



Agenda for Cabinet
Wednesday, 3rd April, 2019, 5.30 pm

Members of Cabinet

Councillors: I Thomas (Chairman), P Skinner (Vice-Chairman),
D Barrow, I Chubb, A Dent, P Diviani, J Elson, M Hartnell,
G Pook and T Wright

Venue: Council Chamber, Blackdown House, Honiton

Contact: Amanda Coombes, Democratic Services Officer;
01395 517543 or email acoombes@eastdevon.gov.uk
(or group number 01395 517546)
Monday, 25 March 2019

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 4 - 13)

Minutes of the previous meeting held on 6 March 2019

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Late report - The Exmouth Neighbourhood Plan to be formally 'made' (Pages 14 - 16)

The Plan received a majority 'yes' vote in their referendum as required by the regulations and there is no substantive reason not to make the Plan.

a) Cranbrook temporary GP Practise (Pages 17 - 20)

To seek approval for up to £150k of funding from the Enterprise Programme to enable the delivery of a temporary GP practice in Cranbrook town centre.

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

- 7 Forward Plan for key decisions for the period 1 May 2019 to 31 August 2019 (Pages 21 - 22)
- 8 Minutes of the Asset Management Forum held on 25 February 2019 - REVISED (Pages 23 - 26)
- 9 Minutes of the Community Fund Panel held on 19 March 2019 (Pages 27 - 29)
- 10 Minutes of the Scrutiny Committee held on 7 March 2019 (Pages 30 - 35)

Matters for Decision

- 11 **Monthly Performance - February 2019** (Pages 36 - 39)

Performance information for the 2018/19 financial year for February 2019 is supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement is necessary.

- 12 **Environmental sustainability and climate change emergency** (Pages 40 - 45)

This report explores, highlights and refresh EDDC's environmental commitments and contributions towards addressing climate change.

- 13 **Adoption of the Blackdown Hills AONB Management Plan 2019-24** (Pages 46 - 47)

East Devon District Council, together with Devon and Somerset County Councils, Mid Devon and South Somerset District Councils and Taunton Deane Borough Council, authorised the Blackdown Hills AONB Partnership to undertake a review of the Management Plan for the AONB by April 2019, as required under Section IV of the Countryside and Rights of Way Act 2000.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 6 March 2019****Attendance list at end of document**

The meeting started at 5.35 pm and ended at 7.58 pm

162 Public speaking

There were two members of the public wishing to speak.

Mr Nick Hookway spoke on Minute 166, Queen's Drive Watersports Centre Development. He spoke on the lateness of the report and whether planning permission was needed for the new beach access as well as what consultation had been in place. He also asked about why the dates had been changed and that there were concerns over the track record of Grenadier. Finally he questioned the nature of the relationship between the Council and Grenadier with Grenadier having won their CIL appeal.

In response the Deputy Chief Executive confirmed that most of the points were picked up in the report. He noted that there had been extensive public consultation in relation to Grenadier's proposals, including the need for a beach access ramp. The council had worked closely with Grenadier for a number of years and considered them to be good partner. The issue of CIL was between Grenadier and the local planning authority and did not affect the relationship between the Council as landowner and Grenadier.

Councillor Kevin Blakey, Chairman of Cranbrook Town Council spoke on Minute 173, Future High Streets Fund. He spoke of the merits to Cranbrook being the town put forward as the worthwhile bidder for this possible future funding for regeneration of its high street. The funding would get future commercial space underway and would be a blueprint for regeneration of high streets within East Devon.

163 Minutes of the previous meeting

The minutes of the Cabinet meeting held on 6 February 2019 were confirmed and signed as a true record.

164 Declarations of interest

Cllr Ian Thomas, Minute 178; personal interest – Chairman of the Enterprise Zone Board
Cllr Iain Chubb, Minute 172; personal interest – Lives in Axminster
Cllr Pauline Stott, Minute 165; personal interest – Director of the Watersports Centre
Cllr Paul Diviani, Minute 172; personal interest - Chairman of Axminster Regeneration Board, Member of LEP, attended regular meetings with Cranbrook Town Council
Cllr Andrew Moulding, Minute 172; personal interest – Member of Axminster Regeneration Board

165 Queen's Drive Watersports Centre Development

To advise of the latest position on the development of the Watersports Centre on Exmouth seafront and seek approval of the terms of variation to the completed Development Agreement and delivery timescale negotiated between the Council and Grenadier Estates. The timing of this late report was necessitated by the negotiation

process between the council and Grenadier Estates; having reached a satisfactory conclusion as late as Monday 4 March 2019.

Since the publication of the report an amendment to the longstop date for delivery of the ramp had been changed from 2 years to 3 years from the date that the lease was completed. This was to mirror the timing of the delivery of the Watersports Centre.

Discussions included:

- This was great for Exmouth with the possibility of the Watersports Centre being used as a national centre.
- Late reports were not conducive with the Code of Corporate Governance in allowing time for councillors to make informed decisions
- The improved timeline for completion by the summer 2020 was welcomed
- What opportunity would there be for all councillors to discuss?
- Who was responsible for the upkeep the beach access?
- This was a long awaited watersports centre for Exmouth
- Visitor spend would increase with these new facilities and attractions
- Great to have Edge Watersports and Michael Caines included
- Kite surfers want to surf off Exmouth beach rather than at North Devon
- The Edge Watersports centre being a pillar of excellence
- With this new project being brought forward this would allow more income to Exmouth.

Councillor Pauline Stott thanked Councillor Phil Skinner and officers for their hard work and dedication in getting to this stage.

RESOLVED:

1. Cabinet authorises the revisions to the agreement as detailed in the report together with related consequential and minor amendments.
2. Cabinet authorises the Deputy Chief executive to complete the revisions to the Development Agreement contemporaneously with Grenadier confirming discharge of the conditions precedent.

REASON:

So the Council and Grenadier Estates can conclude all outstanding matters and enable the Watersports Centre site development to begin in summer 2019 with a view to completion within 12 months following the council's completion of the new road and car park in June 2019.

166 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with in this way.

167 **Forward Plan**

Members agreed the contents of the forward plan for key decisions for the period 1 April 2019 to 31 July 2019.

168 **Minutes of the Community Fund Panel held on 5 February 2019**

Members received and noted the Minutes of the Community Fund Panel held on 5 February 2019.

169 **Minutes of the Standards Committee held on 22 January 2019**

Members received and noted the Minutes of the Standards Committee held on 22 January 2019.

170 **Minutes of the Scrutiny committee held on 7 February 2019**

Members received the Minutes of the Scrutiny committee held on 7 February 2019.

RESOLVED that the following recommendation be agreed:

Minute 45 East Devon Public Health Strategic Plan 2019/23

1. Would like to thank the Public Health Project Officer for the excellent work being undertaken and supported by colleagues across the Council, and to endorse the East Devon Public Health Strategic Plan 2019-23,
2. Seeks to support the intention in the Plan to cover all areas of East Devon district
3. Encourages improvements to communications with Town and Parish Councils in disseminating public health messages, including increasing the use of social media
4. Requests that the MECC training programme is offered to all EDDC Councillors to help disseminate key messages about Health and Wellbeing in local communities
5. Encourages greater use of Social Prescribing and healthier lifestyles, via Leisure East Devon (LED) and community led initiatives.

RESOLVED: that the following recommendation not be accepted:

Minute 50 Scrutinising the Portfolio Holder decision regarding a Discretionary Home Stay Grant repayment

1. In all future cases the Legal Services Team should be involved
2. In considering future applications, more and fuller information must be provided to the Portfolio Holder
3. Having examined this case, the Scrutiny Committee are concerned that the call-in period is too short and would ask Cabinet to consider recommending to Council that the constitution be amended to extend the call in period from 5 days to 10 days
4. An appeal panel to be set up for post decision appeals.

It was noted that;

1. Legal Service should be commenting on all Portfolio Holder reports already
2. It was the duty of the Portfolio Holder to determine whether they have sufficient information to make a decision
3. No requirement to extend the time limit for call-ins to 10 days.

171 **Minutes of the STRATA Joint Executive Committee held on 28 January 2019**

Members received and noted the minutes of the STRATA Joint Executive Committee held on 28 January 2019.

172 **Future High Street Fund**

The Deputy Chief Executive advised members of the detail regarding the government's Future High Streets (FHS) funding opportunity and asked for an agreement to an approach to submitting into the Expression of Interest stage; the deadline for which was 22 March 2019.

Discussions included:

- Axminster had a Regeneration Committee that were keen to move forward. With 850 new homes being built the population would increase by 26%
- The need for commercial town centre buildings with resident accommodation above to improve the economy of the town centre
- The North–South relief road was great for the environment and public safety but could have an impact of public footfall in the town centre
- Could both submissions for Cranbrook and Axminster be sent?
- Cranbrook deserved future high street funding as was a 'future town' with a young person demographic
- Axminster residents had longer journeys to larger shops such as in Taunton and Exeter
- We should nurture a town on the outskirts of East Devon
- Each town would need to be ready to get the scheme off the ground with the right people and ideas in place
- Axminster was an older town needing regeneration. Businesses were pulling out and the old town centre required investment
- Cranbrook was not to end up a dormitory town, it need a kick start to the development of its high street
- 2 very different towns. Cranbrook had resources in place to deliver the town centre as well as the Enterprise Zone. The spirit of the Future High Streets funds was to existing high streets. Axminster had all the right measures for growth; this funding would make it more attractive and would act as a case study for across the district.
- The council had a responsibility to see high streets succeeding
- Many residents in Cranbrook were on lower incomes and traveling outside to shop and use high street facilities was expensive.
- The guidelines specifically state one proposal only, it would be too risky to submit two.

RESOLVED:

1. that the advice from officers regarding Cranbrook and Axminster be noted,
2. Cabinet agrees to submit a FHS Expression of Interest in relation to Axminster,
3. that delegated authority be granted to the Deputy CEO in consultation with the Portfolio Holder for Economy to prepare and submit the Expression of Interest.

REASON:

To agree an approach to submitting into the Expression of Interest stage by the deadline on 22 March 2019.

173 **Monthly Performance reports - January 2019**

The report set out performance information for the 2018/19 financial year for January 2019 and was supplied to allow the Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There was one indicator showing excellent performance:

- Percentage of planning appeal decisions allowed against the authority's decision to refuse.

There were two performance indicators showing as concern for the month of January:

- **Days taken to process new Housing Benefit claims** - Officers were currently working through a transition period to Universal Credit which is impacting on performance.
- **Working days lost due to sickness absence** - It was anticipated that EDDC would be above the target for absence for 18/19. As previously reported, there had been a significant increase this year in employees who have been absent for two months or more as a result of surgery and serious health issues for 2 or months. These cases were all proactively managed and started to see levels reduce towards the end of 2018.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2018/19 financial year for January 2019, be noted.

REASON:

The performance report highlighted 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.

174 **Homelessness and Rough Sleeping Strategy 2019 - 2023**

The Housing Needs and Strategy Manager presented the Homelessness and Rough Sleeping Strategy 2019 – 2023 for approval and adoption as required by the Homelessness Act 2002. The previous strategy had been reviewed alongside the current homelessness data and new responsibilities for action to prevent homelessness introduced by the Homelessness Reduction Act 2017. This placed a statutory duty on local authorities to assist individuals and households who were homeless. The definition of being threatened with homelessness has been extended from 28 days to 56 days.

RECOMMENDED:

1. to Council to formally adopt the Homeless and Rough Sleeping Strategy 2019-2023,

RESOLVED:

2. That delegated authority is given to the Strategic Lead – Housing Health & Environment in consultation with the Portfolio Holder for Homes and Communities to make any minor amendments to the Strategy prior to its publication, and

3. that the Council writes directly to government about the additional costs being incurred by local authorities through the Homelessness reduction Act 2017 and the trend of increased homelessness.

REASON:

The Homelessness Act 2002 placed a statutory obligation on local authorities to undertake a review of homelessness in their area and develop and publish a strategy to prevent homelessness based on the findings of the review.

175 **Poverty, homelessness, human rights and health & wellbeing in East Devon - scoping report**

In December a motion was put to full Council - "Following the findings of both the UK Equalities and Human Rights Commission and the UN Special Rapporteur on the impact of benefits changes and other spending cuts on people living in the UK, this Council will receive a report on the potential impacts on residents in East Devon and the need for further support from this Council, for example in supporting the roll-out of Universal Credit, homelessness prevention or for local food banks."

The report attempted to scope the subject and suggest themes for further investigation to provide a locally meaningful analysis of poverty and interventions that could influence/action to alleviate the impact of poverty on individuals and communities. It was recognised that the implications highlighted were as a result of national social welfare policy decisions where the council had limited influence. The report also proposed that the council work with Devon County Council who were also investigating the issues and share the same concerns.

In the discussion it was noted the need to involve local groups and charities who work directly with the homeless.

RESOLVED:

that the themes for a localised investigation and analysis of poverty and related social welfare issues, working with Devon County Council, and report back on the findings, be agreed.

REASON:

To consider the impacts of poverty and related welfare issues locally following changes to national policy relating to welfare reform and homelessness, and the actions taken to alleviate the effects of poverty on individuals and communities in East Devon.

176 **Payhembury Neighbourhood Plan Examiner's Report**

The report provided feedback and set out proposed changes following the examination of the Payhembury Neighbourhood Plan.

Councillor Phil Skinner, through the Chair, wished his congratulations be passed on to the Neighbourhood Planning team.

RESOLVED:

1. that the Examiner's recommendations on the Payhembury Neighbourhood Plan (the Plan) be agreed,

2. that a 'referendum version' of the Plan (incorporating the Examiner's modifications) proceed to referendum and a decision notice to this effect be published, and
3. that the Neighbourhood Plan Steering Group be congratulated on their hard work.

REASON:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of extensive local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

177 **Financial Monitoring Report 2018/19 - Month 10 January 2019**

The Strategic Lead Finance gave a summary of the Council's overall financial position for 2018/19 at the end of month 10 (31 January 2019).

Current monitoring indicated that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account Balance was being maintained at or above the adopted level.

RESOLVED:

1. that the variances identified as part of the Revenue and Capital Monitoring process up to Month 10 be acknowledged, and
2. that a request to use £34,000 of the Transformation Fund to replace 95 Streetscene frontline staff mobile phones, be agreed.

REASON:

The report updates Members on the overall financial position of the Authority at set periods and includes recommendations where corrective action is required for the remainder of the financial year.

178 **Exeter and East Devon Enterprise Zone Update**

The Enterprise Zone Programme Manager updated Members on the financial position of the Enterprise Zone to support the proposed revenue programme and capital investment.

RESOLVED:

that the progress with the operation of the Enterprise Zone designation be noted.

REASON:

Cabinet last received a paper on the financial position of the EZ in April 2018. During the intervening period work had focused on gaining approval for projects that support the delivery of the EZ, in terms of overcoming identified barriers and catalytic investments that could increase the pace of delivery for new commercial space and jobs.

179 **Long Lane Enhancement**

The Projects Director provided an update on progress with the design of an enhancement scheme for Long Lane. This set out an options analysis in terms of how to proceed and sought approval to borrow up to £3m against future ring-fenced income to deliver the enhancement scheme. Members considered the options analysis of how to move forward.

RESOLVED:

- that the progress with the design of a scheme to upgrade Long Lane be noted,
- that subject to confirmation of the final scheme design and the quantum of developer contributions being secured through a funding agreement, endorse Option 1 as the preferred way forward,
- that a contribution of up to £5k towards the legal fees of those delivering the FAB project to progress the funding agreement prior to the final investment decision stage being reached be agreed,
- that an investment of £5k to help provide match funding for a bid to DfT's Cycle Rail fund be supported, and
- that delegated approval be granted to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance & Licensing, to agree the terms of and complete the funding agreement and any other necessary legal documentation to achieve the above recommendations.

RECOMMENDED:

that Council agree the borrowing of up to £3m against ring-fenced business rate income to implement the scheme and enter in to a funding agreement with Devon County Council to deliver this.

REASON:

Cabinet received a paper on the Enterprise Zone in April 2018. This sought approval for the principle of borrowing up to £8m against ring-fenced business rate income, with detailed approval for investing up to £3.4m for four specific projects. During the intervening period work had focused on the delivery of the approved projects, along with supporting the development of other opportunities. This had focused on overcoming barriers to delivery and bringing forward catalytic investments.

The substandard nature of Long Lane and subsequent limitations to the capacity of the current highway network were a direct barrier to the delivery of Airpark, one of the four Enterprise Zone sites. The proposed enhancement would overcome this barrier and also secure a number of wider benefits including supporting enhanced public transport connectivity and the future growth of the Airport.

180 **Simplified Planning in the Enterprise Zone**

The report put forward the recommended approach for the introduction of a simplified planning regime for the Enterprise Zone (EZ) sites.

RESOLVED:

1. that the recruitment of a dedicated post to progress Local Development Orders for each of the EZ sites and,
2. the approval of Option 1, starting with the Airpark and Science Park sites, as the best way forward, be agreed.

REASON:

Simplified planning was part of the overall EZ offer to businesses. A dedicated officer would be able to progress the introduction of site specific Local Development Orders at pace thereby helping to encourage future investment.

181 **Sidmouth Drill Hall update**

The report provided an update on the outcome of the marketing exercise and selection process for the Drill Hall site in Sidmouth, as well as make a recommendation for the selection of the preferred developer.

RESOLVED:

1. that the selection of Offer 2 as preferred bidder for the site be agreed, and
2. that delegated authority be granted to the Deputy CEO in conjunction with the Strategic Lead Governance and Licensing to enter into negotiations with the approved bidder:
 - (a) for the disposal of the Drill Hall site, and
 - (b) to explore the disposal of the neighbouring toilet block site for incorporation into the new restaurant offer on the basis that a replacement public toilet facility was provided .

REASON:

To meet the council's commitment to the redevelopment and renewal of the Drill Hall site on Sidmouth's seafront. To enable officers to enter into further negotiations with the preferred bidder leading to the necessary contract documentation being drawn up, for the long leasehold interest to be granted to them.

Attendance List

Present:

Portfolio Holders

I Thomas
I Chubb

A Dent
P Diviani

J Elson
M Hartnell

G Pook
T Wright

Cabinet apologies:

P Skinner
D Barrow

Also present (for some or all the meeting)

Bruce de Saram
Pauline Stott
Paul Carter
Ben Ingham
Stuart Hughes
David Barratt

Steve Hall
Andrew Moulding
Cathy Gardner
Roger Giles
Susie Bond
John Dyson
Graham Godbeer
Maddy Chapman
Peter Faithfull
Megan Armstrong
Steve Gazzard
Brian Bailey
Tim Dumper
Eleanor Rylance

Also present:

Officers:

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive
John Golding, Strategic Lead Housing, Health and Environment
Henry Gordon Lennox, Strategic Lead Governance and Licensing
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Andy Wood, Projects Director
Anita Williams, Principal Solicitor
Alison Hayward, Senior Manager - Regeneration & Economic Development
Naomi Harnett, Enterprise Zone Programme Manager
Andrew Mitchell, Housing Needs & Strategy Manager
Amy Gilbert-Jeans, Acting Service Lead Housing
Amanda Coombes, Democratic Services Officer

Chairman

Date:



Report to: Cabinet
Date of Meeting: 3 April 2019
Public Document: Yes
Exemption: None

Agenda item: 5

Subject: **The Exmouth Neighbourhood Plan ('the Plan') to be formally 'made'**

Purpose of report: The Plan has now passed referendum and must be formally made by East Devon District Council in order to form part of the development plan.

Recommendation:

It is recommended that:

- 1. The Plan is made so it forms part of the development plan.**
- 2. That the Council writes to the Neighbourhood Plan Steering Group to congratulate them on all their hard work and advise them that once made the Plan will carry full weight in the planning decision making process.**

Reason for recommendation: The Plan received a majority 'yes' vote in their referendum as required by the regulations and there is no substantive reason not to make the Plan.

Officer: Phil Twamley, Neighbourhood Planning Officer (01395 571736)
ptwamley@eastdevon.gov.uk

Financial implications: No financial implications at this stage

Legal implications: Following a majority vote in favour of the plan at referendum the Council must proceed to adopt (or 'make') the plan, unless in doing so it causes a breach of EU obligations or Convention rights. The Council has adopted a Screening Opinion, accepted by relevant statutory consultees, which confirms that there is no need for a formal SEA or HRA and accordingly there would be no breach in respect of those obligations under EU legislation. The Independent Examiner concluded that regard has been had to Convention rights. It is considered that there are no breaches of relevant EU obligations that can be identified. Accordingly, the legal position is that the Council must 'make' the Neighbourhood Plan as modified. As noted, following being made, the neighbourhood plan will become part of the Development Plan for decision making on planning applications.

Equalities impact: Low Impact

The Plan has been produced with considerable community engagement. All persons living in the parish have been engaged throughout the Plan's production and all persons registered to vote in the area could vote in the referendum.

Risk: Low Risk

The only reason for the Plan not to be made now is if the Council consider that to do so would breach an EU obligation or a Convention right. There is a risk that should we take that decision it will be subject to

legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

Links to background information:

- [The Localism Act](#)
- [Plain English Guide to the Localism Act](#)
- [National Planning Policy Framework \(2019\)](#)
- [National Planning Policy Framework \(2012\) \(As used to examine the Plan under transition arrangements\)](#)
- [Neighbourhood Planning Regulations](#)
- [East Devon Neighbourhood Planning pages](#)

Link to Council Plan:

Neighbourhood planning helps to deliver the priorities identified in the Council plan by:

Encouraging communities to be outstanding

Developing an outstanding local economy

Delivering and promoting our outstanding environment

1.0 Exmouth Neighbourhood Plan Referendum

1.1 On 21 March 2019, a referendum was held on the Exmouth Neighbourhood Plan at multiple locations in Exmouth, from 7am to 10pm.

1.2 Voters were asked the following question:

"Do you want East Devon District Council to use the Neighbourhood Plan for Exmouth to help it decide planning applications in the neighbourhood area?"

1.3 The regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use Exmouth Neighbourhood Plan to help it decide planning applications in Exmouth Parish. The Plan once adopted will then become part of the development plan.

1.4 In East Devon the development plan currently consists of the East Devon Local Plan, 2013-2031; the East Devon Villages Plan, July 2018; any made Neighbourhood Plan; the Devon Waste Plan, December 2014; and the Devon Minerals Plan, 2011-2033.

1.5 The final results of the Exmouth Neighbourhood Plan referendum are shown below:

Yes: 3821

No: 540

Voter turnout 15.49%

In favour: 88%

1.6 The results show a clear majority in favour. The cabinet must now consider whether it would be appropriate to make the Plan.

1.7 Once the Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan any planning applications in Exmouth Parish will be judged against the Plan as well as policies of East Devon District Council and also the

National Planning Policy Framework. Application of the policies of the Plan will ensure that the hard work that has gone into its production will result in effective application of local community expectations and aspirations in the decision making process.

- 1.8 The only reason for the Plan not to be made now is if Cabinet consider that to do so would breach an EU obligation or Convention right. During the examination process the Examiner stated that they were satisfied that the Plan was compatible with EU obligations.

2.0 Next stages

- 2.1 Following the decision whether or not to make the Plan (or where the referendum results in a 'no' vote or the Plan is refused as it would cause a breach of an EU obligation or Convention right), we will produce a decision notice for the Plan (detailing the decision and reasons for it and where it may be viewed) and publish it:-

- on the neighbourhood planning pages of our website
- by sending a copy to the Plan producer and requesting that they notify those persons who live, work or carry on business in the neighbourhood area to which the Plan relates
- by notifying the 'consultation bodies' referred to in the consultation statement
- by advising:-
 - those adjoining authorities
 - anyone who asked to be notified of a copy of the decision
 - all those who made representations on the relevant plan



Report to: **Cabinet**

Date of Meeting: 3 April 2019

Public Document: Yes

Exemption: None

Review date for release: None

Agenda item: 5

Subject: **Cranbrook Temporary GP practice**

Purpose of report: To seek approval for up to £150k of funding from the Enterprise Programme to enable the delivery of a temporary GP practice in Cranbrook town centre.

Recommendation: **That Cabinet recommend to Council to:**

- Approve borrowing of up to £150k against ring fenced business rate income and for these funds to be made available to the NHS Devon Clinical Commissioning Group to enable the delivery of a temporary GP facility in Cranbrook town centre.
- Give delegated approval to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance & Licensing to agree the final level of funding, terms of how these funds are made available and subsequently recovered and to complete the funding agreement and any other necessary legal documentation

Reason for recommendation: Cabinet received a paper on the Enterprise Zone in April 2018. This sought approval for the principle of borrowing up to £8m against ring-fenced business rate income, with detailed approval for investing up to £3.4m for four specific projects. During the intervening period work has focused on the delivery of the approved projects, along with supporting the development of other opportunities. This has focused on overcoming barriers to delivery and bringing forward catalytic investments.

The current GP practice in the Younghayes Centre is at capacity. The temporary GP practice will enable the continued delivery of primary care services in Cranbrook for a period of 5 years. It will also bring increased footfall to the town centre and act as a catalyst for attracting wider investment.

Officer: Andy Wood, Projects Director
07740 024918 adwood@eastdevon.gov.uk

Financial implications: There is financial headroom within the EZ borrowing capacity to meet the cost of this contribution. The investment itself does not have the direct link to business rate growth as other schemes previously

approved, however the proposal being made is that this is offered as loan and will be subject to a legal agreement to ensure recovery of the advance being made. The overall benefits to Cranbrook and the EZ of the investment is set out in the report.

Legal implications: The principle of loaning money against future income is acceptable. It will be necessary for the Council to satisfy itself that the detail of this proposal is legally compliant (including in relation to State Aid requirements should this remain applicable) prior to loaning any money. It will be necessary to ensure that appropriate legal documentation is in place in respect of the funding. In that regard the legal team will carry out appropriate due diligence to ensure that the proposal is legally sound and that appropriate documentation is drawn up and entered into.

Equalities impact: Low Impact
Potential impacts on equality will be managed through the Implementation Plan for the Enterprise Zone.

Risk: Medium Risk
This project has been under-development for the past 18 months. Funding is required from the Enterprise Zone programme as a last resort to close a cost gap to enable the project to proceed. This will then allow a planning application to be submitted and a contractor/supplier to be procured. The funds will then be repaid over time.

Links to background information:

- [Overview report – January 2016](#)
- [Cabinet Paper May 2016](#)
- [Cabinet Paper November 2016](#)
- [Cabinet Paper March 2017](#)
- [Cabinet Paper November 2017](#)
- [Cabinet Paper April 2018](#)

Link to Council Plan: Working in and funding this outstanding place.
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.

1. Introduction

- 1.1 The GP practice in Cranbrook opened in 2013 and currently operates from the Younghayes Centre. As well GP consulting rooms this also provides accommodation for health visitors and midwives. Due to the rapid population growth and the needs arising from the young population profile this facility is now at capacity.
- 1.2 In recognition of the limited physical capacity a project has been under development for the past 18 months to deliver a temporary GP facility in Cranbrook town centre. This has involved a range of partners including NHS England, the Clinical Commissioning Group, County Council and Cranbrook Developer Consortium as well as Access Healthcare, the current practice operators.
- 1.3 The temporary GP facility will take the form of a modular building of some 563m2 in area. This facility will provide sufficient space to span the gap between the current facility being

at capacity and new permanent provision coming forward in line with s.106 triggers for the expansion of the town. In the short term the additional space will allow new models of care to be tested in the town, for example in conjunction with health visitors and midwifery services.

- 1.4 Project costs have been developed through a series of project meetings and are now estimated at £600k for the physical works. The main funder is NHS England who will make funding available to Access Healthcare to procure SIBCAS to deliver the facility. Project costs have escalated over time as the budget has been refined. NHS England have increased the amount of funding available but it is now clear that this is still short of the amount required to finally enable the project to proceed. This primarily relates to costs associated with groundworks and site servicing. NHS England has indicated that they have no further funds available. Responsibility for commissioning primary care services was delegated to the NHS Devon Clinical Commissioning Group at the beginning of April.

2. Proposal

- 2.1 In order to close the cost gap and enable the project to proceed it is proposed that up to £150k of funding is made available through the Enterprise Zone programme. This will be primarily aimed at the site servicing and infrastructure costs and will enable the project to proceed. The funds will then be recovered from the CCG over time, with the intention that this will be in accordance with the Enterprise Zone's standard loan terms.
- 2.2 This is an urgent requirement because of the lack of capacity at the current practice. Whilst Access Healthcare have had their contract extended there are significant concerns over the ability to deliver increasing patient numbers. Expanded facilities are therefore urgently required.
- 2.3 Furthermore there is an additional timing issue in that the modular facilities will need to be procured and installed before the peak summer period where the company responsible primarily focuses on meeting the need for temporary classrooms for school. Given the urgent need to deliver the additional healthcare facility and pressure of securing the modular space prior to the peak season, this is the reason for the late report to Cabinet as it will need to go on to Council for a decision and if this doesn't happen now then it won't happen until the end of July and that will potentially jeopardise delivery of improved services going forward.

3. Assessment

- 3.1 The Enterprise Zone programme is primarily aimed at securing economic development outcomes rather than enabling the provision of healthcare services. It is certainly not the District Council's responsibility to commission primary care services. Nevertheless this is considered to be an important project that will itself enable increased employment and, critically, lead to increased footfall within the town centre. This is likely to have a catalytic impact in terms of securing further investment in Cranbrook town centre, a key objective of the Enterprise Zone programme.
- 3.2 The project has been developed over a significant period of time and the need for it is now urgent. The extra space available within the temporary facility, particularly in its first two years of operation, will allow new models of care to be tested on the ground in Cranbrook. This in itself goes to the heart of the Healthy New Town status of the town. The facility will therefore bring a wide range of benefits to the town.

- 3.3 Whilst the project has been under development for some time a final budget has yet to be confirmed as this hinges on the outcome of the procurement process which covers a number of different aspects including the modular space delivery. It is proposed to make up to £150k available as a loan and for this to be targeted at groundwork and site servicing costs. This should provide sufficient flexibility to ensure that the project can proceed whilst still ensuring value for money. Final agreement of the sum to be loaned will be necessary once the NHS have completed the procurement process, although it will be capped at £150k.
- 3.4 NHS England has previously indicated that no further funds are available and although the responsibility is now delegated to the CCG, as for NHSE, it would need to consider this in the context of the overall primary care requirements as it would require additional allocation. The proposal to make further funds available is due to be discussed by the Primary Care Committee of the CCG in April. Subject to this the terms of the how the funds are made available and subsequently recovered can then be recovered.
- 3.5 The potential for this investment to be conditional on the 'spare' space (i.e. above and beyond the operational requirements of the GP practice) that is expected to be available in the first two years of the operation of the facility being made available free of charge to other user groups will be explored with the CCG. This will allow maximum flexibility of use of the facility as the town continues to grow rapidly.

4. Conclusion

- 4.1 The provision of primary care services is critical to any community, not least one that is also designated as a Healthy New Town. It is clearly not the District Council's responsibility to commission these services. This investment will though enable the temporary GP facility to be delivered at pace and to meet a pressing need. It will also help to realise a wider set of benefits, not least acting as a catalyst for wider investment in the town centre and will help to fulfil the objectives of the Enterprise Zone programme. Finally the funds will be recovered representing good value for money.

EAST DEVON DISTRICT COUNCIL

Forward Plan - For the 4 month period: 1 May 2019 to 31 August 2019

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 are shown with a Y in the Key Decisions column.

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, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton. 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 plan also identifies Key Decisions which are to be considered in the private part of the meeting (Part B) and the reason why. Any written representations that a particular decision should be moved to the public part of the meeting (Part A) 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.**

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) or by calling 01395 517546.

| Decision | Relevant Officer | Other meetings where the matter is to be debated / considered | Cabinet meeting date | Council Meeting date (where decision is required by Council) | Key decision (Y/N) | Part A = Public meeting Part B = private meeting [and reasons] |
|---|-------------------------|--|-----------------------------|---|---------------------------|---|
| Heart of the South West Productivity Strategy | HotSW Joint Committee | | TBC | | | |
| Seaton Seafront | Deputy Chief Executive | Asset Management Forum TBC | TBC | | N | Part A |
| Beer Pilot | Deputy Chief Executive | Asset Management Forum TBC | TBC | TBC | N | Part A |

April 2019

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Asset Management Forum held at Council Chamber, Blackdown House, Honiton on 25 February 2019****Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.35 am

39 Public speaking

There was no public speaking.

40 Notes from the previous meeting

The notes of the meeting held on 29 November 2018 and 17 January 2019 were agreed.

41 Apologies

Apologies were received from Cllr Iain Chubb.

42 Declarations of interest

Councillor Geoff Pook

Minute 47

Disclosable Personal Interest – Chairman of Beer Parish Council

43 Matters of urgency

There were no matters of urgency.

44 Confidential/exempt item(s)

RESOLVED that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

45 Performance Dashboard

The Forum was presented with the latest version of the Performance Dashboard. Tim Child, Senior Manager - Property and Estates, directed familiarise the Forum to the key areas, highlighting:

- Capital receipts had increased to £180,750 an increase of £58,500 and with a further £92,500 in the pipeline for this financial year and being progressed with Legal;
- There were a particularly high number of open reactive maintenance and facilities management related cases on Lagan. This is due to a large number of instructions put out to external contractors and still needing closing. During the recent period the Property Services Maintenance Technicians had been working on Blackdown House;
- Planned maintenance costs were currently below budget, but reactive maintenance costs above. Some recoding was needed but broadly these are expected to balance;

- The Seaton Workshops project had slipped, due to lack of officer time. However, it was hoped that the project would be prioritised and project group meetings and progress being made before next AMF;

Comments made on the dashboard included a proposal that the future report for this item should include key legends to help explain the rental chart.

ACTION For future meetings issue the Performance Dashboard to Members with the key legends clearly viewable on the report .

RESOLVED that the Performance Dashboard be welcomed and continue to be provided as a standing item for future meetings of the Forum.

46 **Property Matters Newsletter**

The latest Newsletter had been circulated beforehand to members of the Forum to consider. This and future Newsletters is no longer a confidential document and is available to all Councillors.

The purpose of the Newsletter was to raise awareness of the breadth of work undertaken by Property & Estates but also to promote the breadth and importance of the Council's land and property portfolio.

**RESOLVED 1. that the content of the Property Matters Newsletter be noted;
2. that Property & Estates be congratulated for producing the Property Matters Newsletter.**

47 **Beer Pilot Update**

The Forum noted that EDDC continued to work with Beer ~Parish Council to prepare a robust business case to allow the transfer of assets at Beer to take place at no extra cost in the medium term to EDDC, mitigating future cost liabilities on EDDC and facilitating local management and 'ownership' of assets'. The Senior Manager – Property & Estates reported that there had been a meeting last week with Beer Parish Council, which had a positive outcome, but there were still a few issues being considered. A report would be prepared for consideration by Cabinet, including a business case, in due course.

In response to a question for a Member regarding the devolution of assets to other Town and Parish Councils, the Deputy Chief Executive reported that once all the data and assets available had been identified, then the Council would be in a position to go to Town and Parish Councils to see if they wanted to take on assets within their parish areas.

It was anticipated that a draft Community Asset Transfer Policy would be produced in due course and would be consulted on with Town and Parish Councils.

RESOLVED that the update on the Beer Pilot be noted.

48 **The Vice Chairman to move the following**

“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, I likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)".

49 **Drill Hall, Esplanade, Sidmouth**

Consideration was given to a report updating Members on the outcome of the marketing exercise and selection process for the Drill Hall site in Sidmouth and to make a recommendation for the selection of the preferred developer.

The Forum agreed that the preferred developer and the proposed business, Offer 2, was the best choice available and a very suitable sort of business for the area. Members were also made aware that a future refurbishment of the Drill Hall might also take in the adjacent toilet block as well. Members noted that the Core Group, who selected the preferred bidder, consisted of two Sidmouth District Councillors and Sidmouth Town Council.

The Forum wished to thank the Core Group and Officers involved for their work on the marketing and selection process for the preferred bidder for the Drill Hall site in Sidmouth.

RESOLVED that having discussed the content of the Cabinet report and its Annexes, the Forum concurred with the report's recommendation that Offer 2 be approved as the preferred bidder for the site.

Attendance List

Councillors present:

G Pook (Chairman)
D Barrow
P Diviani
A Moulding
P Skinner
I Thomas

Councillors also present (for some or all the meeting)

M Armstrong
D Barratt
J Dyson
C Gardner
M Rixson
P Stott

Officers in attendance:

Tim Child, Senior Manager Property and Estates
Richard Cohen, Deputy Chief Executive
John Hudson, Accountant
Christopher Lane
Colin Whitehead
Rob Harrison, Senior Estates Surveyor

Councillor apologies:

I Chubb

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Community Fund Panel held at Clyst Room,
Blackdown House, Honiton on 19 March 2019

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.00 am

9 Public speaking

There was no public speaking.

10 Minutes of previous meeting - 5 February 2019

The notes of the meeting held on 5 February 2019 were accepted as a true record.

11 Apologies

Apologies were received from Councillors Douglas Hull and Marianne Rixson.

12 Declarations of interest

Councillor Geoff Jung

Minute 14

Personal Interest – District Councillor for Bicton parish.

13 Matters of urgency

There were no matters of urgency.

14 Confidential/exempt item(s)

There were no items of a confidential nature.

15 Guidance notes for the Community Building Fund

The Community Building Funding Guidance Notes and application form had been attached for Member's information.

RESOLVED that the Community Building funding guidance notes be noted.

16 Consideration of applications received

Consideration of applications received.

The Engagement and Funding Officer had applied the Community Council of Devon scoring system for guidance and to help summarise the background details of the applications.

The Panel was asked to consider:

- The importance of the project
- Whether match funding arrangements were in place
- What the works would mean for the hall/community shop and its users
- The current stage of the project
- Whether three quotations had been submitted as part of the application and, if not, the reasons given.

Members of the Panel were advised that there was £12,525.94 left unallocated in the Community Buildings Fund.

| a) Applications recommended for approval | EDDC recommended contribution |
|---|--|
| Kilmington Village Hall– general repairs and new kitchen and toilets. | £4,561.17 |
| Yarcombe Village Hall – Replace a section of the cladding on the outside of the hall that is rotten. | £1,500 |
| Bicton Recreation Room – Kitchen improvements to make the hall more sustainable. Including new appliances and flooring. | £5,000 |
| Chardstock Village Hall – | This application was deferred as it was considered that a lot more information was required, that details of funding for the project was missing and it was received after the deadline. It was suggested that they reapply in June and the Panel will give the project consideration for the next round of funding. |

Attendance List

Councillors present:

D Barrow (Chairman)
P Carter
G Jung
D Key

Councillors also present (for some or all the meeting)

Officers in attendance:

Jamie Buckley, Community Engagement and Funding Officer

Councillor apologies:

D Hull
M Rixson

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Scrutiny Committee held at the Council Chamber, Blackdown House, Honiton on 7 March 2019****Attendance list at end of document**

The meeting started at 6.00 pm and ended at 7.37 pm

51 Public speaking

There were no members of the public present.

52 Minutes of the previous meeting

The minutes of the Scrutiny Committee held on 7th February were confirmed and signed as a true record.

53 Declarations of interest

Councillor Roger Giles – Minute 57, Fly tipping
Type of interest – Personal interest
Reason – Involved in RIO in Ottery St Mary

Councillor Stuart Hughes – Minute 57, Fly tipping
Type of interest – Personal interest
Reason – Member of Devon County Council

Councillor Graham Godbeer - Minute 58, Quarterly Monitoring of Performance
Type of interest – Personal interest
Reason – Daughter is the manager of a Job Centre in Minehead

Councillor Pauline Stott - Minute 58, Quarterly Monitoring of Performance
Type of interest – Personal interest
Reason – Owns a motorhome

54 Matters of urgency

The Chairman stated that an issue had arisen from the meeting of Cabinet the previous evening, and he had accordingly decided that it would have to be raised as a matter of urgency due to the timings of the two meetings involved.

At the Scrutiny Committee meeting on 7 February, four recommendations were referred to Cabinet and discussed on 6 March. At the Cabinet meeting it was resolved that the recommendations would not be accepted. The Chairman said that the final recommendation from Cllr Hughes about a post appeal panel may have been accepted but was not clear.

The Chairman was particularly concerned about the restrictions caused by having a short call-in period. He stated that at EDDC most of the decisions are made by Cabinet members and Portfolio Holders which is a small proportion of all councillors. Call-ins are an important aspect of the checks and balances within the decision making process and allow other non-cabinet members to participate in the process. They are also a rare occurrence.

Following discussion at Cabinet, Cllr Thomas had suggested that training for Councillors might be helpful.

Scrutiny members were disappointed with this outcome, particularly because call-ins were infrequent.

Cllr Wragg stated that she had initiated the suggestion to have a call-in on the specific issue discussed at the last Scrutiny Committee because she was not getting information and answers to questions she was putting to officers. It was not a trivial matter and involved a potentially large sums of money. The Chief Executive, Mark Williams, had informed those supporting a call-in that it could be discussed at Scrutiny Committee but not called-in.

Cllr Bond stated that the Strategic Lead for Governance & Licensing and Monitoring Officer, Henry Gordon-Lennox, had addressed the issue at Cabinet and stated that the Portfolio Holder decision in the case concerned had been called in correctly, but the amount of money involved was too small to warrant the call-in.

Committee members queried whether the recommendations put to Cabinet and not accepted, could be re-presented and go to Council in order for a debate to be had on the issues raised. Cllr Godbeer suggested that the issue could be discussed at Council if was raised as a called minute.

During the discussion some members wanted the timescale for call-ins to be clarified. Others commented that they had no experience of a call-in since being a councillor and because so few decisions were called-in.

The Chairman stated that he was not confused about the issues relating to call-ins, and considered that the conditions for call-ins were too restrictive. Henry Gordon-Lennox had commented at Cabinet that if the process was extended from five days to ten, it would not be helpful.

Cllr Chapman stated that the message given to members changed throughout the process of dealing with this issue, having initially being told that they were out of time, and then being told by Mark Williams that the call-in was in time. She went on to query that if members supporting the call-in were not out of time, then what was the position and what course of action were they able to pursue.

In relation to the recommendation that in all future cases the Legal Services Team should be involved, Henry Gordon-Lennox had stated that it was already involved in all cases.

The Chairman said that in the case under discussion, the Scrutiny Committee had heard evidence that this was not the situation, and in other cases that assistance from the Legal Team was optional, and members were concerned that there may be many other similar cases. The officer who had dealt with this case had indicated that there may be many similar cases which could arise in future.

The Legal Advisor, Anita Williams, stated that a longer call-in period would impact on all decisions and not just those that were called in.

Cllr Stott confirmed that particularly in cases related to housing, delaying significant decisions could have a considerable impact, such as the loss of a potential house purchase.

The Chairman stated that Mark Williams had informed members at Cabinet that the correct procedure had not been followed before it came to members.

Cllr Wragg pointed out that there were a number of principles at issue. This case did not appear to have been handled correctly. She referred to the estimated value of the property involved and that the potential profit from its sale would have allowed the loan from EDDC to be repaid.

Cllr Bond asked Anita Williams to explain the legal position if they were told the amount was too small to fulfil the criteria for a call-in, but all Portfolio Holder decisions are circulated to members containing a suggestion that they can be called in, however, if the amounts involved are small then they cannot be called in and she considered this to be confusing and wasteful of everyone's time and effort. Cllr Bond queried whether it would

not have been better to have made the decision and not informed anyone rather than be in the current situation.

Anita Williams outlined that the call-in was successful in terms of timing and procedure followed, but an exemption existed relating to the amount of money involved, and that in this case it was under a certain amount. She stated that it was the case that all Portfolio Holder decisions were published and that a number of those would not be capable of being called in because their values were under the exemption amount. She advised that if these decisions were not published there would be questions regarding the transparency of the processes used; she also stated that there is a standard template for Portfolio Holder reports and this contains a box regarding call in as standard.

Cllr Chapman wanted to know in cases where money was being waived, whether the Council had a limit on how much they would be prepared to waive, since even if they were low individual amounts, it would soon add up significantly.

Following further comments the Chairman asked the committee how it wanted to proceed on this issue.

RESOLVED;

- 1) That the issue of Call-ins would be put onto the Scrutiny Committee Forward Plan and discussed in further detail at a meeting following the elections, with a view to re-presenting recommendations for changes to the process in future, and
- 2) That the Scrutiny committee would request more information in relation to the waiving of money in cases where people were in situations of being asset rich but cash poor.

55 **Confidential/exempt item(s)**

There were no items that officers recommended should be dealt with requiring the exclusion of the public or press.

56 **Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no decisions called in.

57 **Fly tipping**

The Chairman confirmed that Cllrs Tom Wright and Marcus Hartnell, as Portfolio Holder and Deputy, had been invited to the meeting but were unable to attend. Cllr Rylance had particularly wanted this issue raised but was also unable to attend the meeting. Andrew Hancock confirmed that he and Cllr Wright had met Cllr Rylance to discuss the issues that she had raised.

The Service Lead for Streetscene, Andrew Hancock, was in attendance and had provided a number of reports which summarised the situation in East Devon and provided comparisons to the national average, as well as enforcement action taken by EDDC.

Andrew Hancock stated that Fly tipping in East Devon is not a large-scale issue compared to the national picture, however, the Council takes pro-active steps to tackle it. The graphs circulated with the agenda papers show that fly tipping levels are low (when compared to the national average. Between 2013 – 2017, the national average was 2700 incidents, whilst EDDC for the same period was 533.), and the overall trend is decreasing. A slight decrease can be seen in both graphs provided.

Andrew explained that the public report fly tips via the Council's Customer Service Centre. It is then logged onto the LAGAN system for action by the REACT team. EDDC cleans up fly tips on average within 3 days. Streetscene has a team of five operatives (REACT) who are responsible for all fast road litter picking and fly tipping clearance. They bag any evidence they find and forward it to the Environmental Health team who then investigate and take the appropriate action. The REACT team spends around 40% of its time on fly tipping, costing EDDC approximately £55k p.a.'

Whenever EDDC is able to it takes enforcement action where evidence leads to the perpetrator. The waste offences spreadsheet show how many FPNs have been issued for this. EDDC has taken 75 enforcement actions since 2015, equating roughly to 5%.

If caught, perpetrators are charged for the cost of removing the fly tip. Unfortunately, there is usually little evidence, since fly tips tend to occur in isolated places. Covert surveillance via RIPA (Regulation of Investigatory Powers Act 2000) is limited, and the ability of Councils to take more enforcement actions are limited legally, for example, by decriminalisation of offences such as littering.

Andrew stated that social media is used to seek the public's assistance with reporting fly tips, and successful prosecutions resulting in fines result in EDDC issuing a press release. Environmental Health undertake the investigations and enforcement actions. Cllr Hughes asked about abandoned vehicles which were reported to Devon County Council but required action by district councils. Andrew confirmed that this was not a big issue for EDDC with approximately 200 incidents each year. Once again, the powers for a Council to deal with them were restrictive. A vehicle is often not abandoned and then EDDC is unable to intervene and it becomes a highways authority (Devon County Council) problem. A vehicle can be determined as being abandoned if it is not taxed, in which case the DVLA will support actions taken.

In the case of vehicles being abandoned and removed, they would be scrapped if the value is under £1000, or if more than this amount they would be stored temporarily before a contractor scraps them. Costs cannot be recovered from previous owners because they often dispute ownership, and costs to use bailiffs by EDDC would not be covered by the actual costs recovered.

The Chairman went on to refer to the Re-use credit scheme administered by Devon County Council (DCC), on behalf of The Devon Authorities Strategic Waste Committee (DASWAC) which had been running for 22 years. DCC were currently consulting on a number of future options, which included; scrapping the scheme altogether; continuing to run it as it is presently, or continuing to run it in a different way. Cllr Wright is the Vice Chairman of DASWAC currently.

In response to questions from committee members, Andrew stated that if the scheme was scrapped, it was unlikely to increase fly tipping in East Devon due to the different demographics of people involved. If removal charges were scrapped, Andrew stated that this would be unlikely to reduce fly tipping, since the majority of fly tipping was commercially based or related to organised crime. However, he said that the scheme was beneficial.

Andrew reminded members that fly tipping was a crime, and that monies from Fixed Penalty Notices or fines went back into the budget of EDDC and would help to offset the costs of collection.

RESOLVED

That the Scrutiny Committee

- 1) Thanks Andrew Hancock for his presentation and the work of the team involved in dealing with fly tipping

- 2) Responds to DCC on their Consultation about the Re-use Credit Scheme, recognising the positive benefits of the scheme and supporting its continuation. (The consultation period runs from 25th February until 5th April).

58 **Quarterly monitoring of performance - 3rd quarter 2018/19 October to December 2018**

Cllr De Saram wanted to recognise the achievement of delivering quality green space and wildlife habitats alongside new development as an important action which should continue (Council priority 1).

The Chairman brought members attention to performance indicators showing a status of concern.

Under Council priority 4, days taken to process new Housing Benefit claims, members were concerned about the length of time this was taking due to Universal Credit claims taking so long and being handed to the Job Centre to process which had extended the time to about 5 weeks.

Under Service Plan objectives – Priority 4, members were concerned about the Building Control targets which were not currently being met, and the lack of signage in Exmouth for people with motorhomes and campervans to get to off street car parking, due to work done on flood defences.

Cllr Hughes suggested that this latter item be raised at the next HATOC (Highways & Traffic Offences Committee) meeting on 12th March where Cllr Stott represents EDDC.

RESOLVED

That this Committee

1. recognises the achievement of the Council Action under Council Priority 1 – Encouraging communities to be outstanding, by delivering quality green space and wildlife habitats alongside new development, and supports the continuation of efforts to maintain this.
2. Records its concerns about the delays in processing new Housing Benefit claims which can have a detrimental effect on vulnerable claimants.
3. Express concerns that Building Control targets have not been met, creating a significant shortfall in the budget, and request information be provided on;
 - a) How the target was agreed, and
 - b) What will be done to address the issues and increase the annual fee surplus as projected

RECOMMENDATION to Cabinet

1. Refer the matter of signage in Exmouth for people with motorhomes and campervans to the HATOC committee on 12th March 2019 via the EDDC representative, Cllr Stott.

59 **Scrutiny forward plan**

Following the referral of an issue from DMC involving South West Water, they would be invited to attend the next Scrutiny Committee meeting on 4th April. An invitation would also be extended to Ed Freeman in the Planning Service.

Broadband would also be discussed on 4th April and an invite extended to Gigaclear.

The Annual Report would be discussed on 4th April, with themes identified prior to the Annual Council meeting on 22nd May.

The Police & Crime Commissioner would be invited to attend on 4th April and asked to provide updates on the following;
County Lines – relating to drug related deaths within the District
Policing numbers and visibility
CCTV

Attendance List

Councillors present:

R Giles (Chairman)
Chapman
G Godbeer
S Hughes
B de Saram
E Wragg

Councillors also present (for some or all the meeting)

S Bond
P Stott

Officers in attendance:

Andrew Hancock, Service Lead StreetScene
Susan Howl, Democratic Services Manager
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

C Nicholas
B Bailey
C Gardner
S Grundy
V Ranger
M Rixson

Chairman

Date:



Report to: **Cabinet**

Date of Meeting: 3 April 2019

Public Document: Yes

Exemption: None

Review date for release: None

Agenda item: 11

Subject: **Monthly Performance Report February 2019**

Purpose of report: Performance information for the 2018/19 financial year for February 2019 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 2018/19 financial year for February 2019.**

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

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 February 2019](#)
- [Appendix B - The Performance Indicator Monitoring Report for the 2017/18 financial year up to February 2019](#)
- [Appendix C – System Thinking Reports for Revenues and Benefits, Development Management for February 2019](#)

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 three indicators showing excellent performance:
 - Percentage of planning appeal decisions allowed against the authority's decision to refuse
 - Percentage of non-domestic rates collected
 - Days taken to process changes to Housing Benefit claims
3. There are two performance indicator showing as concern for the month of February
Days taken to process new Housing Benefit claims - We are currently working through a transition period to Universal Credit which is impacting on our performance. More detail can be found in Appendix C.
Working days lost due to sickness absence - It is anticipated that we will be below our target for absence for 18/19. As previously reported, there has been a significant increase this year in employees who have been absent for two months or more as a result of surgery and serious health issues for 2 or months. These cases are all proactively managed and we started to see levels reduce towards the end of 2018.
4. Monthly Performance Snapshot for February 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 Revenues and Benefits and Development Management report appear in [Appendix C.](#)

Monthly Performance Snapshot – February 2019



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

- An estimated **59%** of all waste collected was recycled in February
- **95%** of invoices received by us are paid within 10 days
- Total sales for the South West Academy Exhibition (12 Jan- 9 Feb) reached £ 3,589 taking February sales are up +2% YOY
- Thelma Hulbert Gallery Friends' Memberships have already exceeded last year's total with still a month to go (£1,175)
- We welcomed 363 visitors to the East Devon Business Centre (EDBC) in February (compared to 455 last year). Although this represents a drop it is still a significant increase on 2016 and 2017 visitor numbers. EDBC offices continue to be fully let. We welcomed a new tenant in February to fill an office which had only just been made vacant

Test headlines:

- Each day the UK government's digital team, rank the best tweets sent out by councils across the country. Our tweet about the official opening of the new building was ranked at 27th in the country.
- The second comedy night at the Manor Pavilion Theatre was a huge success, and the classic period whodunit Dead on Arrival completely sold out. The theatre has become so popular with local and national promoters, local groups, hirer's that it has already got some bookings confirmed for 2021.
- The Homelessness and Rough Sleeper Strategy 2019-2023 was formally adopted at the Cabinet meeting on 6th March 2019.
- The purchase of an 8 bed property in Exmouth, for use as temporary accommodation to meet the rising demand, has been completed.
- Queen's Drive Space in Exmouth granted planning permission for a further three years - Planning Permission has been given to extend the temporary uses at Queen's Drive Space, which means East Devon District Council can move forward with an exciting events programme for 2019 as well as an attractive food and drink offer for the summer months. The 3 year permission also means that there will always be some entertainment on this part of the seafront for residents and visitors whilst the permanent development of Queen's Drive takes place. More information about the forthcoming programme will be available on www.queensdrivespace.co.uk and on Facebook at www.facebook.com/queensdrivespace/.
- February's edition of the Economic Development team's Business and Economy Bulletin summarises government guidance for business preparing for Brexit. This edition also celebrates the early successes of social enterprise Propeller Exmouth which is aiming to drive forward a

new generation of technology businesses in the district. Also featured is the East Devon Enhancing Productivity Programme which is a business support initiative delivering free workshops and one-to-one support for pre-start and existing businesses across East Devon.

- Honiton 'Gate to Plate 2' to be held on Sat 10th August - Save the Date! - Back by popular demand, Honiton will again play host to what is becoming an annual celebration of East Devon's finest food and drink. Visitors can expect to see an even more diverse selection of local produce of the very highest quality. Event planning is well underway with preparations being made for a professional cooking demonstration featuring many of the products available to try and buy at the event. More details to follow.
- Following handover, the Relocation Team have now completed installation of furniture, fittings and equipment and Strata have now incorporated the new IT and AV systems into Blackdown House. The final two tranche of Officers have been relocated from Knowle and Blackdown House was open for business on Monday 11 February 2019 as required. Worksmart Workshops have been undertaken and useful comments advised which are now being considered and associated actions taken. Similar Workshops are due to be held in March. The Relocation and Strata Teams are now turning their attention to the clearance of the Knowle in readiness for Vacant Possession at which time PegasusLife will take ownership of the building.



Report to: **Cabinet**
Date of Meeting: 3 April 2019
Public Document: Yes
Exemption: None

Review date for release None

Agenda item: 12

Subject: **Environmental sustainability and climate change emergency.**

Purpose of report:

This report has been written to explore, highlight and refresh our environmental commitments and contributions towards addressing climate change.

As a council we are well placed to influence, promote and lead local initiatives to protect and enhance our environment, which is consistent with our valuing the outstanding environment theme in the Council Plan. There is logic in all local authorities working together on this agenda and the report proposes that we work with Devon County Council following their recent consideration of a climate change emergency motion.

Devon County Council's Cabinet has recommended that the authority declare a 'climate emergency' and forge ahead with a county-wide partnership to ensure that Devon is carbon neutral by 2050.

The notice of motion follows the latest warnings from the United Nation's Intergovernmental Panel on Climate Change (IPCC) of the devastation a 2°C rise in global temperatures could cause.

The DCC Cabinet's recommendation to Full Council that the authority declare the emergency was made at Devon County Council's Cabinet meeting on 9th January 2019.

The 15th Special Report from the IPCC, published late last year, also identifies the global benefits of limiting warming to 1.5°C by reducing greenhouse gas (GHG) emissions.

Consequently, DCC have said that they will be working with strategic partners across the county to ensure the county doing what it can to meet the IPCC carbon reduction recommendations.

Recommendation:

That we work with Devon County Council on a shared climate change programme, and signal our commitment to tackling climate change in areas where we can affect positive and meaningful change in our activities, and those of our partners, communities and residents.

Reason for recommendation:

To ensure that this Council states its position and contributes towards tackling climate change where we can make a positive impact. There is

an opportunity to work in collaboration with Devon County Council and others to ensure we are coordinated and have the greatest impact.

| | |
|---|---|
| Officer: | John Golding – Strategic Lead Housing, Health & Environment. |
| Financial implications: | There are no direct financial implications recommended in the report, there may be implication in future actions but these will need to be presented back to Cabinet for consideration. |
| Legal implications: | Legal Services have no specific comment to make at this time, advice can be provided in relation to individual actions in due course. |
| Equalities impact: | Medium Impact |
| Risk: | High Risk There is a high risk globally if we do nothing to try and combat the impacts of climate change. |
| Links to background information: | . |
| Link to Council Plan: | Delivering and sustaining an outstanding environment. |

1. Introduction

- 1.1 In this report I am suggesting that we review our commitments towards protecting our environment and identify a series of commitments that we will work towards (in partnership) aimed at reducing climate change, promoting environmental sustainability, and minimising the damaging impact of our occupancy of the planet.
- 1.2 I have tried to take global issues and make them relevant to interventions and actions that we as a small district council can do to affect positive change locally. This is consistent with the old Think Globally: Act Locally message that remains relevant today.
- 1.3 We have significant influence as a community leader and organisation committed to protecting and enhancing our outstanding environment. We have numerous environmental commitments contained in our Council Plan (**appendix 1**) and Service Plans that demonstrate our environmental credentials. However, we cannot be complacent and I am suggesting that we review our ambitions and challenge ourselves to higher aspirations and influence to protect our outstanding environment.
- 1.4 This report proposes that we work with other local authorities to provide greater weight and impact against climate change. Specifically, Devon County Council and other Devon districts, where joint action can bring about positive change. It is clear from the scientific evidence that radical change is required to manage the impact of climate change.
- 1.5 A useful resource in preparing this paper has been the LGA campaign called Climate Local. Although a few years old now the content remains relevant to local authority work in this field.
- 1.6 There are many environmental issues where we can influence behaviour, and others where we can through direct intervention, regulation and enabling change in the way individuals and communities act. As an example, the district heating scheme at Cranbrook has been innovative, and the work on the Greater Exeter Strategic Partnership (GESP) will influence reduced carbon emissions from new developments. The low carbon evidence base has been published www.gesp.org.uk/evidence.
- 1.7 At the end of 2018 the Government published an ambitious Waste and Resources paper which recognised the need to act in a meaningful way to change our use of natural

resources and waste production. The paper links with the Government's Environment Plan published earlier in 2018.

2. The recent DCC Climate Change motion

- 2.1 DCC have stated in a recent motion to their Cabinet that - Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350 ppm deemed to be a safe level for humanity;
- 2.2 In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;
- 2.3 Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;
- 2.4 Carbon emissions result from both production and consumption;
- 2.5 Devon County Council has already shown foresight and leadership when it comes to addressing the issue of climate change when back in 2004 we signed up to the Nottingham Declaration on Climate Change and has since recognised this in its strategy for responding to the Climate Change Act 2008 which underpins its strategies, actions plans, public statements and advice to businesses, residents and parish councils;
- 2.6 Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050;
- 2.7 The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published last month, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities;
- 2.8 Local Authorities around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.
- 2.9 The motion asked the Council to agree the following:
 1. All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change their policies. It is important for the residents of Devon and the UK that counties commit to carbon neutrality as quickly as possible;
 2. Local Authorities are uniquely placed to lead the world in reducing carbon emissions;
 3. The consequences of global temperature rising above 1.5 degrees Celsius are so severe that preventing this from happening must be humanity's number one priority; and,

4. Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

2.10 I am sure that there is much we empathise with in this motion.

3. Officer advice to DCC Cabinet

- 3.1 As part of the Cabinet report DCC officers advised - The 15th Special Report from the Intergovernmental Panel on Climate Change (IPCC) highlights the projected global effects of a 1.5°C warmer world, for example: 20-30% of all species will be at risk of extinction; 90% of tropical coral reefs will be lost; cereal yields will reduce; and droughts become more common. For the UK, average, annual precipitation is projected to increase by 10%.
- 3.2 The Special Report also identifies the global benefits of limiting warming to 1.5°C instead of 2°C: 50% fewer species will be at risk of major contraction in their geographic range; 10.4 million fewer people will be displaced due to sea level rise; 420 million fewer people will be exposed to extreme heatwaves; the chance of sea-ice-free Arctic summers will reduce to 1 in 100, instead of 1 in 10: and a shift in the geographic range of malaria only occurs above 1.5°C. The increase in average, annual rainfall over the UK is halved.
- 3.3 Global energy demand continues to rise, and the increase in 2017 was predominantly met by new gas installations, followed by investment in renewables mainly in China and the USA. Due to the continued reliance on fossil fuels, global greenhouse gas (GHG) emissions also rose in 2017, following a plateau between 2013 and 2016.
- 3.4 The IPCC recommend reducing global GHG emissions by 45% by 2030 in comparison to 2010 levels, reaching net-zero by 2050. The required scale of change to energy, industrial and infrastructure systems that need to take place to achieve this have no historic precedent. The UK Committee on Climate Change, the independent advisory body that monitors the implementation of the Climate Change Act, has been asked by government to recommend a revised target for the UK. This is expected in March 2019.
- 3.5 DCC's GHG emissions have reduced by 36% since 2012/13. DCC's Corporate Energy Policy targets are under review by the Environmental Performance Board to set more stretching, but realistic, goals. DCC also reviewed its Climate Change Strategy in 2018, which commits the authority to support the UK to meet its carbon targets by prioritising GHG reduction from its own activities, areas of influence and by encouraging others to do the same.
- 3.6 Achieving further significant cuts will require collective action - DCC cannot mandate or achieve this by itself. Becoming carbon neutral by 2030, just 12 years' time, does not appear to be feasible; a recent analysis shows that this would require the implementation of all current national policy measures in full and the development of substantial new policy at all levels of government where there are currently gaps. A 45% reduction by the same date, as recommended by the IPCC, should be the absolute backstop.
- 3.7 Collaborative discussions are already occurring within Devon to encourage more activity at strategic, community and individual levels. DCC could use its position to facilitate these further.
- 3.8 This presents an opportunity for us to work with DCC to define how, what and where we can contribute towards the climate change challenge.

4. A way forward

- 4.1 This is a huge subject matter and one where we must act now, and act decisively and collectively. The latest evidence indicates that radical action is required and not just further tinkering or shallow commitments, but action that has a genuine positive impact on climate change. This will require meaningful commitments and a significant change in lifestyles.
- 4.2 Our to be updated Council Plan needs to reflect our renewed commitments and demonstrate to our residents, partners and communities that we mean to make changes that may be unpopular with some, but necessary for the benefit of future generations.
- 4.3 Whilst we have the willingness to do something more meaningful we don't have the expertise in what is a complex and scientific work stream where specialist advice is required to ensure that our interventions are having the impact necessary. So I am suggesting that we should work collaboratively. DCC are working with the University of Exeter and others who can draw in the necessary experts to ensure that any plans we adopt have the impact we are seeking.
- 4.4 I propose indicating to DCC that we support their concerns around climate change and want to work with them to combat the worst effects of global warming, sea rise and environmental pollution.



PRIORITY THREE

Delivering and promoting our outstanding environment

page 45

✔ Outcomes

As well as delivering our day-to-day services, our focus is on achieving the following successful outcomes:

- Protection and enhancement of our natural and built environment.
- Abundant leisure opportunities and quality open spaces.
- Controlling pollution of the air, land and water via education and appropriate enforcement of environmental legislation.
- Further reductions in the waste that East Devon produces.

📅 Actions

Over the life of this Council Plan we will take the following actions to deliver these outcomes successfully:

- Enter into a new innovative recycling and waste collection contract extending the options for recycling and reducing waste that is incinerated or sent to landfill.
- Use the consultation feedback from the trials to roll out this recycling and waste service across the district.
- Adopt a Green Space Strategy, the purpose of which is to value and help protect our natural environment.
- Progress the actions and priorities set out in the Playing Pitch Strategy to deliver sufficient and flexible, good quality playing pitches.

📅 Day-to-day

Services which support East Devon's environment include:

- Keeping our streets and countryside clean and attractive by dealing with litter, graffiti, dog fouling and fly tipping and taking action against those who break the rules.
- Collecting your residual waste and recycling and helping you to recycle more.
- Maintain our parks and gardens to a high standard, and ensure that the features and activities encourage users to enjoy the facilities.
- Supporting the Areas of Outstanding Natural Beauty and Jurassic Coast partnerships to realise the environmental assets of our district.
- A countryside team that engages volunteers and local communities in managing our local nature reserves to help our wildlife flourish.
- Working to help promote East Devon's outstanding natural environment as a destination for nature based tourism and providing income for the local economy and local jobs.
- Working with our partners for the Areas of Outstanding Natural Beauty and Jurassic Coast to help promote East Devon's outstanding natural environment as a destination for nature based tourism and providing income for the local economy and providing local jobs.
- Valuing, protecting and managing our tree stock through education, advice and enforcement.
- Maintaining our wide range of assets (from play areas to bridges and beaches) in good condition.
- Working with our partners to support the management of flood risk and progress identified schemes that reduce the risk.
- Maintaining a programme of inspection of potentially polluting businesses and investigate complaints, concerns and polluting incidents reported to us.
- Providing property search information to ensure potential purchasers have all the necessary environmental and other official details made available to them.



Report to: Cabinet

Date of Meeting: 3 April 2019

Public Document: Yes

Exemption: None

Review date for release: None

Agenda item: 13

Subject: Adoption of the Blackdown Hills AONB Management Plan 2019-24

Purpose of report: East Devon District Council, together with Devon and Somerset County Councils, Mid Devon and South Somerset District Councils and Taunton Deane Borough Council, authorised the Blackdown Hills AONB Partnership to undertake a review of the Management Plan for the AONB by April 2019, as required under Section IV of the Countryside and Rights of Way Act 2000.

Public consultation on the review took place in autumn 2018; now, following endorsement by the AONB Partnership and final approval from the statutory consultee, Natural England, adoption of the AONB Management Plan by East Devon District Council and the other local authorities is required before lodging the Plan with Defra.

Recommendation: Formal Adoption of the Blackdown Hills AONB Management Plan

Reason for recommendation: Under Part IV of the Countryside and Rights of Way (CROW) Act 2000 the relevant local authorities are required to review the AONB Management Plans for the Blackdown Hills and East Devon AONBs at intervals of not more than 5 years. The review for the 2014-19 Plans needs to be completed by April 2019.

East Devon District Council with other local authorities has authorised the Blackdown Hills and East Devon AONB Partnerships to review the AONB Management Plans on their behalf.

Officer: Tim Youngs, Blackdown Hills AONB Manager

Tim.youngs@devon.gov.uk 01823 680682

Financial implications: Any financial implications are included within the AONB budget

Legal implications: The legal position is detailed in the report and no further comment is required.

Equalities impact: Low Impact

Risk: Low Risk

There are no risks associated with this decision

Links to background information: [Blackdown Hills AONB Management Plan 2019-2024](#)

Report in full

1.1 Under Part IV of the Countryside and Rights of Way (CROW) Act 2000, East Devon District, together with other local authorities was required to produce Management Plans for the East Devon and Blackdown Hills AONBs by April 2004 and subsequently review them at intervals of not more than five years. Along with all other relevant local authorities, East Devon District has authorised the East Devon and Blackdown Hills AONB Partnerships to carry out this duty on its behalf; this work has been co-ordinated by the AONB teams.

1.2 The CROW Act 2000 and guidance from Natural England /Defra provides advice on the scale, nature and content of Management Plans: A Management Plan should serve to highlight a vision for the AONB and contain objectives, policies and targets for the delivery of the Plan. The Plan should be reviewed every five years. The delivery of the Plan is coordinated through the AONB Partnership and subject to availability of funding from Defra, the Local Authorities, and other parties.

1.3 The review of both the East Devon and Blackdown Hills AONB Management Plan followed former guidance to ensure a broadly consistent approach both nationally and locally. Both Partnerships agreed that the reviews should be conducted with as light a touch as possible given the status of the UK's relationship with the EU and potential changes over the next five-year period, particularly in environmental policy and programmes, including the current Government review of National Parks and AONBs (the Glover review). The East Devon AONB Management Plan was presented to Cabinet for adoption in February.

1.4 The review process has been a participatory one, with members of the Partnership Management Group, local authority officers and other stakeholders involved in identifying key matters and considerations, in advance of a wider six-week public consultation on the revised draft (held October – November 2018).

1.5 The Plan was also screened under Strategic Environmental Assessment and Habitats Regulations Assessment regulations to ensure policies in the Plan meet these assessment requirements.

1.6 Following public consultation the draft Plan has been revised, and the final version of the Management Plan is required to undergo formal consultation with the statutory consultee, Natural England before local authority adoption.

1.7 At the time of writing we are awaiting formal approval for the Management Plan from Natural England, confirming that the Management Plan meets the legislative requirements of the Countryside and Rights of Way Act 2000. No issues are anticipated, and it is expected that this will be in place prior to the Cabinet meeting. The Blackdown Hills AONB Management Plan is recommended by the Blackdown Hills AONB Partnership to the Council for adoption as the statutory Management Plan for the Blackdown Hills Area of Outstanding Natural Beauty for the period 2019-2024. The Plan will be formally confirmed to Defra following local authority adoption.