The specific percentages suggested in the White Paper also appear arbitrary and based on no particular evidence or reasoning.

Question in the White Paper	Proposed Response by East Devon District Council
b) <i>From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?</i>	See 29 a) proposed response
c) <i>From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?</i>	See 29 a) proposed response
d) <i>From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%? and</i>	See 29 a) proposed response
e) <i>From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?</i>	See 29 a) proposed response
<p><b>Question 30</b>  <i>What support would be most helpful to local planning authorities in increasing housing delivery in their areas?</i></p>	<p>Our experience suggests that the viability issue considerations are not working as intended. Although ensuring sites are viable and deliverable is clearly an important part of this process, the way it is working in practice is in fact undermining the delivery of sustainable communities. When seeking to get a site allocated developers often promise lots, with no reference to viability, and outline they argue certain things cannot be delivered, then again at detailed and even then having secured a scheme so come in again with a variation arguing for even less on viability grounds. The costs of each of these appraisals is currently an acceptable cost against to put the development. This endless process creates significant delays and uncertainty, and need to be subject to appropriate public scrutiny if people are to have confidence in the outcome. And ultimately leads to poor development.</p> <p>In relation to viability debates around what constitutes of a reasonable return for the land owner and a reasonable return for the developer is again a source of further conflict and delay. In practice arguments about a reasonable rate of return for the developer reference various appeal decisions when making their case. Again as each site in each appeal, and the policy context within which is was considered it different, time and effort is often spent considering the replicability of Inspector’s judgements, and the applicability of them to the planning application before us. However, this process has at least led to a range of profit values (ranging from 15-25%)</p>

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
	<p>depending which appeals you choose to rely on. Evidence suggests that the in practice the viability process is in fact simply increasingly land values. The findings are reports such as the RICS research report Financial Viability Appraisals in Planning Decisions and <a href="#">The Relationship between Planning Policy, Economic Viability Testing and Land Values in London</a> ring true with us. The RICS report conclusion (on page 26 of their report) that the failure of land values to reflect a policy compliant scheme and the observations that ‘developers overpay for a site and try to recover some or all of the overpayment via reduction in planning obligations’ is backed up by our own experience of considering the numerous viability appraisals we have received. It has now reached the point where almost every single application for housing is accompanied by an open book viability assessment arguing they cannot afford to provide affordable housing, even on flat allocated greenfield sites. The tensions, and conflicting advice in the Harmen Guidance and the <a href="#">RICS Professional Guidance on Financial Viability in Planning</a> (2012) further adds to this tension.</p> <p>However, by working together with developer we have found ways to improve the viability of a schemes. However this requires time, skills, knowledge, expertise, capacity, and a willing partners to work together in a helpful and enabling way that seeks to find solutions to these problems rather than taking oppositional positions. Additional/Continued support to ensure the skills knowledge and expertise are to be available and retained in the Local Authority sector would be very helpful.</p> <p>In addition Vacant Building Credit is undermining delivery of housing, and creating delays whilst the issue is debated. Our experience suggested developers are seeking to claim it on any scheme where there is an existing building, even when the period of vacancy is very brief and an integral part of the re-development process. Our preference would be for VBC to be abolished completely. But if that was not possible National Guidance should make it clear it should only be applied where it will facilitate the re-development of a derelict/vacant site, not where a vacant period of time forms a normal part of the redevelopment process or indeed is a requirement of policy (for example where policy requires employment land to be proactively marketed to test demand.</p>
<p><b>Question 31</b> <i>Do you agree with our proposals to:</i></p>	
<p>a) <i>amend national policy to revise the definition of affordable housing as set out in Box 4?;</i></p>	<p>From a planning perspective the wider definition of affordable housing products reflects how developers are working in practice. Where applicants demonstrate viability issues in provision on affordable housing we have on occasions been able to change the type of affordable housing to ensure some on-site provision is retained. The policy changes proposed are consistent with the current approach in NPPF by operating a broad definition of affordable housing. However, from a Housing Authority perspective such as approach is not helpful as the</p>

<b>Question in the White Paper</b>	<b>Proposed Response by East Devon District Council</b>
	<p>definition has become unnecessarily complicated by the inclusion of a range of subsidised housing products, some of which are very similar. As Housing Authority we would question the need to widen the definition further as it means the concept of affordable housing loses its focus. The link with housing need and affordability is essential, and much of the so called affordable housing is beyond the means of many households in the district, many of whom are only able to afford social housing without recourse to benefits. We are pleased to see the obsession with Starters Homes relegated as these will only be affordable to relatively higher income households who are unable to afford an open market home. We would question whether Starter Homes are really much different to Discounted market sales. From a housing authority perspective, we would prefer to see a definition based upon a percentage of net household income to be spent on housing and a more radical change to ensure that genuinely affordable housing is delivered through planning policy.</p>
<p>b) <i>introduce an income cap for starter homes?;</i></p>	<p>If starter homes are going to part of the affordable housing mix, then this may be useful to ensure that any Starter Home provision is targeted at the households the product is intended for, but we feel that the likelihood is that Starter Homes will be unaffordable to the majority of people who are in housing need in our district. The product may play a small part in meeting some need for those unable to afford open market housing using Help to Buy and other discounting or deferred purchase products.</p>
<p>c) <i>incorporate a definition of affordable private rent housing?;</i></p>	<p>As a Housing Authority, we do not see any real distinction between intermediate housing and affordable private renting so we see this additional example as unnecessary. Rented housing is either below market at social, affordable or intermediate levels or at market rents. So from a Housing Authority perspective, it is unnecessary to introduce a further layer of detail. However, from a planning delivery and site allocation point of view, the option to allocate sites specifically for affordable private rented housing, if this was coupled with delivery by institutional investors could be a useful way of meeting housing needs. This may be a different product meeting a different kind of housing need, not necessarily a affordable housing need, but a need for younger people to have more secure tenancies for the purposes of work and family, we can see this could have some merit. This however, is a providing for a range and mix of housing needs, and enabling deliverable schemes. Again land ownership and options are potential barriers to delivery. Institution investors will have to compete for land in the same way as all other potential developers.</p>
<p>d) <i>allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?</i></p>	<p>This is not essential, but may be helpful for policy alignment.</p>

<p><b>Question 32</b> Do you agree that:</p>	
<p>a) <i>national planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?</i></p>	<p>The requirements for affordable housing and different types of affordable housing products are best set at a local level based on evidence about local housing needs and the viability of delivery within the area. Setting such standards at a national policy level lacks a clear evidence base and detracts from the ability of local authorities to set policies to meet the needs of their communities.</p>
<p>b) <i>that this policy should only apply to developments of over 10 units or 0.5ha?</i></p>	<p>If applied at a national level then it would make sense to only apply it to major developments.</p>
<p><b>Question 33</b> <i>Should any particular types of residential development be excluded from this policy?</i></p>	<p>As noted above (in response to Question 3) older person's housing including a wide variety the different types of products aims at a range of needs and income levels. Providers of age restricted housing often seek to argue that delivery of affordable age restricted housing on the same site as open market age restricted housing is not possible by virtue of management fees and for design reasons, despite their being examples of successful schemes being delivered across the country. This generic assumption should be challenged, and evidenced on a case by case site specific basis rather than a assumed position in all cases. We have some sites where these arguments are logical and other, particularly larger sites, where more thoughtful design could achieve mixed tenure older person housing schemes. The market for older person's housing is expanding and new providers entering the sector, in East Devon, this is particularly at the higher end of the market. These developers still try and make viability arguments to avoid contributing to affordable housing, and the current system where the high spec and range of facilities including gyms and swimming pools, can be used to drive up eligible costs and therefore reduce profitability to the point where Affordable Housing provision is then 'not viable' undermines public confidence in viability negotiations. Continuing Care Retirements Communities and more traditional age-restricted apartment developments have specific locational requirements, which also need to be recognised. As such they compete for sites with other residential uses, including affordable housing providers. Excluding them from even having to consider affordable housing options serves to distort land values. Land values should reflect what planning permission will be granted. This requires unacceptable schemes to be refused. However, driving up quality against a background of the recognised need for continued and increased delivery is a really challenge for local authorities, who want better, but struggle to require it.</p>

<p><b>Question 34</b>  <i>Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraphs 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?</i></p>	<p>This would sound reasonable.</p>
<p><b>Question 35</b>  <i>Do you agree with the proposals to amend national policy to:</i></p>	
<p><i>a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?</i></p>	<p>There should not be a need to be so prescriptive at a national level and it is not clear how policy would address other than in ways that are already covered such as addressing solar gain and orientation of buildings etc.</p>
<p><i>b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?</i></p>	<p>Agreed.</p>
<p><b>Question 36</b>  <i>Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?</i></p>	<p>Agreed – The application of the sequential and exceptions tests is regularly misunderstood and has led to unnecessary, costly and time consuming appeals in the district because of the current lack of clarity.</p>

<p><b>Question 37</b>  <i>Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances arising from existing development?</i></p>	<p>It seems reasonable that the new development should be required to mitigate impacts from neighbouring existing uses, rather than the other way round. The need for increasing housing delivery should not then set in place a chain of event that, for example, sees a viable functioning business forced to close due to neighbour complaints.</p>
<p><b>Question 38</b>  <i>Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?</i></p>	<p>Experience suggests the use of Ministerial Statement to make policy, rather NPPF (supported by the PPG) can lead to legal challenges and create uncertainty. We would therefore support policy making via the NPPG route.</p>

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Review date for release** None

**Agenda item:** 18

**Subject:** Response to Dunkeswell Neighbourhood Plan Submission

**Purpose of report:** To agree the response by this Council to the current consultation for the Dunkeswell Neighbourhood Plan.

**Recommendation :**

- 1. That Members note the formal submission of the Dunkeswell Neighbourhood Plan and congratulate the producers of the plan on the dedicated hard work and commitment in producing the document**
- 2. That this council make the proposed representation set out at paragraph 5.2 in this report in response to the consultation.**

**Reason for recommendation:** To ensure that the view of the District Council is recorded and informs the consideration of the neighbourhood plan by the Independent Examiner.

**Officer:** Tim Spurway, Neighbourhood Planning Officer,  
[tspurway@eastdevon.gov.uk](mailto:tspurway@eastdevon.gov.uk) Tel: 01395 571745

**Financial implications:** None

**Legal implications:** The legal position is well covered in the report. It is important for EDDC to comment on the content of the Neighbourhood Plan (given that it will form part of the Development Plan and therefore help guide decision making on planning applications) to ensure that it sits with the strategic requirements of the Council's Local Plan. Otherwise there are no legal implications arising.

**Equalities impact:** Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood Planning is designed to be inclusive and



extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

**Risk:**

Low Risk

There is a risk that the Neighbourhood Plan could fail the examination if it is considered to conflict with the basic conditions.

**Links to background information:**

- Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning Regulations 2012  
[http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)
- Neighbourhood Planning Roadmap Guide  
<http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>

**Link to Council Plan:**

Living in this Outstanding Place.

## 1.0 Report Summary

- 1.1 Dunkeswell Parish Council submitted their Neighbourhood Plan to the District Council and publication of the submission commenced on the Friday 22<sup>nd</sup> March 2017. The District Council is required to formally consult on the Plan for 6 weeks before appointing an Independent Examiner to inspect the plan against a series of conditions that the plan must meet in order for it to proceed to a referendum.
- 1.2 During this consultation the District Council has the opportunity to comment on the Neighbourhood Plan and this report is brought before members with a request that they endorse the Officers observations as the formal representation on the plan, which is set out at the end of this report.

## 2.0 Background to the Dunkeswell Neighbourhood Plan

- 2.1 Dunkeswell Parish Council commenced work on their Neighbourhood Plan following their Neighbourhood Area being designated on the 16 October 2012.
- 2.2 Since then, the Parish Council and volunteers from the local community have spent considerable time and effort consulting with residents of the parish and producing a plan which reflects the aspirations of the community with regards to the use of land until 2031.
- 2.3 The plan itself contains a total of 21, tackling a variety of topics, including protecting the countryside, promoting live-work units and supporting the continued use of the Dunkeswell Airfield.
- 2.4 Prior to submitting the Plan to East Devon District Council, Dunkeswell Parish Council have held two separate 6 week public consultations on a draft version of the plan; a step which is also required by the neighbourhood planning regulations. The group took into account

comments made during this stage and made various amendments to the version that has now been submitted to East Devon District Council.

### **3.0 Submission of the Dunkeswell Neighbourhood Plan**

- 3.1 The District Council has received a Neighbourhood Plan from Dunkeswell Parish Council. The Plan and its supporting documents can be viewed at the following link:  
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/current-plan-and-neighbourhood-area-consultations/>.
- 3.2 This is the ninth completed (ready for final consultation) Neighbourhood Plan in the District. The Parish Council has received regular support from the District Council and additional financial support from DCLG.
- 3.3 The statutory regulations require that the District Council organise and undertake a consultation on a plan when it reaches this stage. This is commonly referred to as the submission or 'formal' 6 week consultation. The consultation period commenced on 33rd March 2017 and is due to finish on 10<sup>th</sup> May 2017. The Plan proposal has been publicised on notice boards within the Parish, notices on the EDDC and Parish Council websites and an email to all the bodies mentioned in the consultation statement, including adjoining authorities and the statutory consultees of Devon County Council, Natural England, Historic England and the Environment Agency.
- 3.4 One of the statutory roles of the District Council is to consider whether the plan meets, in production process terms, the legislative requirements. Cabinet has previously endorsed a protocol for District Council involvement into Neighbourhood Plans and in accordance with this protocol an officer review has been completed. Officer assessment is that legislative requirements are met.
- 3.5 Anyone may comment on a Neighbourhood Plan. It is particularly important that the District Council comments, given that the Neighbourhood Plan (if adopted) will form part of the Development Plan, and should conform to the strategic policies of the Local Plan. This report provides a summary overview of the plan and recommends comments of this authority on the plan to be submitted to the Examiner undertaking the plan examination.

### **4.0 Neighbourhood Plan Examination and Referendum**

- 4.1 Following the consultation the District Council must appoint an 'appropriately qualified and independent examiner' agreed with Dunkeswell Parish Council. All responses from the six week consultation (including any made by this council) will be forwarded to the examiner who will consider them, either by written representations or at an oral hearing (if s/he decides one is necessary). The District Council is responsible for paying the costs of the examination although the District Council can recoup these expenses by claiming funding from Central Government of £20,000 once a date has been set up for referendum following a successful examination.
- 4.2 Discussions with the Parish Council have indicated that they have no particular preference as to who to appoint to conduct the examination. We are currently in the process of

conducting 4 examinations in East Devon using different Examiners and will take these into account when choosing a suitable individual.

- 4.3 The neighbourhood plan examination is different to a local plan examination. The examiner is only testing whether the plan meets the basic conditions and other relevant legal requirements – they are not testing the soundness of the plan or looking at other material considerations. The examiner will be considering whether the plan:
- has appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
  - contributes to the achievement of sustainable development.
  - is in general conformity with the strategic policies in the development plan for the local area.
  - is compatible with human rights requirements.
  - is compatible with EU obligations.
- 4.4 As part of the Development Plan used in future planning decisions, it is in the interests of the District and Parish Councils to produce a high quality neighbourhood development plan.
- 4.5 Following the examination the examiner's report will set out the extent to which the draft plan proposal meets the basic conditions and what modifications (if any) are needed to ensure it meets the basic conditions. The examiner has 3 options for recommendation:
- A. That the plan proceeds to referendum as submitted.
  - B. The plan is modified by the District Council to meet basic conditions and then the modified version proceeds to referendum.
  - C. That the plan/ does not proceed to referendum.

If the examiner chooses A or B above they must also consider whether the referendum area should be extended beyond the boundaries of the plan area (this could be applicable if plan proposals could impact on a larger area). The report must give reasons for each recommendation and contain a summary of its findings. It is the responsibility of the District Council to accept or decline the modifications suggested by the examiner.

- 4.6 Once the Plan has been modified it will be subject to a referendum where everyone on the electoral roll (for the defined area) will have a right to vote for or against it. If at least half of votes cast support the plan then it can be brought into legal force.

## **5.0 The Dunkeswell Neighbourhood Plan Response**

- 5.1 During the current 6 weeks consultation the District Council can comment on the Plan. In terms of meeting the Basic Conditions, the Parish Council has produced a Statement setting out how the plan complies with the conditions which the examiner will assess.
- 5.2 **After reviewing the Neighbourhood Plan contents, it is recommended that the following representation of East Devon District Council be submitted to the neighbourhood plan consultation. It should be noted that comments we make at this stage are primarily restricted to land use planning policy matters rather than**

background text/reasoned justification or the community policies and are made on the basis of:

- Does a Dunkeswell Neighbourhood Plan policy comply with strategic policies in our adopted local plan and have appropriate regard to National Planning Policy?
- Do we have concerns about policy given wider objectives of the council?
- Are the policies workable and enforceable - could they be reasonably applied through the Development Management process? and
- Are they otherwise appropriate or desirable?

EDDC Cmmt No	Issue / Policy In Plan	Comment
1	Policy NE1	Consideration should be given to making reference to DCC's landscape Character Assessment and East Devon & Blackdown Hills AONBs and EDDC's Landscape Character Assessment within the first paragraph.
2	Policy BE2-criterion i)	Criterion i) repeats a later statement in the policy requiring applicants to fully take into account any additional supporting national and local evidence documenting local historic and heritage assets. This should be removed on the basis of it being a repetition and it not providing clarity in terms of what evidence should be taken into account or where it can be located.
3	Policy HP2	It is difficult to see exactly what value Policy HP2 adds to the decision making process as it requires all applicants to meet Local Plan Policy D8 and therefore duplicates existing adopted planning policy.
4	Policy LE1 Criterion iv)	In some recent cases of live/work unit proposals, there has been a concern regarding the effect that residential use of the unit would have on the neighbouring units in terms of pressure to curtail noisy activities and working hours. It is advised that where a unit is to be converted to live/work it should be demonstrated that residential use would be compatible with the permitted use of surrounding buildings (many of which are B1/B2/B8 units without any restrictions on working hours). This would be in the interests of the occupiers of the living accommodation and to ensure that established industrial units can continue operating without fear of restrictions. We would therefore recommend the inclusion of the following words to the policy <i>"the uses do not cause unacceptable nuisance to <b>and are compatible with</b> neighbouring premises/properties..."</i>
5	Policy LE1 Criteria v) to vii)	Criteria v) to vii) should be re-labelled as they do not relate to the previous criteria.
6	Policy LE1 Criterion v)	It would appear contradictory to expect an application for the change of use of employment land to have to demonstrate that there will be no loss of existing employment space. It is also unclear how any detriment to the local economy will be measured.

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 19

**Subject:** **Contract Standing Order Exemption for Locum Legal cover**

**Purpose of report:** This report is written to advise Cabinet that exemption to standing orders has been applied in order to appoint a locum solicitor to cover the period whilst a new permanent solicitor is hired, following the resignation of a solicitor. We have identified a candidate who has the right mix of skills required and he has been engaged through a reputable agency who we have used previously. We envisage that a replacement solicitor will start in June.

**Recommendation:** **To note the exemption to Contract Standing Order to enable the appointment of a locum solicitor.**

**Reason for recommendation:** To ensure that sufficient legal resources are in place to deliver a first rate legal service

**Officer:** Henry Gordon Lennox, [hgordonlennox@eastdevon.gov.uk](mailto:hgordonlennox@eastdevon.gov.uk)  
Tel: 01395 517401

**Financial implications:** To be completed by Finance.

**Legal implications:** The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.2.

**Equalities impact:** Low Impact

**Risk:** Low Risk  
A low impact is identified from the appointment.

**Links to background information:** .

**Link to Council Plan:** Continuously improving to be an outstanding Council





**REQUEST FOR EXEMPTION TO CONTRACT STANDING ORDERS**

A request for exemption to Contract Standing Orders (CSO) can be made under CSO 3.1 – 3.5. No exemption can be used if the EU Procedure applies.

Name: Henry Gordon Lennox	Date: 7.4.17
Service: Governance and Licensing	Team: Legal
Total contract value: up to £21k (depending on length of appointment)	

<u>Background (including product and supplier details, costs etc:</u>
Appointment of contract locum to cover time until permanent member of staff appointed.

<b><u>Business Reasons for an Exemption:</u></b>		
Although the following are justifiably accepted as valid reasons for an exemption to Contract Standing Orders, they are closely monitored and should be applied only in cases where a full procurement exercise is not a viable option. (Tick appropriate boxes)		
	✓	Which CSO rule?
An Emergency		
Goods or Services to existing systems or kit		
Purchase or repair of patented or proprietary articles sold only at a fixed price		
Effective competition is prevented by government control		
Goods and/or Services recommended by a Central Government Department		
Extension to an existing contract for the purpose of achieving Best Value		
Purchase or Sale by Auction		
Where the Contract is with a Public Utility Company or other organisation which will assume liability for the works on completion e.g. sewer adoption		
Other Reasons (please provide details)	✓	

Business Benefits for an Exemption:

Due to one of the solicitors leaving we need to employ locum cover. We have used an agency that provides good quality candidates to find a suitable candidate and in particular we have identified a candidate who meets the particular mixed skill set that we need at this moment in time. His price (max £50 / hr) is a reasonable price benchmarked against others offered by the same agency and offered by other agencies previously. The person will be used until a permanent solicitor starts which it is envisaged will happen in June.

What are the implications to the following:

Finance: From within existing budgets (allocated salary costs to be used)

Human Resources: None

ICT: None – will use existing equipment.

Asset Management: None

Strategic and/or Operational Objectives: To provide first rate legal service.

Risk Assessment:

Detail risks here: The locum is not suitable. There will be a 2 week termination period so a replacement could be sought in short order if required.

Or attach print from the RM system

Signature of line manager or service head



Supporting signature of Chief Procurement Officer

Supporting signature of Strategic Lead - Finance



Supporting Signature of Strategic Lead – Governance and Licensing



**PLEASE NOTE:**

Rule 3.2 requires you to prepare a report for Cabinet to support the action taken.

Procurement is required to keep a Register of Exemptions. **Please ensure that your report to Cabinet is copied to Procurement.**

**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None

**Review date for release** None

**Agenda item:** 20

**Subject:** Camperdown Seawall

**Purpose of report:** To seek an exemption from standing orders for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth.  
To seek capital funding for urgent repairs to the estuary wall adjacent to Camperdown Creek, Exmouth.

**Recommendation:** That members of Cabinet:  
Agree an exemption from standing orders for urgent repairs to the estuary wall at Camperdown Creek.  
Agree £30,000 of capital funding for urgent repairs to the estuary wall at Camperdown Creek.

**Reason for recommendation:** To prevent further collapse of EDDC land in advance of the Exmouth Tidal Defence Scheme. Failure to undertake repairs is likely to result in further collapse of the wall and result in:

- Washout of made ground behind
- Collapse of boats stored in this area onto the foreshore below
- A public safety hazard to people using the area above and below the wall

**Officer:** Dave Turner, Engineering Projects Manager  
[dturner@eastdevon.gov.uk](mailto:dturner@eastdevon.gov.uk)  
tel: 01395 571619

**Financial implications:** There is no current approved Capital Budget for this work. If approved, it would need to be funded from Capital reserves.

**Legal implications:** The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and Cabinet can approve an exemption pursuant to the Council's Contract Standing Orders Rule 3.1. The rationale for the exemption having been used is sound.

**Equalities impact:** Low Impact

**Risk:** Medium Risk  
There is a risk that during the works, contaminated material from the made ground behind is discovered, with corresponding impact on costs





and timescales. The works have been planned to minimise disturbance to the land behind.

There is a risk that the Marine Management Organisation do not grant emergency consent for the works.

**Links to background information:**

**Link to Council Plan:** Encouraging communities to be outstanding  
Developing an outstanding local economy  
Delivering and promoting our outstanding environment

## **1. Background**

- 1.1 The wall alongside this estuary in this area appears to of been constructed from scaffold poles supporting various sheet materials up to a height of around 1.5 - 2m above the level of the foreshore.
- 1.2 Over time this has corroded leading to collapse of approximately 6m of the wall. A sketch plan is included in Appendix A, and a photograph in Appendix B.
- 1.3 Fortunately no boats were stored in the immediate vicinity of the collapse, but there are large boats stored either side of it.
- 1.4 The wall either side of the collapse is showing signs of duress with several scaffold poles corroded and sheered.
- 1.5 It has been known for some time that the wall is in poor condition, however it was anticipated that it would be replaced as part of the Exmouth Tidal Defence Scheme before it failed.
- 1.6 At the time of writing the Exmouth Tidal Defence Scheme is being tendered in conjunction with the Environment Agency however it is unlikely that works would commence in this area until May 2018.
- 1.7 The area supported by the wall is licensed to a boatyard for storage, and as such EDDC are liable for maintenance of the wall.

## **2. Urgent Repairs**

- 2.1 EDDC Engineers have met with Dyer and Butler on site to discuss potential repairs.
- 2.2 Dyer and Butler are an Exeter based contractor familiar with the area having completed works to the adjacent revetment in 2013.
- 2.2 It is proposed to construct a gabion basket revetment in front of the existing wall on the foreshore to prevent further collapse over a 12m length.
- 2.3 The area behind will then be infilled with compacted stone.
- 2.4 This will minimise the disturbance to the made ground behind, and the risk of disturbing contaminated materials.
- 2.5 It is proposed to commence the repair in May pending Cabinet approval.
- 2.6 Emergency approval/exemption will be sought from the Marine Management Organisation for the works on the foreshore.

## **3. Long term**

- 3.1 As part of the Exmouth Tidal Defence Scheme, it is proposed to construct a steel sheet pile wall set back 4 – 6 from the estuary, with a footway alongside the estuary itself.
- 3.2 This will replace all of the ad-hoc walls around the Estuary in this area, which are in various states of repair.

3.3 At the time of writing this report the project is currently being tendered in conjunction with the Environment Agency, and it is thought the earliest construction is likely to start in this area is May 2018.

#### **4. Recommendations**

4.1 It is recommended that cabinet agree an exemption to standing orders for urgent repairs to the wall.

4.2 It is recommended that cabinet agree £30,000 of capital funding for urgent repairs to the wall.

Appendix A – site plan



Appendix B – photograph



**Report to:** Cabinet  
**Date of Meeting:** 10 May 2017  
**Public Document:** Yes  
**Exemption:** None



**Agenda item:** 21

**Subject:** **To approve the appointment of Cyrrus to identify the upgrade works required to the existing Instrumental Landing System at Exeter International Airport.**

**Purpose of report:** This report is written to advise Cabinet that exemption to standing orders has been requested to appoint Cyrrus to analyse of the existing Instrumental Landing System (ILS) for Exeter International Airport and the works required to upgrade the ILS to enable continued development in the West End of East Devon.

Cyrrus provide a specialist consultancy service on instrumental landing systems for civil aviation. This is the current provider for Exeter International Airport with knowledge of the airport operation. It is unlikely that this consultancy support could be procured from another provider.

The estimated cost of the contract is £25,000.

**Recommendation:** **To approve the exemption to Contract Standing Order to enable the appointment of Cyrrus to undertake the analysis of the current Instrumental Landing System and identify works required for upgrade to enable continued development in the West End of East Devon.**

**Reason for recommendation:** To ensure that the East Devon are able to support the continued development of employment space in the West End of the district without adverse impact upon Exeter International Airport.

**Officer:** Naomi Harnett, Principal Project Manager  
[nharnett@eastdevon.gov.uk](mailto:nharnett@eastdevon.gov.uk); 07580 297 059 or 01395 571 746

**Financial implications:** The estimated cost of Cyrrus to undertake the consultancy work is £25,000, this cost has been included in the Enterprise Zone budget.

**Legal implications:** The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure does not apply and an exemption can be validly given pursuant to the Council's Contract Standing Orders Rule 3.1.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:**

- [Overview report – January 2016](#)
- [Cabinet Paper May 2016](#)
- [Cabinet Paper November 2016](#)
- [Cabinet Report March 2017](#)

**Link to Council Plan:**

The Council Plan identifies a range of activities to deliver economic growth – including developing ways to deliver economic benefits, promoting inward investment and working with the Heart of the South West Local Enterprise Partnership to deliver growth.