



Agenda for Cabinet Wednesday, 10th July, 2019, 5.30 pm

Members of Cabinet

Councillors: B Ingham (Chairman), S Bond (Vice-Chairman), M Armstrong, J Bailey, K Blakey, P Faithfull, G Jung, P Millar, G Pook and I Thomas

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, 1 July 2019

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1 Public speaking

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

2 Minutes of the previous meeting held on 5 June 2019 (Pages 4 - 11)

3 Apologies

4 Declarations of interest

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

5 Matters of urgency: Additional works - Maer Road Car Park

Information on [matters of urgency](#) is available online

This report sets out a solution to an issue that has arisen during ongoing capital project works at Maer Road car park in Exmouth. Upon commencement of works it became apparent the car park construction was substantially poorer beneath the surface that had previously been assumed and now more extensive works comprising both new sub base and tarmac finish are required to complete the projects satisfactorily.

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 (Pages 12 - 13)

8 Minutes of Strata Joint Scrutiny Committee held on 30 May 2019 (Pages 14 - 17)

The [Strata Business Plan 2019-20](#) and beyond is linked for information.

- 9 Minutes of Scrutiny Committee held on 6 June 2019 (Pages 18 - 21)
- 10 Minutes of Asset Management Forum held on 13 June 2019 (Pages 22 - 26)
- 11 Minutes of Budget Working Party held on 26 June 2019 (Pages 27 - 29)

RECOMMENDED to Cabinet

Minute 3 - Medium Term Financial Plan and Transformation Strategy 2019 - 2029

that the actions identified for implementation in accordance with the Transformation Strategy be taken forward so as to enable a balanced budget to be set for 2020/21 and over the term of new Council

Matters for Decision

- 12 **Climate Change Emergency - Our Response** (Pages 30 - 57)

This report is intended as a high level discussion document to assist in exploring the council's organisational ambitions in relation to climate change and consider how this topic might feature on the new council's agenda and priorities.

Appendix A – Devon Climate Declaration

Appendix B – EDDC Climate Change Action Plan 2019-2025 (first draft)

Appendix C – Developing a Devon Carbon Plan

- 13 **Zero Carbon Development in the West End** (Pages 58 - 63)

To set out the key issues associated with achieving large scale zero carbon development in the West End of the District. To propose a way forward to address these issues and seek endorsement for undertaking a market engagement exercise in conjunction with Government.

- 14 **Long Lane Enhancement Scheme** (Pages 64 - 68)

To provide an update on progress with securing financial contributions towards the Long Lane enhancement scheme.

- 15 **Review of the Council's governance arrangements** (Pages 69 - 71)

At Annual Council it was confirmed by the Leader that the Council would have the opportunity of considering the alternative arrangements of a committee structure in place of the current Cabinet / Leader model. This report gives a brief background to the existing position and options for change and recommends that Members lead on the review of whether or not to adopt alternative arrangements.

- 16 **Revised arrangements for lone worker safety** (Pages 72 - 75)

These new arrangements for lone worker safety means that the council will have a simple and easy to use council wide system.

17 **Construction (Design and Management) Regulations 2015 Policy** (Pages 76 - 77)

At present the council have guidance notes on the requirements of these Regulations but no formal policy on how these matters are managed within the Council.

18 **Public Health Implementation Plan 2019/20** (Pages 78 - 81)

In the Council's Public Health Strategic Plan (2019 – 2023) it is recognised that a lot of our residents would like to be (and could be) in better health and we believe that as a provider of important public services we have an overarching responsibility to think about people's health and wellbeing in everything we do.

19 **Sid Valley Neighbourhood Plan Examiner's Report** (Pages 82 - 95)

To provide feedback and set out the proposed modifications following the examination of the Sid Valley Neighbourhood Plan.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

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

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 5 June 2019****Attendance list at end of document**

The meeting started at 5.30 pm and ended at 6.24 pm

1 Public speaking

There were no members of the public wishing to speak.

Councillor Steve Gazzard asked when the Phear Park Café, Exmouth was due to re-open under a new tenancy as this was expected to have been open by Easter this year. As well as being a well-run café this was also a community hub and residents were frustrated by the delay in its opening.

In response the Deputy Chief Executive acknowledged the frustrations felt and confirmed the lease had been agreed and would be completed shortly. He confirmed that once the café was opened full details of the new tenancy would be published through the Press, as well Exmouth Councillors being advised in order to inform their residents.

2 Minutes of the previous meeting

The minutes of the Cabinet meeting held on 3 April 2019 were confirmed and signed as a true record.

3 Declarations of interest

Cllr Susie Bond, Personal interest; Minute 7 – Involved in one of the grant applications

Cllr Paul Millar, Personal interest; Minute 12 – works in public affairs for Pennon Group and so declaring in case there are discussions on environmental issues that may relate to Pennon's business

Cllr Steve Gazzard, Personal interest; Minute 4 – Council house tenant

Cllr Steve Gazzard, Personal interest; Minute 7 – Member of Exmouth Town Council who have made one of the grant applications

Cllr Peter Faithfull, Personal interest; Minute 7 – Member of Ottery St Mary group involved in one of the grant applications

4 Matters of urgency - Exemption from Contract Standing Orders for temporary arrangements to ensure the ongoing maintenance of Council Homes

The Acting Housing Service Lead presented the report to seek approval for an exemption to Standing Orders in order to ensure continuity of repairs and maintenance to the Council's housing stock, during a period of demobilisation of the current contract for day to day repairs and work to void properties. The temporary arrangements that were required were for a period of approximately 4 weeks as part of mobilisation of the new Integrated Asset Management Contract.

The Portfolio Holder for Sustainable Homes and Communities stated that she supported this action taken and congratulated the department for their forward thinking on this issue, maintaining an ongoing resilience service to the council's tenants.

In answer to the question concerning sanctions against the existing contractor, the

Acting Housing Service Lead confirmed that penalties could be used and this was being looked into with advice from the Legal department. She also confirmed that tenant satisfaction forms were important and that tenants were involved in to what was the best way to collect this feedback.

RESOLVED:

that the Exemption from Contract Standing Orders to ensure continuity of service to Council tenants and the protection of the Councils housing stock in relation to day to day repairs and void management, be agreed.

REASON:

An exemption from standing orders was appropriate in the circumstances.

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

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

6 **Forward Plan**

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

7 **Minutes of New Homes Bonus Panel held on 19 March 2019**

Members received the Minutes of New Homes Bonus Panel held on 19 March 2019.

RESOLVED (1) that the following recommendations to support be agreed:

Minute 8 Budleigh Food Event - £2,687.28

Budleigh Salterton Chamber of Commerce on the condition that money be raised to pay for a similar event in 2020.

Minute 9 Application from Honiton transport to dementia support - £4,000 from Honiton Dementia Alliance. That an independent evaluation comparing the Honiton dementia scheme and the Ottery dementia scheme be a condition of the grant, and that this be paid for using some of the Communities Together Fund underspend.

Minute 10 Application from Lypstone Parish Council - £7,700

to reduce flood risk

Minute 11 Application from Newton Poppleford Playing Field Foundation – air ambulance landing site - £1,500

to put in a night landing site at Newton Poppleford playing fields.

Minute 12 Application from Ottery St Mary Help Scheme – Dementia Action Alliance and outreach - £10,390

1. the Ottery St Mary Help Scheme for £10,390, and
2. an independent evaluation comparing the Honiton dementia scheme and the Ottery dementia scheme be a condition of the grant and that this be paid for using some of the Communities Together underspend.

Minute 13 Seaton Town Council - £2,921.60

Seaton Town Council's request for funding to produce a leaflet for walkers from walks

from Sidmouth to Seaton.

Minute 14 Application from Stoke Canon Parish Council – Improving section of footpath - £1,960

the application from Stoke Canon Parish Council to improve a 100m of public footpath.

Minute 15 Application from Uplyme Parish Council – Air ambulance landing site - £2,783.62

the Uplyme Parish Council application for an air ambulance landing site.

Minute 16 Application from Upton Playing Fields Association – footpath - £5,000

the application from Upton Playing Fields Association for funding for £5,000 to create a safer access to Glebe Park sports and playing fields.

Minute 17 Application from West Hill Parish Council – Football goals - £1,581

West Hill Parish Council's application to purchase full size portable goals.

Minute 19 Any other business

Exmouth Town Council - Drainage - £1,292.90

Exmouth Town Council's request to keep the Exmouth Dragon's Den 2018/19 underspend of £4,938.76 to distribute through a similar Dragon's Den style event in 2019/20.

Otterton Parishes Together Fund project 2016/17 - £3,289.50

Otterton and Woodbury Parish Councils request to spend the £3,289.50 grant from the Parishes Together Fund 2016/17 on urgent repairs and replacements for footpath signage in their parishes.

RESOLVED (2) that the following recommendation not to support be agreed:

Minute 18 Seaton Majorettes purchase of 30 new batons - £3,360

Seaton Majorettes application for funds for 30 new batons.

8 Minutes of Arts and Culture Forum held on 27 March 2019

Members received and noted the minutes of Arts and Culture Forum held on 27 March 2019.

9 Minutes of Exmouth Regeneration Board held on 28 March 2019

Members received and noted the minutes of Exmouth Regeneration Board held on 28 March 2019.

10 Minutes of Housing Review Board held on 28 March 2019

Members received the minutes of Housing Review Board held on 28 March 2019.

RESOLVED (1) that the following recommendation be agreed:

Minute 74 Brexit preparations

a number of the housing plans be stress tested as part of the housing service's preparations for Brexit to ensure service continuity for tenants and customers.

Minute 75 Future rent policy

future rent setting had regard to the national rent setting policy as set out in rents for social housing from 2020 published by the Ministry of Housing, Communities and Local Government.

Minute 76 Review of landlord disabled adaptation policy

1. the revised landlord disabled adaptation policy to council homes, and
2. delegated authority be given to the Acting Housing Service Lead in consultation with the Portfolio Holder for Housing for any minor amendments to be made to the policy prior to its publication.

Minute 79 Tenancy agreement changes update

1. note the results of the consultation, and
2. the implementation of the revised tenancy agreement in line with the process outlined in the report.

11 **Minutes of Overview Committee held on 28 March 2019**

Members received the minutes of Overview Committee held on 28 March 2019.

RESOLVED (1) that the following recommendations be agreed:

Minute 28 Poverty, homelessness, human rights and health and wellbeing in East Devon - scoping report

the additional suggestions for key areas of focus go forward to the Devon Strategic Partnership Welfare Task Group for consideration alongside Cabinet's agreed themes of the scope.

Minute 29 Environmental sustainability and climate change emergency

to recommend to Council 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.

12 **Minutes of Recycling and Waste Partnership Board held on 24 April 2019**

Members received the minutes of Recycling and Waste Partnership Board held on 24 April 2019.

The Portfolio Holder for Environment wished to thank the outgoing Portfolio Holder Councillor Tom Wright for his valued contribution over the last 4 years.

RESOLVED (1) that the following recommendation be agreed:

Minute 46 Green waste collection service update and year end accounts

that 100% of the profit be distributed on the 60/40 (EDDC/SUEZ) split.

Minute 50 HM Government strategy consultation

the SUEZ Director of Municipal Services be invited onto the Recycling and Waste Partnership Board.

RESOLVED (2) that it be noted:

That any plans contemplated for the possible reduction to the level of the council's recycling service would not make any sense to the protection of the Environment, to customer service and to the council's budget. The implications to increased collections were not trivial.

13 **Minutes of South and East Devon Habitat Regulations Executive Committee held on 29 April 2019**

Members received and noted the minutes of South and East Devon Habitat Regulations Executive Committee held on 29 April 2019.

14 **Payhembury Neighbourhood Plan ('the Plan') to be formally 'made'**

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.

RESOLVED:

1. that the Plan was made so it forms part of the development plan, and
2. that the Neighbourhood Plan Steering Group be congratulated on all their hard work and advised that the Plan would now carry full weight in the planning decision making process.

REASON:

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

15 **Revenue and Capital Outturn Report 2018/19**

The Strategic Lead Finance presented the report which explained that during 2018/19 budget monitoring reports had informed members of budget variations and the anticipated year-end financial position. The report contains the final position for the year and compares the outturn position against the budgets set. The report outlined the implications of the results on the Council's reserves and made recommendations on any reserve transfers.

The Council's Unaudited Accounts were issued on 31 May 2019 and published on the Council's website, it was anticipated the Audited Accounts would be issued on 25 July 2019.

RESOLVED:

that the outturn position for 2018/19 including the implications and proposals relating to the Balances and Reserves held by the Council, be consider and agreed.

REASON:

To report the outturn position for the Council's approved budgets for the General Fund, Housing Revenue Account and Capital Expenditure. This financial position aligns to the Council's Statement of Accounts but the position in this report was presented in a style that accords to the budget setting and monitoring reports that members receive.

Members were asked to note the variations from the budgets identified within the report and consider the final position. It was appropriate at this stage to reflect on the reserves and balances held by the Council and determine if these were the right reserves at the right levels going forward.

16 **Leader's annual report on urgent executive decisions**

Under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations, there was a requirement to submit a report containing details of each executive decision which was agreed as urgent under Regulation 11 (cases of special urgency) where less than 5 days' notice could be given.

RESOLVED:

That the annual report on urgent executive decisions be noted.

17 **Appointment of Lead Members**

The Leader presented his list of Lead Members for the Cabinet to approve in accordance with the delegation given by Annual Council on 22 May 2019.

Axminster	Ian Hall	Sustainable Homes and Communities
Culture	Joe Whibley	Environment
Cranbrook (NEW)	Kim Bloxham	Strategic Development
Exmouth	Nick Hookway	Strategic Development
Business and Employment	Mike Allen	Economy
Flooding	Chris Pepper	Environment
Health and Wellbeing	Tony Woodward	Sustainable Homes and Communities
Member Development and Engagement	Maddy Chapman	Corporate Services
Neighbourhood Planning	Bruce de Saram	Strategic Development
Building Design and Heritage	Helen Parr	Economy
Procurement	Dan Ledger	Finance
Rural Economy	Andrew Moulding	Economy
Sport and Recreation	Vicky Johns	Economy
Tourism	Chris Wright	Economy
Youth		Corporate Services
Community Safety	Tom Wright	Environment
NPPF	Kathy McLauchlan	Strategic Development
Environmental Health	Olly Davey	Environment
Council Housing	Tony McCollum	Sustainable Homes and Communities
Affordable Homes	Paul Jarvis	Sustainable Homes and Communities
Parks and Open Spaces	Nick Hookway	Environment
Consultation		Corporate Services
Branding and Marketing		Corporate Services
Customer Services	Jack Rowland	Corporate Services
Estates and Property Services	Sam Hawkins	Asset Management
Commercial Property	Geoff Pratt	Asset Management
Inclusivity (NEW)	John Loudoun	Corporate Services

RESOLVED:

that the Leader's list of Lead Members be agreed and delegated authority be given to the Leader to appoint further Councillors to the vacant positions.

Attendance List

Present:

Portfolio Holders

M Armstrong
K Blakey

S Bond
P Faithfull

B Ingham
G Jung

P Millar
G Pook

I Thomas

Cabinet apologies:

J Bailey

Also present (for some or all the meeting)

Dean Barrow
Kim Bloxham
Maddy Chapman
Iain Chubb
Alan Dent
Steve Gazzard
Ian Hall
Marcus Hartnell
Paul Hayward
Mike Howe
Sarah Jackson
Dan Ledger
Tony McCollum
Kathy McLauchlan
Andrew Moulding
Helen Parr
Val Ranger
Jack Rowland
Rylance Eleanor
Philip Skinner
Brenda Taylor
Eileen Wragg
Tom Wright

Also present:

Officers:

- Richard Cohen, Deputy Chief Executive
- Simon Davey, Strategic Lead Finance
- Amy Gilbert-Jeans, Service Lead Housing
- John Golding, Strategic Lead Housing, Health and Environment
- Henry Gordon Lennox, Strategic Lead Governance and Licensing
- Karen Jenkins, Strategic Lead Organisational Development and Transformation
- Amanda Coombes, Democratic Services Officer

Chairman

Date:



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: Additional works - Maer Road Car Park

Purpose of report: This report sets out a solution to an issue that has arisen during ongoing capital project works at Maer Road car park in Exmouth. Upon commencement of works it became apparent the car park construction was substantially poorer beneath the surface that had previously been assumed and now more extensive works comprising both new sub base and tarmac finish are required to complete the projects satisfactorily. The lowest "whole life" option for the works is recommended

Recommendation: **The Cabinet approve**

- (i) Option 3 being taken forwards, as it is the lowest whole life cost option for maintaining the car park, results in least disruption to the car parks users, maximises the availability of the car park and its income generating potential, and**
- (ii) an exemption to Contract Standing Orders in relation to the additional costs.**

Reason for recommendation: To ensure this car park is fit for purpose and will provide a convenient and useful facility for car, coach and motorhome parking in the town this summer and will continue to do so into the future.

Officer: Andrew Ennis, Service Lead, Environmental Health & Car Parks
aennis@eastdevon.gov.uk – 01395 517452

Financial implications: As stated the original budget approved was £75,240 to move the entrance and £47,000 for part resurfacing of the car park. The entrance work costs are now estimated to have increased to £96,000 and a request is being made to an enhanced resurfacing scheme at £178,000. This is an increase in the total overall budget of £151,760, the reasons for which are set out in the report. If approved this will be accommodated within the capital program and funded accordingly.

Legal implications: It is permissible for Cabinet to approve an exemption to contract standing orders under Rule 3.1 and the logic seems sound in this instance. Given the urgent nature of this decision, it is also possible for Cabinet to approve the budgetary spend in accordance with Rule 4 of the Budget and Policy Framework Rules. Parking Services should ensure that instructions are given to Legal Services to advise on the terms of the additional contract works and to consider any existing rights that exist in relation to the land, in good time, if the recommendation contained in this report is approved.

Equalities impact: Low Impact

Risk: There is a risk that these engineering works will be considered to be an inappropriate and disproportionate expense by some people. However the project has already been approved through the Council's capital programme and although these additional unforeseen costs are significant, they are necessary to enable us to complete the project properly. There are obvious risks to our reputation associated with the additional expenditure, but these should be weighed against the risk of delivering car park improvements that would require expensive remedial works again in a very short time,

Links to background information:

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

Report in full

1 Background

- 1.1 There are two capital projects at Maer Road Car Park, one to relocate the entrance to allow for larger vehicles, and a second to resurface the worst area of the car park and reline it, with a budget of £75,240 and £47,000 respectively.
- 1.2 The relocated entranceway has resulted in an income of £125,000 from the adjacent developer for access across the car park.
- 1.3 The costs of the works to relocate the entrance have risen, predominantly due to costs associated with lowering an electricity main and BT cable across the new entrance location which weren't initially identified in that location.
- 1.4 This means that the forecast costs for completion of the entrance works are now at £96,000.
- 1.5 In addition, on further investigation with the entranceway works currently ongoing, we have found that the construction of the existing surface in the vicinity of the new entrance appears to be made up of compacted stone with a thin veneer of tar and chip over the surface. Given the limited depth of construction, and surface condition, it is likely that the car park would deteriorate very rapidly once larger vehicles are allowed onto it.
- 1.6 The poor surface also presents an issue for relining the car park to allocate spaces for coaches, and allow circulation of vehicles from the new entrance. With lining companies advising that they would be unable to remove the existing lines without creating ruts and holes in the surface. Again this issue was not anticipated at the time of the capital bid for resurfacing.

2 Options

- 2.1 3 options for the car park have been put forwards
 - 2.1.1 Option 1 - Do minimum to operate the new car park layout over the summer
 - 2.1.2 Option 2 - Do something to last until next financial year
 - 2.1.3 Option 3 - Resurface the car park to provide a good surface and base layer for 20 years
- 2.2 Option 1 to do the minimum, would be to black over some of the existing lining, with patching of some of the worst areas of the surface, to allow circulation of coaches and marking of some coach bays, whilst leaving the car parking largely unchanged. However, it is likely that further works would

be needed this autumn to continue to operate the site, as a minimum that would be reblacking of lines, and substantial areas of patching. The initial works would be within the existing capital budget, but with this option it is anticipated that there would be an increase revenue costs of circa £10-15k in the short term, and longer term capital costs.

- 2.3 Option 2 to do something until next financial year, would involve patching, surface dressing (tar and chip) the car park and relining. There would be a period during which we'd need to leave the car park unlined for the surface dress to settle, and surface dressing isn't ideal on car parks where there are lots of low speed turning movements. There is likely to be a delay of 6-8 weeks for these works, as surface dressing companies are busy with highways works this time of year. This would not address the underlying structural issues with the car parks construction but would likely hold together the surface for the next 6-12 months, and would increase current capital costs approximately £67,000, with additional capital costs in 9 months' time.
- 2.4 Option 3 provides a more comprehensive solution. This would be to lay a full depth car park construction (80mm binder course, 40mm surface course) across the areas of poor construction, overlay the remaining areas with 40mm stone mastic asphalt (SMA) surface course, and reline. This would provide a design life of 20 years depending on traffic levels, and the cost of these works has been estimated by our contractor to amount to around £178,000.
- 2.5 In terms of timing, it made sense to enable the car park to be fully available for the planned beach rugby event at the end of June, then carry out option 3 works around the beginning of July thereby ensuring that works can be completed in two phases maintaining half of the car park available throughout, with completion prior the main summer holiday season in mid to late-July.
- 2.6 It makes sense to procure these additional works as part of the main project already underway and that contractor has already obtained estimates from suitably qualified and experienced sub-contractors who have confirmed that they are able to complete the works within the agreed budget and timescale. Given the benefit of using the existing contractor, it is necessary for Cabinet to authorise an exemption to contract standing orders on this basis, although noting that the contractor themselves have obtained a number of estimates to seek to ensure best value.
- 2.7 For reference, the reasons for upgrading the specification of this car park to accommodate coaches and heavy motorhome links back to the development of Rolle College playing fields (where the car park will now provide access to the paying pitches and changing / club facilities), the redevelopment of Queens Drive long stay car park resulting in the loss of all twelve coach parking bays that used to be available and the Exmouth motorhome and campervan pilot where it was agreed with Devon County Council and Exmouth Town Council that EDDC would offer off-street overnight campervan and motorhome facilities here to encourage customers to remain in the town following prohibition of overnight parking of these vehicles on-street along the seafront in 2018.
- 2.8 Finally, with Exmouth regeneration underway and Queens Drive long stay car park now providing just 23 (instead of 198) car parking spaces we see this car park as becoming more strategically important for the town and in consequences, becoming a valuable car parking asset capable of generating significant revenue in future years following implementation of phase 2 and phase 3 regeneration projects.

3. Urgency

- 3.1 This decision requires capital spend outside of the existing budget. Normally this would necessitate approval by Council. Given the urgency of now getting these works authorised and completed before the holiday season starts, it is not practicable to convene a Full Council meeting in time. Accordingly under Rule 4 of the Budget and Policy Framework Procedure Rules Cabinet are asked to approve this decision in lieu.

EAST DEVON DISTRICT COUNCIL

Forward Plan - For the 4 month period: 1 August 2019 to 30 November 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			
Beer Pilot	Deputy Chief Executive	Asset Management Forum 13 June 2019	TBC	TBC	N	Part A
Public Toilet Review consultation	Service Lead – StreetScene	Overview Committee	September 2019		N	Part A
Public Toilet Review Outcome	Service Lead - StreetScene		5 February/4 March 2020	26 February/22 April 2020	N	Part A

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Members of the public who wish to make any representations or comments concerning any of the key decisions referred to in this Forward Plan may do so by writing to the identified Lead Member of the Cabinet (Leader of the Council) c/o Democratic Services, Council Offices, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ. Telephone 01395 517546.

July 2019

STRATA - JOINT SCRUTINY COMMITTEE**THURSDAY, 30 MAY 2019**Present:

Councillors Atkinson, Clarence, Hookway, Lyons, Nuttall, Swain and Twiss

Members Attendance:

Councillors Wrigley

Apologies:

Councillors Millar, Pierce and Rylance

Officers in Attendance:

Paul Nicholls, Strata Board Director

Simon Davey, Strata Board Director

Laurence Whitlock, Strata IT Director

Adrian Smith, Robin Barlow, David Sercombe, Martin Millmow, Strata Departmental Heads

Trish Corns, Democratic Services Officer

1. ELECTION OF CHAIRMAN 2019-20

The Democratic Services Officer advised that the Chairmanship was appointed on a rotational basis. Exeter City Council had chaired the Committee 2017-18, and Teignbridge for 2018-19.

Resolved

That Councillor Twiss from East Devon District Council is elected Chairman for the 2019/20 Municipal year.

2. MINUTES

The minutes of the meeting held on 14 January, 2019 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. QUESTIONS FROM THE PUBLIC UNDER PROCEDURAL RULES

None

5. QUESTION FROM MEMBERS OF THE COUNCILS UNDER PROCEDURE RULES

None.

6. STRATA PERFORMANCE REPORT COVERING PERIOD JANUARY 2019 UNTIL MAY 2019

The [Strata Business Plan 2019-20](#) and beyond is linked for information.

The Strata IT Director presented the report on the last five months of activity, the aim being to provide background to the core areas of specialisation within Strata and identifying key activities, successes and areas for improvement. 2019 was proving to be a very productive and successful time for Strata.

The successes include a high level of end user satisfaction, business requests BCR's being delivered based on priority and value, Global Desktop and Global Comms platform having excellent levels of system availability, the out of office hours service is proving to be effective in resolving issues outside of normal working hours, and Strata staff are excelling in supporting the ever growing IT demands of the three authorities.

The Team Leads for: Infrastructure and Support; Security and Compliance; Business Systems and Intelligence; and Document Centre were in attendance and presented their areas of the report.

Key areas included:

- The level of savings of £620k generated by Strata was, for the second year running, in excess of those committed to in the business plan of 2016.
- The KPI's (Key Performance Indicators) show all areas of Strata are performing well, this is despite a heavy workload. Strata resources supported the authority election teams. New technology is being rolled out to councillors to support the work they do and to move towards a more paperless model, such as the roll out of ipads to Teignbridge and East Devon Councillors.
- An IT Trainer has been appointed to provide resource to users across all three authorities with accessible IT training. The new post will help to develop and deliver a portfolio of solutions and services based on user demand (includes Officers and Councillors) from all three authorities IT systems.
- The roll out of the new telephony platform into TDC, and the migration of Skpe for business is proving successful.
- Strata are supporting Exeter's Agile working project and assisting in defining a device strategy.
- East Devon's relocation was incredibly smooth from an IT perspective, and is testament to the Global Desktop and Global Comms environments that have been built and deployed over the last four years.
- Strata Security team is doing an excellent job in protecting the three authorities against the dangers of cyber-attack.

- The Strata Service Desk continues to deliver a successful service with a high level of Customer Satisfaction being achieved at 96.8%

Resolved

The report be noted and supported.

7. CONVERGENCE UPDATE

The Strata Head of Business Systems and Business Intelligence summarised the report circulated with the agenda which updated the Committee on the progress of convergence projects between similar services across the three authorities. This had resulted in the delivery of financial savings.

Resolved

The report be noted and supported.

8. PROJECT MANAGEMENT PROCESS

The Strata Head of Business Systems and Business Intelligence referred to the report circulated with the agenda on a framework to deliver projects. The methodology is based on Prince 2 but streamlined to reflect how Strata and the Authorities can best work together to deliver the projects. The report detailed how each project would be prioritised and each stage in the completion of a project, and provided a more robust project management system. The proposed system was receiving good feedback.

Resolved

The report be received and supported.

9. FINANCE REPORT

Strata has delivered £623,800 of revenue savings in 2018-19 and refunded £620,000. The key variations were set out in the report. The saving of £623,800 compared well against the original target of £381,961. Previous monitoring reports had highlighted the fact that the saving would be higher than outlined in the original business case.

The report also set out variations in the capital budget.

Resolved

The report be noted and supported.

**10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
EXCLUSION OF PRESS AND PUBLIC**

Resolved

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

11. STRATA PEOPLE DATA REPORT

Consideration was given to the report circulated with the agenda. The report updated the Committee on workforce management information.

Resolved

That the report be noted and supported.

CLLR P TWISS
Chairman

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

The meeting started at 6.00pm and ended at 8.00pm.

1 Public speaking

There were no members of the public present.

2 Minutes of the previous meeting

The minutes of the Scrutiny Committee held on 7th March were confirmed and signed as a true record. Subject to an amendment that the proposal attributed to Cllr Chapman was actually made by Cllr Eileen Wragg.

3 Declarations of interest

There were no declarations of interest.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt item(s)

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

6 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.

7 Annual report of the Scrutiny Committee 2018/19

The Annual Report of the Scrutiny Committee 2018/19 was noted.

8 Members iPads - Services Required

Members welcomed Cllr Ian Thomas, Portfolio Holder, Finance who explained the background to the IT project for Councillors which was based around iPads, Modern.Gov and a limited number of Applications. The project had started in 2017/18 and rolled out over the last few months. However, although the hardware was fit for purpose, the software was found to be too restrictive and did not do what members wanted.

Cllr Thomas reported that he had held a meeting with Strata and they had agreed to a significant modification programme which had also been agreed by SMT. He reported

that he would work with Cllr Jess Bailey, Portfolio Holder, Corporate Services on approving these modifications.

It was expected that these would include being able to have Council emails back on mobile phones and other personal devices, moving back to a modified form of Office 365 for Councillors which would mean being able to use calendars and emails on other devices.

Members noted that Strata Service Solutions had appointed a new IT Trainer who would help train all Councillors who needed it, on the new iPads. Cllr Thomas requested that all Councillors provide a paragraph with all the IT requirements that they needed to be able to do their job. He reported that by the beginning of July he and Cllr Jess Bailey would have some significant improvements and would hope to be able roll these out towards the end of July and have a significantly better platform.

It was acknowledged that the system did not need to be as secure as originally configured as 90% of what Councillors needed was widely available in the public domain.

Comments from Councillors included:

- Would Calendars transfer to personal equipment? There was an issue for security of personal calendars.
- Members wanted emails on their personal iPads and iPhones.
- The reintroduction of Office 365 would be a step forward.
- 95% of what Councillor required was included in the comments from Cllr Ian Thomas. Consideration should be given to of setting up a TAFF to contribute to the project and cover the other 5% of issues.
- Need to spend more time with members to establish all the issues.
- What was the cost and lifespan of the devices? It was expected that this would exceed the lifespan of the Council.
- There was still the issue of insurance for the iPads. It was confirmed that that they were not covered under personal household insurance.
- What was the cost of the project so far? The cost was £48,000.
- What problems did Exeter City Council experience when introducing the project and why did we not adopt their system? The first 3 months at Exeter City Council were reported to be very difficult and there had been a number of issues.
- Why was there not a group of Councillors contacted to test the scheme before it evolved? It was acknowledged that this could have been better handled.
- Now that Councillors had gone Paperless/Paperlight, would officers be encouraged to do the same?
- Importance of working towards further reduction the use of paper in the Council was much needed.
- Any training for Councillors had to include the option of one-to-one training.
- Would there be a talking software option as some time? This would be pursued.

Laurence Whitlock, Strata IT Director, reported that since the introduction of new printers Strata had captured who printed the most amongst the Departments. Statistics of usage were being compiled since January. A new IT Trainer had joined recently and was looking at the best ways to train people and producing a training strategy for Councillors.

Some concern was expressed over the need for Councillors to turn around to speak to others behind them at meetings in the Council Chamber. It was noted that the configuration of the Council Chamber would be considered by Cllrs Bond and Bailey.

Councillor Ian Thomas thanked all members for their positive contribution. He reported that there would be a phased programme and properly thought through.

Councillors requirements for IT improvements were as follows:

Essential

Access to emails on personal devices and mobiles.

Diary synchronisation.

Filing systems and contact groups

Printing facilities

Training to be customised to Councillor preference, such as one to one, one to three or group.

Ability to create and manipulate documents.

Desirable

Talking software

Out of office replies

When using the extranet there is a need to log in several times during a session.

Forwarding of sensitive attachments as currently these are blocked.

Taking photos and sending them to Councillors iPad's via air drop

Members were requested to send details of their required improvements to Members IT systems to Cllrs Ian Thomas and Jess Bailey and/or Cllr Dent who would forward the comments.

The issue of establishing a Members IT User Group was discussed and it was acknowledged that this could be useful, but Laurence Whitlock advised that the joint Strata Scrutiny Committee has Members from all three authorities on it so it was felt that this was sufficient.

RESOLVED that the above comments be forwarded to Strata for action.

9 **Forward Plan 2019/20**

Members gave consideration to items for the Forward Plan. The following were proposed:

- Gigaclear and Connecting Devon and Somerset to discuss Broadband.
- South West Water Capacity and its obligations to take on additional volumes.
- Service Plans & Budget
- Use of Plastics
- Council Enforcement Policy with particular regard to planning conditions,
- Police & Crime Commissioner – to discuss modern day slavery, closure of police stations, county lines and deployment of additional police officers

10 **Date of next meeting - To note that at the request of the Chairman the date of the next meeting has been changed to Thursday 18 July 2019 at 6.00pm.**

Attendance List

Councillors present:

A Dent (Chairman)
K Bloxham (Deputy Chair)
T McCollum
K McLauchlan
V Ranger
J Rowland
E Rylance
J Whibley
M Chapman
I Chubb
B De Saram
P Jarvis
F King

Councillors also present (for some or all the meeting)

Kevin Blakey
Colin Brown
Susie Bond
Peter Faithful
Sam Hawkins
Mike Howe
Ben Ingham
Geoff Jung
Dan Ledger
Andrew Moulding
Helen Parr
Ian Thomas

Officers in attendance:

Simon Davey, Strategic Lead - Finance
Laurence Whitlock, Strata IT Director
Anita Williams, Principal Solicitor & Deputy Monitoring Officer
Adrian Smith, Strata Head of Infrastructure and Support
Chris Lane, Democratic Services Officer

Councillor apologies:

C Gardner
C Pepper

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Asset Management Forum held at Blackdown House, Honiton on 13 June 2019****Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.45 am

1 Public speaking

There were no members of the public wishing to speak.

2 Welcome to new AMF members

The Chairman welcomed new members to the Asset Management Forum.

The Forum received a presentation from the Senior Manager for Property and Estates, and the Senior Manager for Regeneration and Economic Development, to outline the role of the Forum, and give an overview of the General Fund land and buildings portfolio, the work of the Property and Estates Team, and the work of the Regeneration Team.

The presentations are available to Councillors from their library facilities.

3 Notes from the previous meeting

The notes of the previous meeting held on the 25 February 2019 were agreed as a true record.

4 Declarations of interest

Minute 8. Performance Dashboard.
Councillor Andrew Moulding, Personal, President of local sports club.

Minute 8. Performance Dashboard.
Councillor Ian Thomas, Personal, Chairman of local sports club.

Minute 8. Performance Dashboard.
Councillor Kevin Blakey, Personal, Cranbrook Town Councillor.

Minute 11. Beer Pilot and Community Asset Transfers generally - verbal update.
Councillor Geoff Pook, Personal, Chairman of Beer Parish Council.

5 Matters of urgency

There were no matters of urgency.

6 Confidential/exempt item(s)

There were no items which officers recommended to be dealt with in this way.

7 Performance Dashboard

The latest version of the Performance Dashboard was presented to the Forum. The Senior Manager for Property and Estates reiterated the purpose of the dashboard being to give an overview of key performance data and project delivery

He specifically highlighted:

- Capital receipts
- Significant improvement in completed Lagan cases – facilities and reactive maintenance
- Commercial Investment Decision Making Group had met to consider a commercial investment opportunity in line with the adopted Commercial Investment Framework. A decision has been made to proceed with this investment opportunity.

Questions and debate on the items within the dashboard covered:

Manage the Beer Parish Council asset devolution scheme proposals.

Clarity was requested on the description of the objective relating to the asset devolution pilot. The Chairman confirmed that whilst the pilot centred around Beer Parish, the concept was to prove the model through progress of the pilot, with the intention to apply elsewhere in the District if the model was successful.

Comment was made that there was frustration in the time it was taking to reach an agreement on the pilot and a wider policy; particularly as other areas such as Seaton, wanted to progress on asset devolution.

The objective was explained by the Chairman as a move away from one-off transfer of an asset, to an approach of bringing a number of assets together as a package, covering both cost and income elements. It was not intended as a “cherry pick” exercise. The model also had to be proven that it could be scaled up to cover asset devolution to larger parishes and towns. The Chairman advised that the appetite of other authorities to take on assets would be gauged once the scheme offer was understood. He reminded the Forum that a total of £2.6m of non-statutory assets was in the District Council ownership, so it was important to explore options with those assets in order to help towards the budget gap in the medium term financial plan (MTFP).

Councillor Thomas reiterated his concerns about the concept. Selecting packages of assets based on place would have an impact on service for the district, such as with economies of scale.

The Senior Manager for Property and Estates outlined work already undertaken on a draft policy of the devolution of assets, which would come before the Forum alongside the Beer Pilot scheme proposals. The draft policy is already prepared. At that point, wider consultation would take place. The Chairman requested detail back to the Forum that outlined the pros and cons for asset devolution for both place and service elements.

Seaton Moridunum

Councillor Hartnell updated the Forum that there had been some progress, and local Ward Members and the Town Council had been updated.

Transfer of Younghayes Centre and Worship land, Cranbrook

Councillor Blakey advised the Forum that Cranbrook Town Council were ready to complete, pending outstanding remedial repairs. In response, the Senior Manager for

Property and Estates requested a definitive list of outstanding works from the Town Council.

8 **Property Matters Newsletter**

The Senior Estates Surveyor highlighted elements of the Property Matters Newsletter, including:

- Mobile banks boosting car park income;
- New Property Records and Administration Officer in post;
- Housing valuation work previously undertaken externally, was now carried out by the Estates Team. This provided both savings and efficiencies to the HRA, and this would be reviewed after six months to quantify those savings;
- Completion of asset valuation work which forms part of the Council's Statement of Accounts.

9 **Seaton Workshop Units**

Seaton workshop development covers two sites: Colyford Road and Fosseyway Park. The background to the two sites was set out in the report to the Forum.

Through the use of consultants, a more cost effective and simplified design for the Fosseyway Park site has been produced, with some of those changes outlined to the Forum. Whilst the specification had now reduced from the earlier design, the general cost of construction had increased negating any saving from a reduced construction specification. Rental values have not materially increased during the preceding years so the viability is not dissimilar to that presented previously to the Forum.

The report set out the initial viability work, indicating that if the Council wished to proceed, funding would be required, and obtained through the PWLB. In order to ensure a positive cashflow in year 1 and for the early years, that loan would need to be over 40 years. This issue would need exploring further to determine if this was appropriate for this construction type, as usually any such borrowing for this kind of build is in the region of 20 – 30 years borrowing term.

The Colyford Road site needed further consideration by officers about its suitability for such units, or if the asset would be better utilised for other purposes.

Debate on the sites covered:

- Need to take a strategic view on both sites, but in particular the Colyford Road site, in the wider context of the aspirations of Seaton in providing suitable sports pitches and other development alongside need for workshop units;
- Frustration at lack of progress in reaching an outcome for both sites;
- Agreement that further exploration of alternative uses for the sites needed to be undertaken. Officers would discuss the sites further, from both the Property and Estates Service and Planning Service, utilising the newly appointed Planning Delivery Manager;
- If the use of modular units for workshops had been considered as another means of driving down cost.

ACTION:

1. Appropriate officers meet to develop alternative solutions for the sites in the context of the development of the town as a whole. This will include engagement with local Ward Members and Seaton Town Council;

2. Check whether modular units had been considered in redesign work.

RESOLVED:

That the Forum receive a report back to their September meeting with outcomes from consideration of alternative solutions.

10

Beer Pilot and Community Asset Transfers generally - verbal update

The Senior Manager for Property and Estates gave an update to the Forum on the pilot, further to earlier discussion under the Performance Dashboard, as follows:

- Work continues with Beer Parish Council to prepare a robust business case, whereby the transfer of assets at Beer can take place at no extra cost to the Council, mitigating future cost liabilities on the Council, and facilitating local management and 'ownership' of assets.
- A report was issued to Strategic Management Team (SMT) in April setting out proposals, and a clear direction was given by SMT that the Council remains absolutely committed to the transfer, but that it needs to be cost neutral from year 1.
- This has generated some challenges, in that StreetScene fixed costs (staffing and vehicles) remain; and whilst those services can be redeployed, there is still a net cost to the Council, and therefore maintenance and cleansing for a period costs both Beer Parish Council and EDDC.
- Constructive discussions have continued with Beer Parish Council to refine the business model to ensure that it can be broadly speaking cost neutral in year 1 to the Council, with savings then being generated over the short to medium term, but at the same time making sound business sense for Beer Parish Council.
- The business model broadly works through Beer Parish Council having Beach Court Car Park transferred to them to provide an ongoing income, a further contribution from car parking revenue tapering down to zero after a time and a commitment by Beer Parish Council to continue using and funding StreetScene services, but on the premise that this tapers down to zero after a period of time.
- Further refining is needed of the business case such as the tapering period/ StreetScene obligations and funding.
- Interim arrangements have been put in place to enable Beer Parish Council to manage events this season.

The intention was to return to the Forum with an agreed scheme, alongside a draft policy for the wider District, at the September meeting or sooner if practicable.

Attendance List

Councillors present:

G Pook (Chairman)

I Thomas

K Blakey

S Bond

Councillors also present (for some or all the meeting)

M Armstrong
A Moulding
M Hartnell

Officers in attendance:

Tim Child, Senior Manager Property and Estates
Richard Cohen, Deputy Chief Executive
Rob Harrison, Senior Estates Surveyor
Lorna Todd, Regeneration Assistant
Debbie Meakin, Democratic Services Officer
Alison Hayward, Senior Manager Regeneration & Economic Development

Councillor apologies:

B Ingham
P Millar

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Budget Working Party held at Council Chamber, Blackdown House, Honiton on 26 June 2019****Attendance list at end of document**

The meeting started at 2.30 pm and ended at 3.50 pm

1 Notes of the previous meeting

The notes of the previous meeting held on the 17 October 2018 were confirmed as a true record.

2 Declarations of interest

Note 3. Medium Term Financial Plan and Transformation Strategy 2019 - 2029.
Councillor Paul Millar, Personal, Member of a CAB Working Party as an Exmouth Town Councillor.

3 Medium Term Financial Plan and Transformation Strategy 2019 - 2029

The Strategic Lead for Finance gave a brief outline of the role of the Budget Working Party, and set out the main elements of the Medium Term Financial Plan. Specifically, he highlighted to the Party:

- The final approved budget position for 2019/20;
- Net service costs explained, with some examples;
- Building into the plan what changes or demands were expected in the future, and therefore built in as cost add ons;
- Income sources such as grants, council tax and other elements;
- £2.133M shortfall in 2020/21;
- The growing shortfall in the budget if no changes are made to rectify that gap.

He also highlighted the Transformation Strategy, and elements within that to deliver savings and income streams. Whilst delivering the Transformation Strategy was expected to help the shortfall, there was still an expected £739K shortfall for 2020/21.

The Strategy held more detail on the elements that the Strategic Management Team were working to deliver:

- Savings identified behind the Council's agreed targets;
- Maximising the value of Council assets through commercial thinking;
- Asset Review in terms of performance/value;
- Actively pursuing alternative service delivery methods and models.

In summary, the Strategy was in place to deliver services as efficiently as possible before making more difficult decisions to provide a balanced budget.

The Chairman reminded the Party that the Council had to set a balanced budget.

In response to questions on the information presented to the Party, the following points were made:

- Enterprise zone business rate income was ring fenced;

- Government planned rebasing of business rates was still expected, although unknown, and therefore taken into account in the MTFP;
- A 2% increase in council tax level was assumed for the MTFP, alongside expected increase in properties. Annually the Government issue referendum limits which if breached would require a local referendum to agree an increase above those limits. Town and Parish Councils were currently not limited by these restraints and some had increased their local precept;
- New Homes Bonus funds were used in part towards revenue, but the majority was assigned currently to the Capital Program;
- Efficiency work included reviewing existing Service Level Agreements;
- Some of the savings identified would require difficult decisions by Members to implement;
- Innovation was key to build on what had already been identified;
- The General Fund reserve was sat within the adopted range;
- Financial benefits and district benefits from an asset were explained.

The Strategic Lead for Finance then highlighted additional actions being identified under the Transformation which would bridge the remaining funding gap to enable balance budgets to be set over the term of the new Council. It was noted a significant element of these saving came from staffing costs.

RECOMMENDED to Cabinet

That BWP recommend to Cabinet that the actions identified for implementation in accordance with the Transformation Strategy be taken forward so as to enable a balanced budget to be set for 2020/21 and over the term of new Council.

Attendance List

Councillors present:

B Ingham
M Armstrong
J Bailey
D Barrow
K Blakey
P Faithfull
G Jung
P Millar
G Pook
I Thomas (Chairman)
S Bond

Councillors also present (for some or all the meeting)

N Hookway; J Loudoun; M Rixson; S Jackson; A Moulding

Officers in attendance:

Simon Davey, Strategic Lead Finance
John Golding, Strategic Lead Housing, Health and Environment
Karen Jenkins, Strategic Lead Organisational Development and Transformation
Debbie Meakin, Democratic Services Officer
Mark Williams, Chief Executive

Councillor apologies:

Chairman

Date:



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: **Climate Change Emergency – Our Response.**

Purpose of report:

This report is intended as a high level discussion document for Cabinet to assist in exploring our organisational ambitions in relation to climate change, consider how this topic might feature on the new Council's agenda and priorities, explore what is realistic and achievable, timescales, consider partnership working, how the activity might be resourced, and how we can act as an influencer and enabler of individuals and business to change behaviours that have a positive impact on reducing greenhouse gas emissions.

The Cabinet is invited to sign a declaration and give a steer, which will influence the development of an EDDC action plan, a series of commitments, and the process for contributing towards challenging reductions in greenhouse gas emissions. This approach needs to be consistent with international, national and regional efforts to limit further climate change.

As part of our considerations we need to form a view on:

- The extent of our ambitions in this area;
- Whether we are looking to be a Carbon Neutral Council and engage in carbon offsetting;
- How we establish an emissions baseline for Council activities/buildings (essential if wanting to become carbon neutral);
- How this ambition will be articulated politically, through communications and in the Council Plan;
- The resourcing requirements and financial implications;
- How we embrace this as a one council activity touching all Services;
- The extent to which we will work in partnership with others;
- How our education, influencer, and enabling role will operate;
- The wider policy context and where we can make meaningful interventions.

I am suggesting that our initial priority will be centred on what we can do to progress towards being a carbon neutral council, we will also need a focus on how we can influence and support our residents, businesses and visitors reduce their carbon footprint, and lobby government to ensure that national and international change is brought about to reduce the emission of greenhouse gases.

Recommendation:

That the Council:

- (1) Signs up to the Devon Climate Change Emergency Declaration; and**
- (2) Works with Devon County Council and other partners to produce a Devon wide action plan on climate change; and**
- (3) Prepares an East Devon District Council action plan to reduce our carbon footprint; and**
- (4) Links our plan with the work of the Low Carbon Task Force; and**
- (5) Supports the acceleration of the proposals to achieve zero carbon development in the West End of the district (separate paper on this agenda); and**
- (6) Reflects climate change as a priority in the new Council Plan and future updates of Service Plans and relevant corporate policies.**

Reason for recommendation:

To commit to an agenda and series of actions that have a positive impact on reducing our carbon footprint and greenhouse gas emissions with the ambition of becoming carbon neutral as an organisation at the earliest opportunity.

To also work in partnership with others on the climate change agenda to ensure that we are supporting and influencing regional, national and international responses, and assisting our businesses, communities and visitors reduce their carbon use.

Officer:

John Golding Strategic Lead – Housing, Health & Environment.

Financial implications:

Further work is required to identify cost implications of any action proposed and members will need to consider affordability when these are presented back to Cabinet and Council to consider. The Medium Term Financial Plan currently identifies a funding gap for the Council of £2.7m over the term of the new Council and actions are being taken to address this position; the Plan and expected costs do not include any additional costs that may arise from this Council response to climate change.

Legal implications:

The report raises no specific legal implications requiring comment. The recommendations identify further work to be carried out and as this progresses it is likely that legal issues will need to be considered in more detail and the Legal Team will assist with this as required.

Equalities impact:

Medium Impact

The policy approach being advocated will affect all sections of society and require individual, organisational and business changes. This will require changes in lifestyle, including procurement, travel, energy use, food and water consumption etc. Some groups may require additional support to make the changes necessary and this will be considered as part of the action plan and implementation plans.

Risk:

High Risk

The risk of not addressing this global problem is set out in scientific evidence and indicates devastating consequences for the planet if all individuals, organisations, communities, and countries do not reduce their carbon footprints.

Links to background information:

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Link to Council Plan: Delivering and promoting our outstanding environment.

1. Introduction

1.1 To reduce our carbon footprint as an organisation we must:

- Make some challenging lifestyle and operational choices for the organisation, our staff, our partners and our communities;
- Change our procurement requirements to only purchase sustainable products and services;
- Consume less (refuse and reduce), reuse and recycle;
- Operate a Green Travel Plan and a green fleet;
- Use our green spaces for carbon offsetting;
- Ensure that our buildings are energy efficient;
- Change work styles – less travel, more skype;
- Do our business differently with zero emissions in mind;
- Set an example for residents, communities, business, and visitors;
- Promote good practice to our residents, communities and businesses.

1.2 The report to Cabinet in April 2019 set a context for the future ambitions of the new Council in relation to climate change, and proposed that we work in collaboration with DCC and others to have the greatest impact in reducing our carbon footprint. There was an expressed desire to be more ambitious and explore the implications of a challenging carbon neutral aspiration for the Council.

1.3 Once we have identified the changes we need to make, and commence implementation, we then need to encourage, facilitate, and enable others to do the same. We might strive for being a carbon neutral council and actively engage in carbon offsetting.

1.4 While governments and advocates have largely focused on the technological, economic and political changes needed to reduce greenhouse gas emissions, far less attention has been paid to engaging with the public in the global response to climate change. Public attitudes will have a huge impact in terms of the behaviour change required, and the need for significant lifestyle change, where normal (in wealthy countries) and aspirational (in developing countries) change is crucial if we are to limit global warming to 1.5 degrees centigrade. Being close to our communities we can play an important role in this regard.

1.5 The international community agreed in 2015 to 'pursue efforts' to limit global warming to 1.5 degree centigrade by the end of the century as part of the Paris Agreement on climate change. The IPCC (Intergovernmental Panel on Climate Change) October 2018 report lays out a vast array of social, political, cultural, economic and technological changes this would entail.

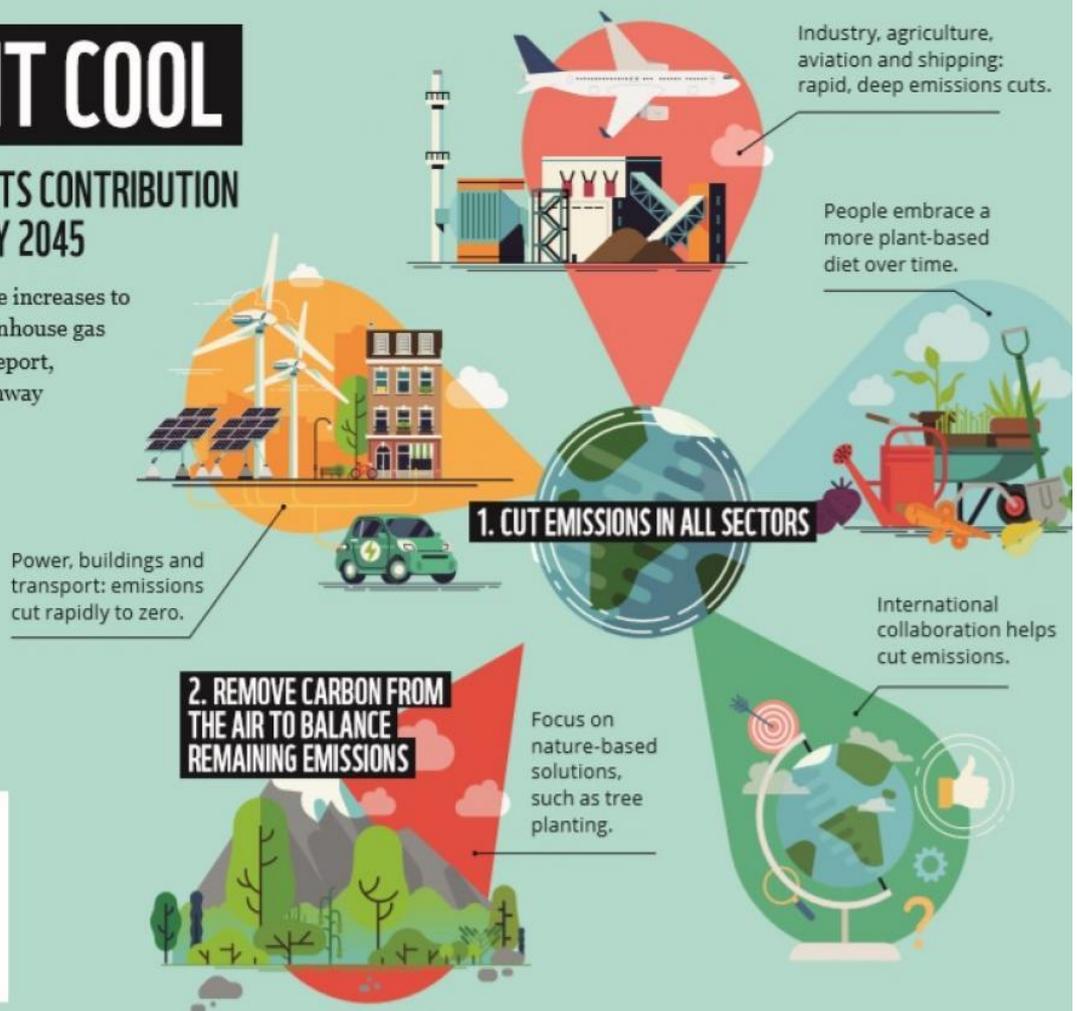
1.6 We know that accelerated action across the world is necessary to achieve this goal. Radical action is required if the challenging targets are to be attained. The position is illustrated in the graphic below.

KEEPING IT COOL

HOW THE UK CAN END ITS CONTRIBUTION TO CLIMATE CHANGE BY 2045

To help limit global temperature increases to 1.5°C, the UK must reduce greenhouse gas emissions to net zero. WWF's report, *Keeping it Cool*, provides a pathway to achieve that by 2045.

wwf.org.uk/keepingcool



2. Climate Change policy context

- 2.1 **International** - The Paris Agreement – the latest within the United Nations Framework Convention on Climate Change – unites the world to continue global efforts to deal with greenhouse gas (GHG) emissions mitigation and adaptation to the changing climate. As of February 2018, 197 parties have signed the agreement and the great majority have ratified it. The Agreement expects each country to plan its own ambitious emissions reduction activity and report its contribution to mitigating global warming in order to keep global temperature below 2°C above pre-industrial levels and ideally 1.5°C. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change.
- 2.2 **National** - Nationally, the UK is committed under the **Climate Change Act (2008)** to an 80% greenhouse gas emissions (GHG) reduction in 2050 compared to 1990 levels, and has legislated five-year carbon budgets covering the period to 2032 that are compatible with this long-term target. The UK was the first country to set legally binding carbon budgets. The scope covers the entire UK economy namely from the power, buildings, industry, transport, agriculture and waste sectors. Where emissions rise in one sector, the UK will have to achieve corresponding falls in another to meet the carbon budgets. Recently the outgoing Prime Minister announced a more ambitious target of 100% net carbon reduction by 2050.
- 2.3 Central government departments develop policy to reduce GHG emissions for the sectors they have responsibility over. Progress against the carbon budgets is reported annually by the **Committee on Climate Change (CCC)** which assesses both absolute emissions, and a range of performance indicators such as the carbon intensity of

electricity, emissions from new cars, number of lofts and walls being insulated etc. The CCC state that the first carbon budget has been met and that the UK is currently on track to outperform the second (2013-17) and third (2018-22) carbon budgets, but is not on track to meet the fourth, which covers the period 2023-27.

- 2.4 In the 2017 Clean Growth Strategy the government introduced a voluntary target for the wider public and higher education sectors in England called the Emissions Reduction Pledge 2020. This target would aim to reduce greenhouse gas emissions across these sectors by 30% by 2020/21, compared to a 2009/10 baseline. Government will review progress against this voluntary target by 2020, with a view to moving to a more ambitious target, or potentially a mandatory target, such as a 50% reduction by 2030.
- 2.5 **Local** - Local authorities play an important role in delivering national and international carbon targets and adaptation. They can drive and influence emissions reductions and improved resilience in their areas through the services they deliver, their role as community leaders and major employers, and their regulatory and strategic functions. For county councils this includes strategic plans related to Education, Highways, Waste Disposal, Public Health, Passenger Transport, Flood Risk Management, Minerals and Waste Planning, Economic Development, Transport Planning, Social Care, Libraries and Trading Standards all of which can play a role in area-wide climate change mitigation and adaptation.
- 2.6 For districts this includes more energy efficient buildings and assets; changes to our vehicle fleet and travel arrangements; changes to procurement and contract management; WorkSmart; embracing reduce/reuse/recycling; improved flood and coastal protection; planning; regeneration; community development; educating/enabling our communities to be more greenhouse gas emissions aware.

3. **Climate Change and its impacts**

- 3.1 There is a scientific consensus that climate change is occurring. The UK Met Office defines climate change as “a large-scale, long-term shift in the planet's weather patterns or average temperatures”. The **Intergovernmental Panel on Climate Change (IPCC)** states that “Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen” and also that “Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems”. There is a very strong consensus in the scientific community that humans are the cause of this recent climate change.
- 3.2 Globally, the 21 warmest years on record (since 1880) have all occurred within the 23 years since 1995. Average temperatures in England have risen by approximately one degree Celsius since the 1980s, with 2014 being the warmest year on record. Annually, South West England has almost 21 fewer days of air frost than it did in 1961.
- 3.3 Annual mean precipitation over England and Wales has not changed significantly since records began in 1766. However, South West England is experiencing almost 10% more precipitation now that it did in 1961. Seasonal rainfall is highly variable, but over the same period has decreased in summer and increased in autumn and winter; 28% more in autumn, almost 16% more in winter, and approaching 9% less in summer.
- 3.4 All regions of the UK have experienced an increase in the contribution to winter rainfall from heavy precipitation events between 1961 and 2006. In summer, all regions except northeast England and northern Scotland show decreases.

- 3.5 Severe windstorms around the UK have become more frequent in the past few decades, although not above that seen in the 1920s. The 1990s saw 14 strong wind events, compared to 4, 5 and 8 in the 1960s, 1970s and 1980s respectively. These observations are correlated with the strength of the North Atlantic Oscillation for which no trend is identifiable. Relative sea level (sea level taking into account changes in land height due to post-glacial rebound) in the South West has risen by approximately 250mm since 1916.
- 3.6 The 2009 UK Climate Projections (UKCP09) provide likely projections of climate change for the UK, UKCP09 gives projections for a number of scenarios, each of which suggest a different pathway of economic and social change over the course of the 21st Century; it is not possible to assign probabilities to each scenario. The current global emissions trajectory indicates that the “High” emissions scenario best represents the current status quo. Under this scenario, by the end of the 21st Century central estimates are that mean summer temperatures in Devon will increase by 2 – 3°C (with the warmest summer day being 4 – 6°C hotter) and that precipitation will increase by 20 – 50% in the winter and decrease by 30 – 40% in the summer. Upper and lower end estimates are more extreme, but are equally likely to occur as the central estimates.
- 3.7 Projected climate changes will result in a number of threats and challenges to the UK. The UK’s Committee on Climate Change has identified the **top six areas of climate change risks** for the UK:
1. **Flooding and coastal change** risks to communities, business and infrastructure - climate change may lead to increases in heavy rainfall and significantly increased risks from fluvial and surface flooding by mid-century. Rising sea levels may further increase the risk of flooding and erosion along our coastline.
 2. **Risks to health, well-being and productivity** from high temperatures - warming UK temperatures, combined with demographic change, may lead to an increased risk of overheating. The number of heat-related deaths in the UK could more than double by the 2050s from a current baseline of around 2,000 per year.
 3. **Risk of shortages in the public water supply**, and for agriculture, energy generation and industry - climate change combined with population growth may put greater pressure on water availability. By the 2050s, many catchments across the UK will need to manage water deficits and competing demands for water for public supply.
 4. **Risks to natural capital**, including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity - there is clear evidence of northwards shifts in species distributions and the timing of seasonal events due to climate change. This poses threats to our natural capital and the goods and services it provides, from timber, food and clean water to pollination, carbon storage and the cultural benefits of landscapes and wildlife.
 5. **Risks to domestic and international food production** and trade - extreme weather can affect international food production, trade and supply chains. Longer-term incremental changes in climate will affect agricultural productivity in regions that are important for food production. At the same time, climate change will present risks and opportunities for domestic production.
 6. **New and emerging pests and diseases** and invasive non-native species affecting people, plants and animals - there is an urgent need for research in the next five years to improve our understanding of how climate change will affect the threat of

pests and diseases and the best approaches to monitor, detect and manage outbreaks and develop resilience to disease.

4. Towards a Devon wide and EDDC Climate Change Action Plan

- 4.1 There is overwhelming global consensus that society must rise to the challenge of tackling climate change. East Devon is a leader and influencer on Climate Change and we should aim to inspire individuals, businesses and other organisations to commit to take action to reduce the districts carbon footprint.
- 4.2 We have been working on a Climate Change Declaration with other Devon local authorities (**annex 1**) this involves local authorities and a number of other public sector organisations. It has been produced to reflect the climate change emergency and demonstrate a renewed commitment to reduce the amount of greenhouse gas emissions and carbon use. As a sign of our commitment I am suggesting that we adopt the Declaration and agree to deliver the commitments.
- 4.3 A Local Action Plan is being developed (still in draft form) as part of the declaration commitments (**annex 2**), with actions to be delivered by a range of organisations from the public, private and voluntary sectors. Progress will be monitored and reported on annually by the Council. There is an expectation that local action plans are produced within six months of signing the Declaration. A series of workshops are being planned to engage staff and Members in shaping and delivering the action plan.
- 4.4 I am proposing that our local action plan covers the following priorities, addressing the key themes, and identifying the meaningful contributions we can make towards the following:

Energy Supply

- Reduce electricity consumption within the commercial and public sectors
- Introduce smart meters and energy storage solutions in East Devon
- Develop heat supply networks to deliver low carbon heat in East Devon
- Increase the amount of energy generated locally using renewable technologies

Low Carbon Development

- Buildings in East Devon to be built to high standards of energy efficiency incorporating on-site renewable energy where possible
- Retrofit energy efficiency measures into East Devon buildings
- Improve properties to reduce fuel poverty in East Devon
- Enable the uptake of Green Deal and associated grants in East Devon
- Minimise the 'embodied carbon' incorporated in construction projects
- Continue to develop planning policies that:
 - support the reduction of greenhouse gas emissions directly and indirectly from the district
 - reduce the risks of climate change to the communities of East Devon

Natural Environment

- Improve the quality and connectivity of natural habitats
- Promote Nature Recovery Corridors
- Encourage local community groups and businesses to become more involved in the management of local green spaces
- Use green spaces for carbon offsetting

Water Supply and Flooding

- Manage demand for and supply of water to reduce the expected impact of water shortages on consumers and on wildlife
- Reduce the carbon footprint of water supply and water heating
- Reduce the risk of damage due to flooding and coastal erosion

Transport

- Develop a transport infrastructure which supports more low carbon travel options for people in East Devon
- Reduce energy use and embodied energy in transport infrastructure
- Manage transport infrastructure and services to prepare for climate change
- Encourage non-car travel for all sectors of the population, through targeted advice, incentives and enforcement
- Reduce the air pollution from vehicles

Purchasing, Supply and Consumption

- Enable people to make sustainable purchasing choices
- Support and encourage local purchasing and the development of local supply chains
- Promote and encourage new business models focused around the 'circular economy'
- Develop standards and the commitment to sustainable procurement in both the public and private sectors
- Increase recycling rates
- Reduce waste by supporting the re-use and repair of products and materials

Education, Communication and Influencing Behaviour

- Further integrate sustainable behaviour promotion and practice throughout schools, colleges, universities, and workplaces
- Ensure that communication which is aimed at influencing climate change related behaviour is delivered in a consistent and targeted way
- Engage organisations in the private sector, including residential and commercial landlords, in effective action to reduce their carbon footprint
- Develop the market for climate change related local business and the skills to ensure that local jobs are created in line with the growing low carbon economy

Community

- Build community activity relating to sustainable communities
- Build community resilience to climate change and self-sufficiency (collective and individual)
- Reduce consumption by building a 'sharing economy'
- Build an 'alternative economy' focused on quality of life and emphasising sustainable communities

4.5 If we are really ambitious we should aim to become **Carbon neutral**. Carbon neutrality is a term used to describe the action of organisations, businesses and individuals take to remove as much carbon dioxide from the atmosphere as each put in to it. The overall goal of carbon neutrality is to achieve a zero **carbon footprint**.

4.6 Having a net zero carbon footprint, refers to achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal (often through carbon offsetting) or simply eliminating carbon emissions altogether (the transition to a post-carbon economy). It is used in the context of carbon dioxide-releasing processes associated with transportation, energy production, and commercial/industrial processes.

4.7 To become carbon neutral we need to accurately measure our carbon footprint. In the past we have performed calculations to show our carbon use and these have been reported on our website:

<http://eastdevon.gov.uk/property-services/carbon-footprint/>

The assessment needs to be brought up to date so we have a baseline from which to measure the reductions that we plan to make, and make informed intervention decisions.

4.8 The **Low Carbon Task Force** – for a number of years we have been part of a task force and have made some valuable progress towards reducing carbon use in the greater Exeter area, and developing a vision for continuing reductions over the next few years. The Mission of the Low Carbon Task Force is to:

- reduce carbon emissions in the Greater Exeter area
- increase energy efficiency and renewable energy generation
- enhance energy resilience
- realise non carbon benefits, including a reduction in air and noise pollution.

4.9 The members of the task force are all engaged in delivering low carbon projects as part of their remit. Collectively, the task force commissions research, develops joint strategies, has an agreed action plan, bids for funding and supports a range of implementation projects. The task force has a strong track record and ambitious plans for the future.

4.10 The partners are: Devon County Council, East Devon District Council, Exeter City Futures, Exeter City Council, Heart of the South West Local Enterprise Partnership, Local Energy Hub, Mid Devon District Council, Regen, Royal Devon & Exeter NHS Trust, Teignbridge District Council, and the University of Exeter.

4.11 The Low Carbon Task Force was set up in September 2011, and all parties involved in creating the Task Force signed a Memorandum of Understanding (MoU) to formally recognise this collaborative and innovative partnership. The MoU was revised in April 2019 to include additional partners.

4.12 The principle objectives of the MOU are to:

- Reduce carbon emissions
- Increase energy efficiency and renewable energy generation
- Reduce fuel poverty
- Promote the transition to a zero carbon economy
- Secure opportunities for business development and job creation
- Bring about additional benefits to the community including: Education, Training, Job Creation and Community Engagement in energy.
- Project development including funding for innovation and pilot schemes
- Support Exeter City Futures 12 goals.

4.13 The Low Carbon Task Force have undertaken some impressive work and have an action plan that sits alongside the Devon commitments, with a series of actions that are entirely consistent with the ambitions I am proposing in this report. It makes sense to tap into the expertise in the task force, and to align our ambitions towards carbon reduction.

4.14 There is a separate report to Cabinet on actions to move our West End towards zero carbon. This is an ambition and opportunity entirely consistent with the commitments in the Climate Change Declaration and our emerging action plan. Our large scale developments

such as we are seeing in the West End are areas where we need to be innovative to ensure that new development is having a minimal negative impact on our environment.

- 4.15 **Carbon offsetting** is a position where a reduction in emissions of carbon dioxide or other greenhouse gases is made in order to compensate for emissions made elsewhere. Carbon offsets are measured in tonnes of carbon dioxide-equivalent (CO₂e). One tonne of carbon offset represents the reduction of one tonne of carbon dioxide or its equivalent in other greenhouse gases.
- 4.16 There are two markets for carbon offsets. In the larger, compliance market, companies, governments, or other entities buy carbon offsets in order to comply with caps on the total amount of carbon dioxide they are allowed to emit.
- 4.17 In the much smaller, voluntary market, individuals, companies, or governments purchase carbon offsets to mitigate their own greenhouse gas emissions from transportation, electricity use, and other sources. Offsets typically support projects that reduce the emission of greenhouse gases in the short- or long-term. A common project type is renewable energy, such as wind farms, biomass energy, or hydroelectric dams. Others include energy efficiency projects, the destruction of industrial pollutants or agricultural byproducts, destruction of landfill methane, and forestry projects. Some of the most popular carbon offset projects from a corporate perspective are energy efficiency and wind turbine projects.
- 4.18 The **Kyoto Protocol** has sanctioned offsets as a way for governments and business to earn carbon credits that can be traded on a marketplace. The protocol established the Clean Development Mechanism (CDM), which validates and measures projects to ensure they produce authentic benefits and are genuinely "additional" activities that would not otherwise have been undertaken. Organisations that are unable to meet their emissions quota can offset their emissions by buying CDM-approved Certified Emissions Reductions.
- 4.19 Offsets may be cheaper or more convenient alternatives to reducing our fossil-fuel consumption. However, some critics object to carbon offsets, and question the benefits of certain types of offsets. Due diligence is recommended to help businesses in the assessment and identification of "good quality" offsets to ensure offsetting provides the desired additional environmental benefits, and to avoid reputational risk associated with poor quality offsets. We have opportunities to explore carbon offsets through for example a tree planting programme on our land.
- 4.20 A **circular economy** is an alternative to a traditional linear **economy** (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life. I am recommending that we adopt the circular economy approach wherever we can in our Council activities.
- 4.21 As well as creating new opportunities for growth, a more circular economy will:
- Reduce waste
 - Drive greater resource productivity
 - Deliver a more competitive UK economy.
 - Position the UK to better address emerging resource security/scarcity issues in the future.
 - Help reduce the environmental impacts of our production and consumption in both the UK and abroad.

The *circular economy* is an alternative to our current *linear economy* based on *take, make and throw away*, which assumes the earth has *infinite resources*. It is an

economy designed to be *regenerative* and *restorative*, keeping resources in use at their *highest value* for as long as possible.

Practically that means an economy where products, components and materials are designed and made for reuse, refurbishment, recycling and safely returning materials to the planet. Promoting the circular economy should be an important part of our action plan going forward. We should adopt these principles as part of our actions to reduce our carbon reliance.



5. Next steps

- 5.1 I would advise that we sign up to the **Devon Climate Change Declaration** to show our commitment to the challenge. Following this we need to adopt an ambitious **action plan** that sets out how we become carbon neutral, how we influence and lead others to achieve the same, and how we influence and lobby government to achieve national and international change. A process to produce the Devon action plan is being finalised (**annex 3**) and this will include a form of Citizens Panel to engage our wider community, including business.
- 5.2 Your officers have been scoping the task, gathering information and working with partners. Assisting us has been DCC's Climate Change manager and Exeter University Centre for Energy and the Environment. From this work we now know that:
- In 2016 each person in East Devon emitted 5.0 tonnes of CO₂. While this is down by 30% from 7.1 tonnes per head 10 years ago, incremental CO₂ emissions reduction gets harder.
 - Straight line extrapolation would give zero carbon in the next century.
 - Zero carbon in ten years will require radical behaviour change and the rapid uptake of zero carbon technology.
 - Of the 5 tonnes per person in 2016, 1.3 tonnes is from Commercial & Industrial sources (including agriculture), 1.6 tonnes from domestic and 2.4 tonnes from transport.
- 5.3 We know that changes in individual's behaviour will be key to achieving targets requiring us to:

- Travel less.
- Walk and cycle more.
- Live cooler in winter and warmer in summer.
- Consume less and re-use more.
- Eat less red meat and dairy products and waste less food.

5.4 In addition, we need to champion **Action to reduce energy consumption**

- Travel regulation to reduce vehicle and air travel e.g. through road pricing (with support for low income households) and high charges on and/or rationing of air flights.
- A carbon tax which raises all energy prices to cut energy consumption (with income support for fuel poor households).
- Regulation of energy efficiency in buildings which requires building owners to significantly improve building fabric thereby reducing energy consumption (with subsidies for low income households).
- Regulation to ensure true zero carbon (in use) new buildings.
- Regulatory and/or financial incentives to reduce consumption of stuff and encourage re-use.
- Regulatory and/or financial incentives to reduce red meat and dairy consumption and cut food waste.

Action to increase renewable energy generation

- Regulation to take diesel and petrol vehicles off the road and convert all transport to a combination of zero carbon electric and/or biogas and/or hydrogen fuels.
- Regulation to require the conversion of heating to renewables either through the installation of electric heat pumps and/or connection to heat networks supplied with 100% renewable heat and/or a greened gas grid (converted from methane to bio methane and/or hydrogen).
- Heat storage in homes and on a large scale where there are heat networks.
- The generation of 100% renewable electricity locally and nationally for all consumption. This expansion needs to plan for current demand plus the significant increase in electricity consumption which will be brought about by EVs and heat pumps. This step change would require a radical departure from current practise and would see the very wide scale installation of PV, the adoption of onshore wind turbines in all technically suitable sites (including ANOBs for example) and deployment of electricity storage (battery) technology at all scales.
- Changes in agricultural practise to reduce beef and sheep production and fertiliser usage.

5.5 The likely impacts will be:

- A rise in the costs of clean energy.
- Significant additional capital expenditure on energy efficiency and energy systems.
- Potential public resistance and dissatisfaction.

Whilst the barriers will include:

- Political
- Cultural
- Psychological

- Economic
- Technology

5.6 So in conclusion, we can see that the analysis of the climate change challenge clearly points to a radical change required in lifestyle that results in reduced reliance on carbon and greenhouse gas emissions. We have a big job to do, and doing nothing is not an option. We need to 'get our own house in order' as well as encourage communities, business, visitors and individuals share our aspirations. Our position is articulated in the Devon Climate Change Declaration and the evolving Devon and Local Climate Change Action Plans.

Devon Climate Declaration

1. This Declaration has been prepared by a consortium of public, private and voluntary organisations collaborating through a Devon Climate Emergency Response Group. It sets out an ambition to tackle climate change that covers all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate here.
2. We are aware of the significant implications of climate change for Devon's communities; it is already affecting our environment, infrastructure, economy and health & wellbeing. If not addressed, the impact on future generations will be profound and the ability to meet the United Nation's Sustainable Development Goals will be severely compromised.
3. We understand that the Intergovernmental Panel on Climate Change (IPCC) has advised that carbon emissions must reduce globally by at least 45% by 2030 from 2010 levels and reach net-zero by 2050 if we are to avoid the worst effects of climate change by keeping warming below 1.5 degrees.
4. We will lead in the global response to climate change through our collective action, innovation and influence.
5. Individually, we will review (within 6 months) our plans to reduce our organisation's carbon emissions to meet or exceed these targets, including ensuring the people we do business with are doing the same. We will publicly report our carbon emissions annually in accessible formats.
6. In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will openly report progress on its delivery. We know this transformational change will be challenging and will include:
 - Deploying more renewable, decentralised and smart energy systems
 - Retrofitting energy-efficiency measures into our existing buildings
 - Constructing zero-carbon new buildings
 - Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles
 - Changing our consumption to use less, re-use more and choose low-carbon options
 - Challenging all economic sectors to review their practices and the values of those they do business with
 - Divesting from fossil fuels
 - Changing our dietary patterns and reducing food waste
 - Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon
 - Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration
 - Empowering the people of Devon with the knowledge and skills to act collectively.
7. Additionally, we will work to understand the near-term and future risks of climate change for Devon to plan for how our infrastructure, public services and communities will have to adapt for a 1.5-degree warmer world.
8. Local organisations and communities cannot do this alone as national government plays a key role in many of the policy areas that are vital to reducing emissions and adapting to climate change. We call on government to prioritise decarbonisation and adaptation within decision

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making and work with us by using its powers to provide the resources and funding necessary to accelerate the transition to a low-carbon and resilient economy and society.

9. We challenge every organisation, business, community and individual to do the same.

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This first draft of an action plan requires SMARTer objectives and actions with input from Services to ensure that actions are deliverable and has the necessary buy in from all parts of the organisation.

The themes where the Council can make meaningful interventions include: energy supply and consumption; permitting and encouraging low carbon development; improving the carbon footprint of existing buildings (public and private sector); protecting and enhancing the natural environment; water supply and flood protection; transport and travel; purchasing and consumption; community resilience; education, communication and influencing behaviour.

We need to be brave and bold if we are genuinely committed to reducing our carbon footprint, and ensuring residents and business adopt similar aspirations.

This Action Plan is about social responsibility, lifestyle change and consideration of future generations.

MITIGATION			
ACTION	WHEN	WHO	RESOURCES
Objective 1 Ensure that EDDC identifies realistic and deliverable plans and actions that contribute to reducing EDDC's greenhouse gas (GHG) emissions by 50% by 2030 using 2019/20 baseline levels, rising to 100% reduction by 2050.			
Establish a carbon footprint baseline for all Council buildings and activities. This will enable us to accurately calculate the 50% and 100% reductions and what it requires to be carbon neutral.			
Adopt the Circular Economy approach of refuse; reduce; reuse and recycle, whilst continuing to implement the Waste Strategy, which aims to continuously improve our recycling rate, and operate to high environmental credentials.			
Implement a Sustainable Environmental Procurement policy, which commits the authority to ensuring environmental risks and opportunities are considered at the outset of procurement activity. Enable people to make sustainable purchasing choices. Support and encourage local purchasing and the development of local supply chains. Promote and encourage new business models focused around the Circular Economy. Build the commitment to sustainable procurement in both the public and private sectors.			
Sign the Devon Climate Change Declaration and deliver the commitments contained therein.			
Assist partners, contractors, Town and Parish Councils, community and voluntary groups make meaningful contributions towards reducing their carbon footprints.			

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Objective 2			
EDDC will contribute to the reduction of GHG emissions from buildings by working in partnership to plan for new low-carbon development and to retrofit energy efficiency and low-carbon heating measures.			
Facilitate the Cosy Devon Partnership, the Local Energy Advice Partnership, and similar to enable networking, project collaboration and the testing of new solutions between local authorities, community energy organisations, installers and other interested parties to deliver domestic energy retrofit measures by seizing opportunities for grant funding and market offers.			
Use enforcement and education powers to improve the energy efficiency of private sector homes encouraging landlords, tenants and owners to reduce greenhouse gas emissions.			
Improve the energy efficiency of all Council owned buildings (non housing) as part of our Corporate Asset Management Strategy.			
Planning Permission for new buildings in East Devon will only be given where construction meets high standards of energy efficiency incorporating on-site renewable energy where possible.			
Continue to develop planning policies that support the reduction of greenhouse gas emissions directly and indirectly reduce the risks of climate change on the communities of East Devon.			
Encourage sustainable surface water drainage systems (SUDs) for all new developments where appropriate to help manage risk of changing rainfall patterns.			
Provide support to the Low Carbon Task Force of the Greater Exeter Strategic Plan that is evidencing the need for area-wide low carbon development policies.			
Accelerate the upgrading of insulation and energy saving measures in the Council's housing stock. Install air and ground source heat pumps when upgrading of off-gas properties. Upgrade insulation to minimise fuel poverty.			
Progress regeneration proposals that minimise the carbon footprint and use of natural resources.			
Encourage new business and economic development that operate to sustainable credentials and prioritises a minimal environmental footprint.			
Energy - Reduce electricity consumption within the commercial and public sectors. Develop heat supply networks to deliver low carbon heat. Introduce smart meters and energy storage solutions.			

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Increase the amount of energy generated locally using renewable technologies.			
Objective 3 EDDC will contribute to the reduction of emissions associated with transport and travel by supporting low-carbon vehicles, by promoting sustainable transport and communication choices, and through the sustainable planning of new development.			
Deliver a Fleet Management Plan which aims to be part of delivering a low carbon future through smarter choices, including electric vehicle infrastructure.			
Require staff to reduce travel and utilise sustainable modes of travel. Make electric pool cars available to travelling staff.			
Support sustainable transport in East Devon to avoid leaving any community isolated taking into account public and community transport facilities.			
Continue to promote the Connecting Devon and Somerset project, the aim of which is to provide superfast broadband speeds of over 24Mbps to all premises by 2020.			
Implement WorkSmart principles to minimise staff travel and encourage new forms of service delivery and communication.			
<p>Transport - Develop a transport infrastructure that supports more low carbon travel options for people in East Devon.</p> <p>Reduce energy use and 'embodied energy' in the transport infrastructure.</p> <p>Encourage non-car travel for all sectors of the population, through targeted advice, incentives and enforcement.</p> <p>Support car share initiatives.</p> <p>Install electric car charging points in all car parks.</p> <p>Campaign to reduce the air pollution from vehicles.</p>			
Objective 4 EDDC will help reduce emissions from waste by encouraging a reduction in the amount of waste generated in East Devon and an increase in recycling rates, prioritising energy recovery technologies above landfill, and utilising any energy, fuels or compost that are produced as a result of processing waste.			
Ensure the Waste Strategy policies continue to promote the waste hierarchy and the efficient use of energy and fuels generated by Energy Recovery facilities, and that these are implemented effectively.			
Encourage refuse, reduce, reuse, recycle and reduction – The Circular Economy.			
Enhance the green waste scheme and encourage composting of garden waste and use on our parks, gardens and nature reserves.			

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Objective 5			
EDDC will support low carbon energy by helping to identify new models for investment, reducing consumption and lifestyle change, particularly those involving the community.			
Continue to support delivery of regional energy initiatives such as the Local Enterprise Partnerships.			
Continue to facilitate the growth of the community energy sector in Devon by assisting with securing funding, partnerships, networking and training.			
Utilise our Nature Reserves and green space for carbon offsetting projects.			
Build community activity relating to sustainable communities Build community resilience to support climate change and self-sufficiency. Reduce consumption by building a 'sharing economy'. Build an 'alternative economy' focused on quality of life and emphasising sustainable communities.			
Further integrate sustainable behaviour promotion and practice throughout schools, colleges, universities and workplaces. Ensure that communication which is aimed at influencing climate change related behaviour is delivered in a consistent and targeted way. Engage organisations in the private sector, including residential and commercial landlords, in effective action to reduce their carbon footprint. Develop the market for climate change related local business and the skills to ensure that local jobs are created in line with the growing low carbon economy.			
Improve the quality and connectivity of natural habitats. Encourage local community groups and businesses to become more involved in the management of local green spaces			
Manage demand for and supply of water to reduce the expected impact of water shortages on consumers and on wildlife. Reduce the risk of damage to infrastructure and assets due to flooding.			

ADAPTATION			
ACTION	WHEN	WHO	RESOURCES
Objective 6			
EDDC will ensure it remains aware of the implications for the district of the most recent projections of climate change			
A briefing and workshops for the Council on Climate Projections will be prepared and publicised within the organisation to raise awareness and achieve buy in.			

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We will implement carbon offsetting schemes on our Nature Reserves, Wetlands and other suitable open space. This includes a programme of tree planting and Nature Recovery Corridors.			
Objective 7 EDDC will continue to provide advice to the community about improving their resilience to a changing climate, and how they can prepare for and respond to extreme weather.			
Ensure EDDC’s online and printed advice to communities remains relevant and up to date.			
Continue to support the Devon Community Resilience Forum to encourage communities to develop their own Emergency Plans and Flood Plans.			
We will campaign for people to consume less, reuse and recycle. We will also educate on the need for food and water security, changes required to agriculture and diet.			
Promote local produce with low ‘food miles’ and educate on dietary and nutritional changes needed to ensure food security.			
Objective 8 EDDC will continue to ensure it is prepared for and able to respond to weather and climate-related events affecting Devon.			
Remain an active member of the Devon, Cornwall & Isles of Scilly Local Resilience Forum.			
Keep the EDDC Emergency Plan and Recovery Guidance under regular review.			
Enhancing EDDC’s parks and open spaces to increase biodiversity. To assist species adaptation and dispersal.			
Ensuring that planting in open spaces owned or managed by the Council is drought resistant and requires less watering.			
Objective 9 EDDC will continue to manage the risk of local flooding in East Devon in collaboration with partners and cooperate on other flooding issues to improve resilience.			
Maintain and deliver flood and coastal defence schemes. This includes: <ul style="list-style-type: none"> • Sustainable drainage systems • Flood defence measures • Property level resilience • Natural flood management • Partnership working and collaboration with other risk management authorities • Influence spatial planning to implement the principles of the Strategy • Beach Management Plans. 			
Introduce a climate adaptation risk assessment and provide a support service to managers to undertake the assessment in their Services.			
Objective 10			

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EDDC will consider the effects of climate change on policy, decisions, projects and infrastructure.

Implement EDDC's Public Health Strategy, Green Space Plan and Culture Strategy and Action Plan which will ensure climate adaptation is included in our thinking and actions.			
The committee report template be updated to include a mandatory section on the climate change and sustainability considerations of the reports content.			
EDDC will ensure all key services develop a suitable climate change risk assessment, and that these are reviewed at regular intervals.			

GLOSSARY

Adaptation – preparing for the possible consequences of a changing climate, such as floods and heat-waves.

‘Alternative’ economy – an economy which focuses on quality of life and sustainable communities, rather than more traditional focus on financial prosperity alone.

Biodiversity - the number and variety of organisms found in a particular habitat or eco-system.

Carbon emissions - release of carbon into the atmosphere contributing to the greenhouse effect.

Carbon footprint - is the total amount of greenhouse gas emissions caused directly or indirectly by an individual, group or organisation. It is expressed as carbon dioxide equivalent (CO₂e).

Circular economy - a concept which encourages more efficient use, and greater re-use and recycling, of materials through the economy, rather than the conventional approach of ‘take/make/waste’; ‘end of life’ products become source materials for new products; man-made materials which are not biodegradable are designed from the outset to be reusable in the development of new products; encourages the lease, rent or sharing of products or equipment, rather than the sale of disposable products.

Decarbonised - the reduction or removal of carbon emissions from the production of energy such as electricity.

District energy scheme - a local system for distributing heat generated in a centralized location for residential and commercial heating, generally using waste heat from local power plants or renewable energy.

Embodied carbon/ energy – the sum of energy or carbon involved in the production of goods and services, including the extraction and transportation of raw materials, manufacture, assembly and maintenance.

Feed-in tariffs - a government scheme whereby generating you own electricity through wind or solar energy means that you can receive payment from your energy supplier for all energy generated known as a ‘generation tariff’. Any surplus generated and not used by the customer receives a higher rate of payment known as an ‘export tariff’.

APPENDIX B

Green Deal - a government scheme to retrofit buildings in order to make them more energy efficient, providing householders with the opportunity to use future energy savings to pay for energy efficient measures to be installed in their homes.

Green economy – an economy whose growth in income and employment is driven by public and private investments that reduce carbon emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services.

Greenhouse gas emissions - the release of the six greenhouse gases into the atmosphere, which absorbs and emits radiation contributing to the greenhouse effect. These six greenhouse gases are: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆).

Heat supply networks - the method of supplying heat to multiple buildings using waste heat from local power plants or renewable energy, as part of a district energy scheme.

Local supply chain - a system of purchasing and distribution based around the demand and supply of goods within the local area.

Low carbon – generating relatively few carbon emissions.

Modal shift - a change in the type of transport used.

Modes of transport - different methods of transport, such as car, public transport, walking and cycling.

Operational carbon/ energy - carbon emissions/ energy resulting from the use of a building, including transport, lighting, heating, cooling etc.

Quality of life - the conditions in which we live, including social factors such education, environment, and physical and mental health, as well as material and economic factors.

Renewable energy - energy which is generated using natural resources which are renewed such as wind, sun, ground heat or biomass.

Retrofit - the addition of new technology or features into existing older buildings; this often applies to energy efficiency measures.

‘Sharing economy’ - an economy measured by social interactions and exchanges and sharing of goods.

Smart electricity grids – a system which allows energy to be stored, and enables communication between the user and supplier, in order to provide a better understanding of variations in power supply and consumption.

Smart meter - a device for recording and displaying the consumption of electricity in real-time, for the purpose of monitoring energy use by both customers and energy suppliers.

Sustainable - capable of being maintained at a certain level without depleting natural resources.

Sustainable community – a community where everyone is equally able to meet their own needs and improve their quality of life without harming the environment, depleting natural resources or putting any part of society at a disadvantage.

APPENDIX B

Sustainable development - development that meets the needs of the present without compromising the ability of future generations to meet their own needs

Sustainable Urban Drainage Systems (SuDS) - an approach to drainage which attempts to mimic natural drainage and prevent the risk of flooding, through a range of techniques in developments and redevelopments.

Transport infrastructure- the network of roads, railways, ports and airports, which are used by different modes of transport.

Zero carbon – refers to achieving net zero carbon emissions by balancing a measured amount of carbon released with an equivalent amount sequestered or offset, e.g. through a local Community Energy Fund which would allow developers' contributions to be invested in local renewable energy projects. Changes to building regulations are expected to include a requirement for developers to build 'zero carbon' homes by 2016, and business premises by 2019.

Developing a Devon Carbon Plan

Report from the Tactical Group

It is recommended that the Devon Climate Emergency Response Group (DCERG) endorse:

- **the proposed process for the development of a Devon Carbon Plan**
- **the Terms of Reference for the Net-Zero Task Force**
- **the nomination of XXXXXXXXXXXX as the chair of the Net-Zero Task Force**

1. Purpose

This paper proposes a process for the development of a collaborative Devon Carbon Plan.

2. Background

In response to the declaration of climate emergencies, DCERG members have endorsed the principles of a Climate Declaration that commits its signatories to collaborating on a Devon Climate Plan.

The DCERG has asked the Tactical Group to design a process for developing the Devon Carbon Plan.

3. Key Requirements of the Plan-Making Process

The process must be transparent and provide opportunity for 1) collaboration 2) expert input to the debate, 3) direct involvement by the community and 4) the chance for everybody to submit their view.

In addition, Devon County Council and the University of Exeter would like to test the use of a citizens' assembly to steer the content of the Plan.

4. Proposed Process

The DCERG would appoint a specialist Net-Zero Task Force to develop the Devon Carbon Plan.

The Task Force would be 12 people with expertise in topic areas relevant to carbon mitigation and these would be drawn from economic, environmental, health and academic organisations so that it is as neutral as possible. It would have an impartial chair.

With the support of the Tactical Group and the Project Manager (yet to be appointed), the Task Force would use their expertise to design and deliver a series of topic-based hearings to which experts would be invited for questioning to determine what the barriers and opportunities are to decarbonising the specific topic areas. Topics might include transport, new development, waste, agriculture, existing buildings etc. For example, to the transport hearing could be invited the public transport operators, County Council, Highways Agency, rural and urban transport user groups, cycling and walking representatives etc. The hearings may identify where additional research is necessary, which will need to be commissioned. The hearings would output a spectrum of policy options for potential inclusion in the Devon Carbon Plan. These policy options would then be tested and refined at a series of citizens' assembly meetings. A full public consultation on the draft Plan would follow. This process is depicted at Figure 1 and a timeline is provided at Figure 2 (appended to report).

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Through the topic-based hearings, any additional necessary research and the citizens' assembly, the earliest credible date for decarbonising Devon will be determined.

The design of the citizens' assembly would be comprised of a sample of a minimum of 50 people representing the population of Devon. The exact design of the assembly and the hearings that inform its debate will hopefully be guided by an Exeter University research project that will also monitor the assembly's effectiveness and gather learning points for subsequent sharing with other local authorities and for other public policy topics. The Assembly design will also need to reflect the available resource. A market research company would be used to establish and operate the assembly, which will need to be procured. Using a representative citizen's assembly will ensure all of Devon's opinions are represented. Devon's Youth Parliament will be engaged by the Task Force to ensure concerns of young people are clearly heard in the process.

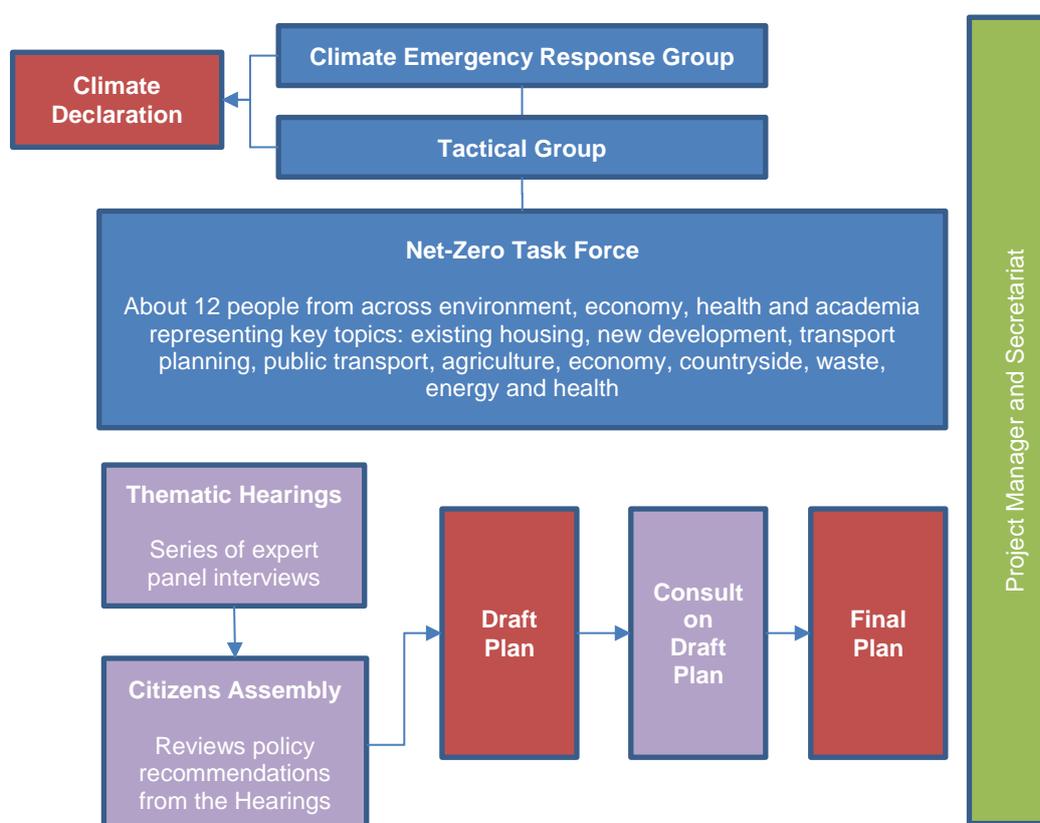


Figure 1 - Proposed process for a Devon Carbon Plan

5. Resources

This process will require funding for:

- A Project Manager to coordinate it
- Communications
- Staging the hearings
- Operating the citizen's assembly
- The university's time to advise the detail of the process
- Additional research.

The County Council has provided £250k to get the process moving and the university has submitted a £200k bid to the Economic and Social Research Council (£130k from the

Appendix C

university and £70k from the research council). The outcome of this funding bid will be known around July 10th.

Up to a further £44k of research time will be allocated from the South West Energy and Environment Group (SWEEG), hosted by the Centre for Energy and Environment at the University of Exeter, for the project over 2 years via Devon County Council's annual subscription to SWEEG.

Aspect	Value	Funder
Project Manager for 2 years	£100k	Devon County Council
Multi-agency website and ongoing communications for 2 years	£10k	Devon County Council
Designing the citizens' assembly and participative processes and advising throughout	£120k	University of Exeter
Stage the hearings	£10k	Devon County Council
SWEEG research time	£44k	Devon County Council
Operating the citizens' assembly	Approx. £100k (indicative quote)	Devon County Council
Public consultation	£5k	Devon County Council
Appraisal of the process' effectiveness	£60k	Economic and Social Research Council
Evaluation	£45k	(£25k) Devon County Council, (£10k) University of Exeter, (£10k) Economic and Social Research Council
Current Total	£494k	

If the research council funding is unsuccessful, the project can proceed: Funding currently allocated for aspects towards the end of the proposed process would be brought forward to fund earlier project aspects and the ambition of some aspects will need to be reviewed. Work to identify further funding and resources for the later project aspects would need to be undertaken by the project manager. Ideally these will be provided collectively by the DCERG membership from existing sources or further funding bids

6. Proposed Terms of Reference for the Net-Zero Task Force

Role

To use its specialist knowledge and experience to produce an evidence-led Devon Carbon Plan, including consideration of the earliest credible date that should be set for net-zero emissions, following the process and schedule endorsed by the DCERG.

Deliverable

A Devon Carbon Plan.

Meetings

The frequency of meetings will initially be ad-hoc and decided by its members.

Communications

The minutes of the Net-Zero Task Force will be published on the project website following their sign-off..

Appendix C

Membership

Twelve specialists will comprise the Task Force. The members will be invited by the DCERG, having been recommended by the Tactical Group, and will represent a variety of stakeholder groups and sectors relevant to the decarbonisation agenda. The members will be expected to provide practical support to the chair outside of the scheduled meetings, alongside the Tactical Group and the Project Manager.

Chairperson

The DCERG will invite one of the Task Force members to be the chair. The DCERG can change the chair. The chair will lead the Task Force in designing and delivering the aspects of the plan-making process endorsed by the DCERG.

Resources

The Project Manager and the Tactical Group will provide practical support to the Task Force to develop the Devon Carbon Plan. Funding to operate aspects of the Plan development has been made available.

The Task Force can seek advice and input from others to inform its activities.

Secretariat

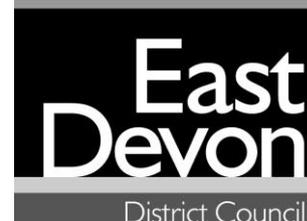
Devon County Council's Environment Group will provide the secretariat and appoint the multi-agency Project Manager.

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By end	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2020	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2019	Jun 2020	Jul 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020
CERG and Tactical Group Established	■																			
Climate Declaration Published		■																		
Climate Declaration Signed by Organisations			■	■	■	■														
CERG Approves Plan-Making Process			■																	
Task Force appointed						■														
Project Management Appointment				■	■	■														
Appraise evidence and design Thematic Hearings						■	■	■												
Procure Citizen Assembly								■	■											
Thematic Hearings – Developing Policy Options								■	■											
Citizen Assemblies										■	■	■	■							
Draft the Plan											■	■	■							
CERG organisations endorse Draft Plan														■	■					
Consult on Draft Plan																■	■			
Produce Final Plan																		■		
CERG members adopt Final Plan																			■	■

Figure 2: Timeline of proposed process to develop the Devon Carbon Plan



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject:

Zero Carbon Development in the West End

Purpose of report:

To set out the key issues associated with achieving large scale zero carbon development in the West End of the District
 To propose a way forward to address these issues
 To seek endorsement for undertaking a market engagement exercise in conjunction with Government

Recommendation:

It is recommended that members;

- **Note the key issues associated with achieving zero carbon development in the West End of the District**
- **Commit funding of up to £30k to support an application to Round 9 of Heat Networks Delivery Unit funding**
- **Endorse undertaking a market engagement exercise in conjunction with Government**
- **Receive a further report setting out a proposed pathway to zero carbon including detailing the potential role for the Council**

Reason for recommendation:

To ensure that there is a clear pathway for achieving large scale zero carbon development in the West End of the District.

Officer:

Andy Wood, adwood@eastdevon.gov.uk, (01395) 571743

Financial implications:

The report is requesting a £30k supplementary budget to meet the Council's requirement to match funding. This will be met from existing funds; s106 and Enterprise Zone funding.

Legal implications:

The report does not raise any specific legal implications requiring comment.

Equalities impact:

Low Impact

Risk:

High Risk

Achieving zero carbon development on a large scale is a long held objective for the West End of the District. The achievability of this objective is subject to the intricate interplay between a variety of policy, technical and commercial factors most of which lie outside of the Council's direct control. Nevertheless there is a need for local leadership and to establish a clear path way towards achieving this objective.

Links to background information:

- [Cranbrook Development Plan Document](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council.

Report in full

1.0 Background

1.1 In recognition of the large scale and long term nature of the developments in the West End of the District, the need to factor in increasingly stringent environmental and carbon performance standards has been a key tenet of the approach adopted. In the case of Cranbrook the initial planning took account of the Code for Sustainable Homes and the anticipated timetable for progressing to Code 6 and net zero carbon development in 2016.

1.2 Element Energy were commissioned in 2008 to undertake a study to understand how best to meet these standards over time. This study demonstrated that it would be much more cost effective to install a district energy network to meet the zero carbon standard rather than rely on fabric and renewable energy measures on each home. Subsequently a requirement for all homes to be connected to a district heating network became a key part of the planning strategy for Cranbrook and the neighbouring Skypark commercial development. Funding made available by the Regional Development Agency to bring forward key infrastructure (such as St Martin's school) was also made contingent upon this network being rolled out.

1.3 Following a competitive exercise EON were procured as the preferred energy company/operator for the network. It should be remembered that such a large network on a relatively low density greenfield site had never been delivered before in the UK. This was very much viewed as a 'lighthouse' project and significant public sector investment was required to make the scheme viable. This took the form of a £3.8m grant from the Low Carbon Infrastructure Fund plus a further £100k each from the Council, County Council and City Council.

1.4 A second network serving the Monkerton/Pinhoe/Mosshayne area together with the Science Park was negotiated in 2013. This was achieved on a purely commercial basis with no grant. Together there are now over 100km of heat pipe in the ground with a capex of circa £50m. The first permanent energy centre at Skypark was commissioned in 2013 and a second energy centre, currently under construction at Monkerton, is due to be commissioned later this year.

1.5 Ultimately it is expected that over 12,000 homes and 2m sq.ft of commercial space will be served by these networks. This is a long term commitment as the concession agreements last for an 80 year term. It should also be remembered that these heat networks are effectively local monopolies – it is only EON that can supply the heat and, unlike the electricity network, there is no ability for heat customers to swap to a different provider.

2. Current position

2.1 Whilst the wider legislative backdrop for and pathway towards zero carbon development has been set back in the intervening period since construction of Cranbrook started in 2011, not least through the abolition of the Code for Sustainable Homes and the scrapping of zero carbon homes target in 2015, the availability of a decentralised energy network is nevertheless a core credential in terms of moving forward. Clearly this in turn relies on a zero carbon energy source to provide both the heat and the power that is generated. This is particularly the case given the decreasing carbon factor of the wider electricity grid as, for example, coal is phased out and additional large scale offshore wind and other renewable electricity generating capacity is brought on stream.

2.2 In recognition of the need to ensure that the district heating network would meet increasingly stringent carbon performance standards, the s.106 agreement attached to the planning permission for the EON energy centre at Skypark included the following provisions;

1. The Facility is to be a solid biomass Combined Heat and Power (CHP) system with supplemental gas boilers and supplemental gas combined heat and power engines (definition of District Heating Facility).

2. Clear direction that the facility shall supply 'heat' to the whole of both Cranbrook and Skypark (paragraph 6.1).
3. Clear direction that the biomass CHP shall be constructed as part of the Facility (para 6.3). It is acknowledged that temporary facilities may have needed to be provided during construction depending how quickly Cranbrook / Skypark developed (paragraph 6.2) but this didn't avoid the need to construct the facility with the biomass CHP as part of it.
4. The Facility needs to be supplying 'heat' to the majority of the buildings granted permission at Cranbrook and Skypark prior to or at occupation of 2,000 dwellings at Cranbrook (definition of Fully Operational and paragraph 6.6).
5. By the same time, the biomass CHP needs to be of sufficient capability (capacity) to be able to supply electricity (2MWe) and heat (2.4MWth), although the latter is predicated on the demand for the heat being sufficient to warrant the capability (paragraph 6.4).
6. If the heating demand is such that running the biomass CHP would result in '*wasting excessive quantities of heat*' then the supplemental gas boiler / gas combined heat and power engines can be used to provide heating to Cranbrook (paragraph 6.5). Once there wouldn't be excessive wasted quantities of heat then the biomass CHP should be used to provide the base heat load with the supplemental equipment being used to provide heat at peak times or during maintenance / repair of the biomass CHP.

2.3 Of particular significance is the 2,000 occupations trigger which we are now very close to at Cranbrook. In anticipation of reaching this trigger discussions have been ongoing over the past 18 months to understand whether there is a technically and financially feasible solution to meeting the obligations of the s.106 agreement, essentially a solid biomass fuelled combined heat and power plant capable of generating 2MW electric and 2.4 MW thermal.

2.4 With the benefit of further technical advice there is acceptance that the gasification and pyrolysis technologies, which it was hoped would be scalable to 2MW as well as being more efficient and lower cost than traditional steam based technology, have not matured sufficiently in the decade since the s.106 agreement was negotiated to provide a reliable way forward. However, the expansion of Cranbrook to circa 8,000 homes in line with policies set out in the Local Plan and Cranbrook Development Plan Document and the potential for further strategic development coming through the Greater Exeter Strategic Plan gives the opportunity to look for a future proof solution by considering a larger scale steam based biomass CHP plant which should be more cost effective than a smaller plant in the Cranbrook energy centre.

2.5 Whilst EON currently has large scale steam based biomass plants in a number of locations across the UK, they have recently provided evidence as to why, in their view, a large scale biomass solution in the West End is currently financially unviable. This is primarily down to the rising cost of biomass feedstock and the lack of a sufficiently supportive government policy and incentive framework for biomass relative to other renewable energy technologies.

2.6 On a more positive note the existence of the heat network has created the opportunity to harness waste heat from the converter station for the proposed France-Alderney-Britain (FAB) Connector project. This was simply not on the radar when the network was originally planned and is particularly attractive as the heat would otherwise be lost to the atmosphere. However, FAB Link is dependent upon the outcome of the Brexit negotiations and approval from the French regulator.

3. Assessment

3.1 Given the current uncertainties there is a pressing need to establish a clear pathway towards achieving zero carbon development. Simply kicking the can down the road and hoping something will turn up, for example by varying the s.106 agreement to push back the current trigger, is not a credible way forward. This is though, a complex area with a variety of inter-related technical, commercial and policy considerations. Despite wider announcements, such as the banning of fossil fuel based heating for new build housing from 2025 and the commitment to net zero greenhouse gas emissions by 2050, there is a policy gap that needs to be filled. In the

absence of clear direction from central government this will require local leadership with a clear vision and an adaptable strategy for delivering it.

3.2 The negotiations with EON have also flagged the need for a sturdy commercial partner who is able to commit over the long term. The majority of new housing and commercial space in the District will be delivered in strategic sites serviced by EON's network. Whilst we have no direct contractual relationship with EON, in terms of the supply of heat for example, there are as a minimum shared reputational issues around the success of the approach.

3.3 There have been major structural changes within the big 6 energy companies in recent times. Nevertheless we clearly need a commercial partner who shares the vision for delivering large scale zero carbon development. For the first time we now have an incumbent provider and experience more widely suggests that it will be important to test the market to ensure that the best possible solution is being delivered.

3.4 It should not be forgotten that the West End of the District has the potential to be one of if not the largest zero carbon developments in the country. In the context of a declared climate emergency this is a considerable attribute. Looked at positively, the current uncertainty is an opportunity to drive innovation. In recognition of this the part of the evidence base underpinning the Greater Exeter Strategic Plan relating to energy has investigated proposals to designate an Energy Innovation Zone. This would help to create a positive policy framework for testing new technologies that will help to deliver zero carbon development.

3.5 Looking forward there are significant opportunities to harness waste heat, not just from the FAB Link project but also the Met Office super computer. The Skypark Energy Centre also provides the electricity for the LIDL distribution centre through a private wire arrangement. In future local zero carbon electricity generation could also help to support the electrification of distribution vehicles. The Government has recently consulted on a new national aviation strategy to 2050. This includes reference to Norway's ambition for all electric short haul flights by 2040. Given the proximity of Exeter Airport and that it is home to one of Europe's largest short haul airlines, this would seem to be a further area of opportunity. This includes in relation to the emerging Local Industrial Strategy for the Heart of the South West area and the emphasis being placed on clean growth.

3.6 Overall there is an important opportunity to restate an ambitious vision for the West End, building from the foundations that were laid 10 years ago. Alongside this, it is clearly essential that credible policies and proposals are in place to achieve it. Policy CB13 of the Cranbrook DPD already sets out a vision to deliver a truly zero carbon new town and includes a requirement to connect to District Heating. In turn this will necessitate a costed proposal that can be evidenced during the examination of the DPD during the examination stage later in the autumn.

3.7 We also need to consider the potential wider corporate role for the Council including what other financial incentives can be brought to bear locally, for example through the Enterprise Zone programme to incentivise heat users or to support the roll out of low carbon infrastructure. Finally there is likely to a need for the Council to play a more direct role in terms of enabling and underpinning delivery. For example the City Council established the Monkerton Heat Company to help provide a long management framework for district heating after the development of homes has been completed. There are numerous examples of municipal energy companies being established. This approach could extend to include bringing forward green investment projects such as large scale battery storage for example.

4.0 Proposed way forward

4.1 As set out above the delivery of large scale zero carbon development is a complex area but it is also an important opportunity to demonstrate local leadership. Having a robust evidence base is an important ingredient in understanding how to move forward. To date the Centre for Energy and the Environment at the University has played a vital role in providing this evidence. Further technical work is currently being commissioned, paid for from the Cranbrook s.106 agreement which includes monies towards the production of a low and zero carbon strategy for the area.

4.2 Given that initial decisions were taken in the context of national policy at the time, central government clearly has a very significant influence on how zero carbon development is achieved. The Heat Networks Delivery Unit (HNDU) is part of, and directly funded by, the Department for Business, Energy and Industrial Strategy (BEIS). The Unit was established as part of the Government's decarbonisation strategy. It provides funding and specialist guidance to Local Authorities who are developing heat network projects, supporting them through a number of project development stages. Since its inception in 2013, HNDU has awarded support to over 200 schemes across 140 Local Authorities in England and Wales, including over £19 million of grant funding.

4.3 There is a specific opportunity to bid in to round 9 of HNDU funding to support further feasibility work. At the time of writing the intention is to submit an application to the next wave which has a deadline of the 28th June. The process requires a commitment from the Authority to meeting one third of the total cost which is anticipated to be in the region of £90k. It is a specific recommendation of this paper that the match funding commitment of up to £30k is confirmed. The HNDU programme also provides fully funded project management support.

4.4 A market engagement event was recently undertaken for the roll out of a district heating network to serve the planned 2,500 home South West Exeter development in Exeter/Teignbridge. This was supported by the HNDU team and attracted interest from eight potential commercial partners. It would therefore seem sensible to run a similar event for the Cranbrook expansion proposal. This will help to test the potential for innovation and also ensure that a competitively priced solution comes forward. It is a recommendation of this paper that such an exercise is undertaken. This in conjunction with the further feasibility will also help to determine the scope for capital support from Government in term of the Heat Network Investment Project programme.

4.5 Whether it is through the passage of the Greater Exeter Strategic Plan or our own Local Plan review there will be a need to accommodate further development. The case for carbon emission reduction from concentrating development can be made for both transport and buildings. The opportunity to build from the platform already started in the West End and to set out an ambitious vision for the future is very significant. This will also need to align with the Climate Change Action Plan that is currently under development.

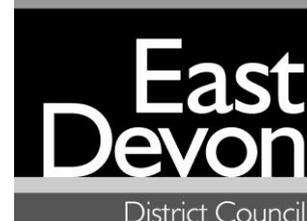
4.6 As mentioned above, establishing a clear pathway to zero carbon development is a complex area with a variety of policy, technical and financial considerations. Despite this, clarity and direction is required which helps to both de-risk the uncertainty and create the long term conditions for investment to flow. In recognition of the above the following are considered to be the key steps going forward;

- Commission further technical study work with support from the HNDU programme
- Define approach to s.106 agreement trigger
- Hold market engagement event - September
- Follow up paper to Cabinet – by the end of 2019

Ultimately achieving zero carbon development will require a clear corporate approach which covers both the strategy/policy aspects and the wider role that the Council will need to play.

5.0 Conclusion

5.1 The West End has the potential to deliver zero carbon development on a very large scale. Having two district heating networks is a vital ingredient of this. Whilst there is current uncertainty about the technical solution for reaching zero carbon there is the opportunity to create the conditions for innovation to flourish and to demonstrate real leadership in responding to the climate emergency. This will continue the journey stated 10 years ago and make a major contribution to achieving sustainable development in the District.



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: Long Lane Enhancement Scheme

Purpose of report: To provide an update on progress with securing financial contributions towards the Long Lane enhancement scheme.

To recommend a reduction to the extent of the scheme to reflect a change in the risk profile associated with the works

Recommendation: It is recommended that the scope of the Long Lane enhancement scheme is reduced to delete the section between the Flybe Training Academy and Harrier Court.

Reason for recommendation: To adequately manage the risk associated with securing financial contributions towards the enhancement scheme and to protect the Council's position.

Officer: Andy Wood, adwood@eastdevon.gov.uk, 01395 571743

Financial implications: This report recommends an appropriate approach to deal with the financial risk highlighted in the report. The net funding for this scheme will be met from Enterprise Zone receipts as previously agreed by Council.

Legal implications: The report does not alter the overall legal position which was commented on in the report to Cabinet in March 2019 when the decision to proceed was taken. Legal have been involved in the discussions on the security arrangements and have advised of the need to ensure security (of some description) given the potential risk to the Council. Given that this appears incapable of satisfactory resolution, the solution is to lower the total project cost and thereby the associated risk profile to the Council. This seems a pragmatic approach in terms of moving the project forward (albeit not desirable) and is entirely lawful. Otherwise the legal advice remains as per the March 2019 Cabinet report.

Equalities impact: Low Impact

Risk: High Risk

This report seeks to address a specific risk to the Council, namely the ability to secure a financial contribution towards the Long Lane enhancement scheme. The report outlines a change in the risk profile for the project and recommends a course of action that will effectively mitigate this.

Links to background information: [Cabinet Paper – March 2019](#)

Link to Council Plan: Developing an outstanding local economy

Report in full

1. Background

- 1.1 Long Lane runs in an east/west direction to the south of Exeter Airport. It connects to the B3184 and provides the main point of access to the Airport, Flybe Hangar and Training Academy and the Airport Hotel. When travelling in an easterly direction the Lane quickly narrows to below the standard (6.5m) needed to accommodate the two way flow of HGV traffic. This includes substantial stretches of single carriageway. The inadequate nature of the current highway is a major barrier to bringing forward the Airpark Enterprise Zone site.
- 1.2 The Cabinet received a paper in March 2019 which set out a proposal for funding an enhancement and upgrading scheme for the Lane. This comprised of three main sections including the stretch to the east of the Flybe Training Academy towards Harrier Court. This was itself connected with the need to provide enhanced access for the convertor station for the proposed France-Alderney-Britain Link project. The proposals and estimated costs are set out in the plan in Appendix A and also illustrated in aerial form in Appendix B.
- 1.3 Cabinet resolved to make up to £3m available to fund the enhancement scheme. This was subject to securing contributions from both the Airpark (£300k) and FAB (£670k) projects. Delegation was approved to the Chief Executive in consultation with the Leader and Strategic Leads for Finance and Governance and Licensing to agree the terms and complete the funding agreement and any other necessary legal documentation.

2. Current Position

- 2.1 Since the March Cabinet meeting negotiations have continued to secure the contributions detailed above. Legal representation has been appointed to produce both a draft heads of terms document and a bespoke facility agreement. Due to the timing of the proposed enhancement scheme, which is likely to precede the start of construction of the Airpark and FAB projects, a bespoke funding agreement is required rather than the more established mechanism of a s.106 agreement. This arrangement has been used successfully elsewhere, for example to support the delivery of the Clyst Honiton By-pass.
- 2.2 The draft legal document have been shared with both AD Land in respect of the Airpark development and Transmission Investments in relation to the FAB project. As a result of the subsequent feedback it has become clear that there is a major issue in relation to progressing the latter agreement.
- 2.3 This issue relates to the security provisions underpinning the financial contribution. These would be exercised only in the event that a relevant trigger point is reached but payment is not forthcoming. Ordinarily this would take the form of a bond, parent company guarantee or charge over the relevant land. It has become clear that the FAB project is not prepared to offer any form of security in this respect prior to the project reaching Final Investment Decision (FID). This is in itself dependent on the outcome of Brexit and approval from the French regulator.

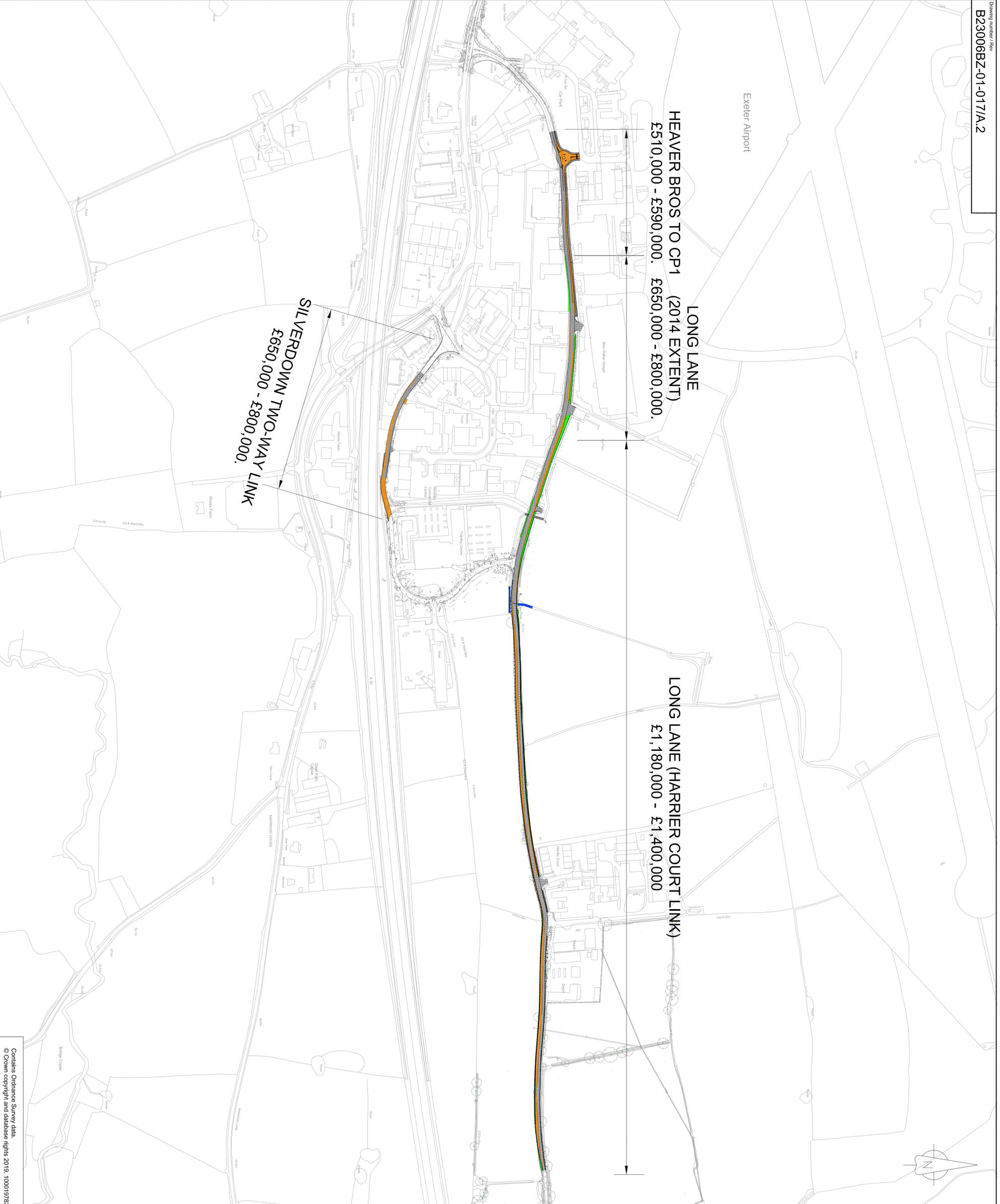
3. Assessment

- 3.1 Substantial engagement has been undertaken with a wide range of stakeholders and partners over the past 18 months to develop the proposed enhancement scheme. At an early stage a 'one scheme once' principle was established. In other words the intention was to deliver a full upgrade scheme as one package of works. This would have the effect of both resolving key outstanding issues and minimising overall disruption.

- 3.2 The extension of the Long Lane enhancement scheme beyond the Flybe Training Academy to Harrier Court has a capital cost of circa £1.4m. As well as providing access to the proposed FAB convertor station this element of the scheme also has a significant future proofing benefit, for example to support the future expansion of the Airport or further strategic employment allocations.
- 3.3 The inability of the FAB project to offer any security to underpin the £670k contribution significantly changes the risk profile. It is conceivable that the entirety of the enhancement scheme will have been undertaken (and the full capital costs incurred) prior to the FAB project reaching FID. This is a position which has to be protected and, as a point of principle, it is considered that some form of security is essential to underwrite the expected contribution. Such an arrangement would only kick in if the project proceeds, the relevant trigger point is reached but the payment is not forthcoming.
- 3.4 The mechanics of the funding for the upgrade of Long Lane was set out to the relevant parties in October 2018. This included reference to security provisions. Subsequent negotiations focused on the quantum of overall contributions and the associated trigger points rather than the specifics of how it would be secured. This included correspondence from the FAB Link in February of this year which set out that any financial obligation would be wholly contingent on the project reaching FID. This was acknowledged in the March Cabinet paper which recognised that the precise timing and scheduling of payments (including trigger points and long stop dates) still needed to be confirmed and enshrined within a bespoke funding agreement.
- 3.5 The security provisions were not an explicit element of the Cabinet paper. Nonetheless it remains a vital ingredient in terms of safeguarding the Council's position. The inability of the FAB Link project to be able to offer any security therefore fundamentally affects how to proceed. In light of this it is considered that the best way forward is to reconsider the extent of the scheme and to delete the proposed stretch between the Training Academy and Harrier Court (coloured yellow in Appendix B). This corresponds with Option 3 set out in the March Cabinet paper. Whilst this will result in an expected saving of £1.4m in terms of capital cost, it does also mean that the ability to secure the £670k contribution will also be lost.

4. Conclusion

- 4.1 The enhancement of Long Lane is an important project which, in addition to unlocking the Airpark Enterprise Zone site, will also bring a series of wider benefits including improved public transport provision. It has become clear as part of the negotiation process that the inability to secure the financial contribution from the FAB project significantly changes the risk profile associated with it. Subsequently, and despite of the 'one scheme once' principle, it is considered that reducing the overall scope of the scheme is the best way to protect the Council's position whilst still ensuring that future investment and employment can come forward.



NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
3. DRAWING TO BE PRINTED IN COLOUR.

KEY

Rev	Rev. Date	Purpose of revision	Drawn	Checked	Revised	Approved
A.2	28/01/19	FOR INFORMATION	SL	MC	MM	MM
A.1	18/01/18	FOR INFORMATION	TS	MC	MM	MM



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Project
 LONG LANE ENHANCEMENT
 AND SILVERDOWN LINK

Drawing title
 LONGLANE & SILVERDOWN LINK
 SCHEME LAYOUT
 SHEET 1 OF 1

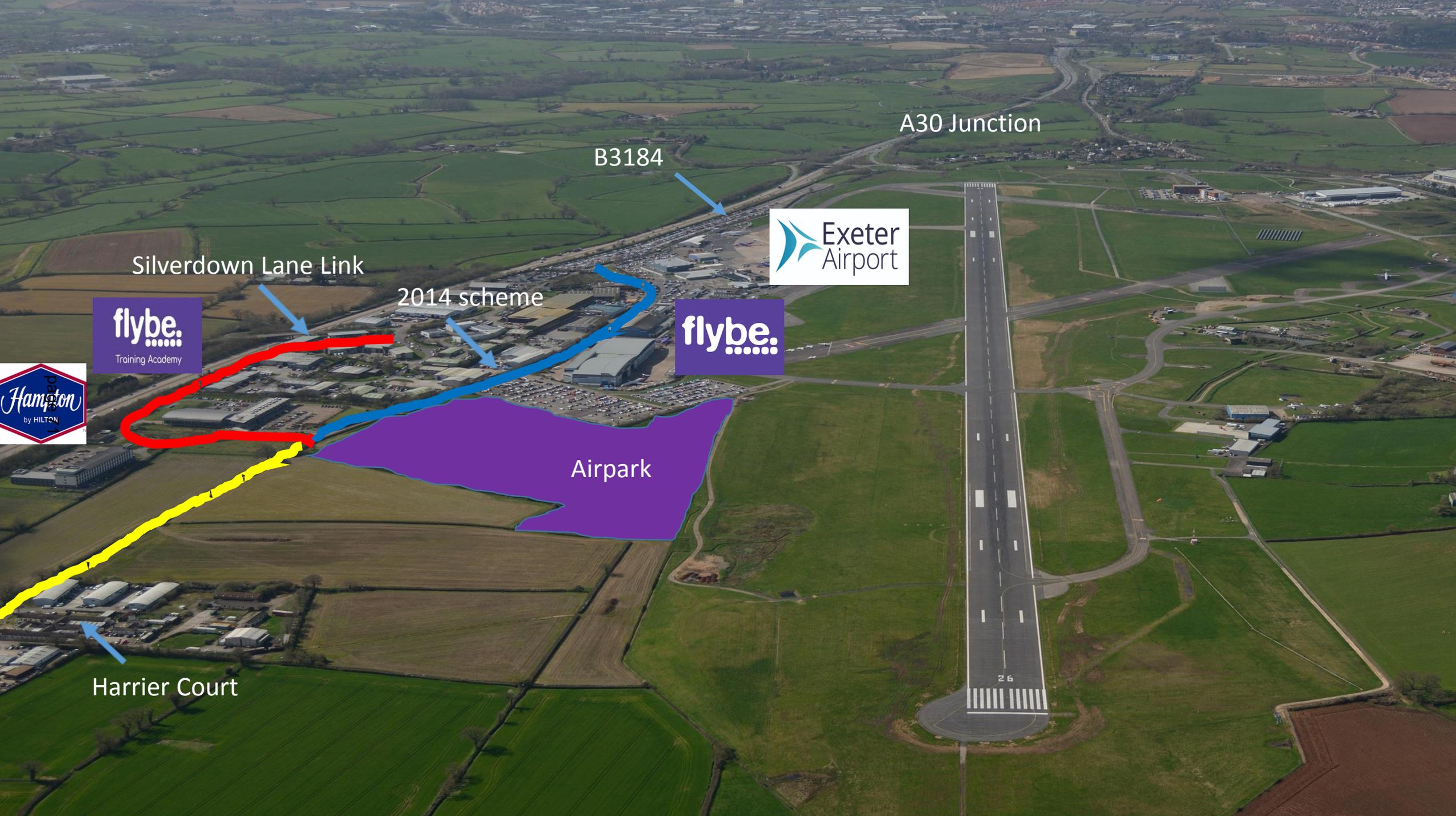
Drawing status
 Fit for Information
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Drawing number
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Rev
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A30 Junction

B3184



Silverdown Lane Link

2014 scheme



Airpark

Harrier Court



Report to: **Cabinet**

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: **Review of the Council's governance arrangements**

Purpose of report: At Annual Council it was confirmed by the Leader that the Council would have the opportunity of considering the alternative arrangements of a committee structure in place of the current Cabinet / Leader model. This report gives a brief background to the existing position and options for change and recommends that Members lead on the review of whether or not to adopt alternative arrangements.

Recommendation:

(1) That Cabinet ask the Overview Committee to carry out a review of the Council's governance arrangements and options for change and reports its findings and recommendations back to Cabinet in due course. The Overview Committee to set the terms of reference for carrying out the review and consideration of the alternative models.

(2) That the Portfolio Holder for Transformation establishes a Think Tank for the purpose of investigating the options for change and to enable engagement with the wider membership of the Council on the necessity for and objective of change.

Reason for recommendation: To enable the Council Membership to fully consider and engage on the review of the Council's governance arrangements and whether or not they should be changed.

Officer: Henry Gordon Lennox, Strategic Lead Governance & Licensing & Monitoring Officer - hgordonlennox@eastdevon.gov.uk and 01395 517401.

Financial implications: There are no direct financial implication in the recommendations of this report. Any proposals that come forward will need to be accessed for financial implications at that stage.

Legal implications: The legal implications are detailed in the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: .

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

Legal background

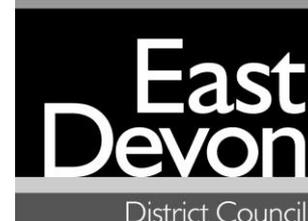
1. By way of background, the historic position was that Councils operated a committee system model of governance. The committee system involves decisions being made by cross-party groups of councillors, by consensus and/or through the use of votes both in committee and council meetings. Where decisions cut across the terms of reference of more than one body or committee, they were often passed to multiple bodies / committees before the council formally decided to take action.
2. The Local Government Act 2000 introduced the requirement for authorities to introduce one of four governance options – they could be governed by a Leader working with a Cabinet, a directly elected executive Mayor, a council manager working with a directly elected Mayor, or a streamlined committee system, although this ‘fourth option’ was normally only open to shire districts with populations of less than 85,000.
3. There were further prescribed rules around the adoption of either a ‘strong’ or ‘weak’ Cabinet model, the difference relating to the power (or not) of the Leader to appoint Cabinet members and the delegation of powers to them. It also required the appointment of at least one Overview and Scrutiny Committee to act as a challenge to the operation of the Cabinet.
4. The Local Government and Public Involvement in Health Act 2007 made further changes in that it abolished the council manager working with a directly elected Mayor option and required that any Council operating the Leader / Cabinet option should operate the ‘strong’ model – this meant the Leader appointed the Cabinet members and determined the delegation of powers to them.
5. The Localism Act 2011 further changed the landscape of governance. It abolished the ‘fourth option’ as detailed above, rather introducing the option of a committee system for all authorities. It also enabled the Secretary of State to determine further arrangements which can be adopted as an option – however the Secretary of State has not developed any other options at this time.
6. On the basis of the above legislation there are currently three legal models for governance, being; an elected Mayor and Cabinet, Leader and Cabinet or a committee structure. There is some variation within these, as detailed further below.
7. Any change to an authority’s governance arrangements - in the sense of changing between any of the three legal options - requires a resolution of the Council to implement it. Once such a resolution has been taken, an authority may not take another resolution to change the governance arrangements within a 5 year period, other than in prescribed circumstances. The intent being that an authority must stick with change for a period of time before deciding to change again.

Position at East Devon

8. As with all authorities, East Devon had operated under the committee system but we were required to change our governance arrangements as a consequence of the changes introduced by the Local Government Act 2000.
9. Through decisions by the Policy Committee (14th February 2001) and Full Council (28th February 2001) it was determined that East Devon would operate the Leader and Cabinet model.
10. Annual Council in May 2002, adopted the revised Constitution to implement the new regime. We have operated a Leader and Cabinet model since then and are currently operating under the ‘strong’ model.

Comment

11. As will be appreciated each of the three 'legal' models has its own strengths and weaknesses – greater speed of decision making (cabinet model) versus greater member involvement (committee model) by way of example. Establishing the rationale for change is therefore of critical importance as this will help determine whether the preferred solution will deliver a satisfactory outcome and, if so, at what cost / weakness would it do so. One would also want to understand whether the overall weaknesses outweighed the potential benefits to the extent that a less preferred option might ultimately be more desirable.
12. Moreover it is not simply a stark choice between the three 'legal' models as there are, for example, a range of possible options that combine benefits of each – often called hybrid models. One such example is having a Leader / Cabinet model but related to and aligned with the Portfolios of the Cabinet are cross party committees which help develop and deliver the policy work of Cabinet. In the case of East Devon, to change to such a structure wouldn't require a change to the 'legal' model but would only require changes to the Constitution to bring in to effect. In contrast, to abolish the Leader and Cabinet and revert to a pure committee structure would require the resolution of the Council and would result in the Council having to stick with this option for 5 years, unless the specific circumstances permitting a change within that period could be relied on.
13. In light of the above, it is important that Members establish why the necessity for change and what the desired objectives are in terms of the governance arrangements – as opposed to a straight comparison between options – and then assess the three legal models and potential hybrid options to determine which will best deliver the stated objectives and / or how to structure one to meet the objectives.
14. Further, and in respect of the various options, consideration will also need to be given to their costs (both transitional and ongoing), the practical operation of the Council under them, the scheme of delegation (to committee, members and officers) and the impact on operational delivery, what happens in terms of decision making and time taken to take decisions, involvement of scrutiny (before and / or post decision) and impact on partnership working / joint committees or interaction with joint / outside bodies.
15. It is the view of officers that it is for Members to determine why the necessity for change and to establish what the objective of the governance arrangements should be. This is essentially the most crucial step and is why the recommendations are drafted as they are. Both Overview Committee and the Portfolio Holder for Transformation will be able to lead the Member engagement.
16. As part of the review it is likely that Members will want to engage with the public to ascertain their views on the current arrangements and desirability of having alternative options. Again, it is considered that it is for Members to determine the scope of this in light of the overall objectives.



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: Revised arrangements for lone worker safety

Purpose of report: These new arrangements for lone worker safety means that we will have simple and easy to use Council wide system. The revised arrangements rely on managers taking responsibility for identifying and monitoring their lone working staff and putting in place suitable and efficient arrangements to ensure their safety according to the risks that they face. It also relies on each employee taking responsibility for telling the system where they are and that they are doing and the system will fail "safe" by triggering an alert to their manager if they forget to do so.

Recommendation: To approve the revised Lone Working Policy & Procedures

Reason for recommendation: To ensure that the Council continues to take reasonable measures to meet its obligations to protect the health and safety of its workforce from foreseeable risks.

Officer: Andrew Ennis, Service Lead, Environmental Health & Car Parks
aennis@eastdevon.gov.uk – 01395 517452

Financial implications: There are no identifiable financial implications.

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

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [Revised Lone Working Policy & Procedures](#)

Link to Council Plan: Continuously improving to being an outstanding council.

Report in full

The Council's Lone Worker Safety Policy assists us in meeting our obligations under the Health and Safety at Work etc. Act 1974. As an employer the Council has a duty to manage the risk to its employees and those who leave the office to work alone in various locations in the community are exposed to particular risks to their health and safety that we will continue to manage through our policy and procedures for lone workers.

The policy has now been updated to recognize the availability of digital systems that can help us monitor and safeguard our lone workers.

What is the council's policy?

The Council will ensure, so far as is reasonable, that employees and self-employed contractors who are required to work alone or unsupervised for significant periods of time are protected from risks to their health and safety (so far as it is reasonable and practicable to do so).

Solitary working exposes employees and others to certain hazards. The Council's intention is to help employees to remove the risks from these hazards or, where this is not possible, to reduce them to an acceptable level.

The Policy recognises that Lone workers are a vulnerable group of employees. Therefore risk assessments, safe systems and monitoring procedures are in place to minimise the risks to their health and safety at work.

Staff safety is a priority for the Council and we have adopted a safety first principle with which we expect all staff to co-operate to ensure they are safe in their work.

How will we go about it?

We will:

- ❑ Provide managers with a copy of the policy and a risk assessment tool to identify and classify lone worker activity as being low, medium or high risk.
- ❑ Recommend to managers procedures for the management of low risk lone working
- ❑ Specify procedures for the safe management of medium risk lone working based on the Mobile Worker App.
- ❑ Specify procedures for the safe management of high risk lone working based on the use of SOS wearable devices.
- ❑ Identify suitable training/briefing options to ensure that the policy is embedded in work processes.
- ❑ Ensure that managers are monitoring and enforcing the provisions of the policy.

Risk Assessments

Assessments of risks must be carried out under the Management of Health and Safety at Work Regulations 1999. These risk assessments will identify and categorise those employees engaged

in low, medium and high-risk lone working activity. The assessment will also consider whether the risks associated with any work activity can be safely managed by one unaccompanied employee.

Particular consideration will be given to:

- ❑ The likelihood of encountering an aggressive or violent person arising from either general information about the job role, usual client group profile and intelligence recorded in the employee safety database about known or suspected risks associated with any individual or location.
- ❑ The remoteness or isolation of workplaces – adequate access to first aid, transport arrangements to and from site, is lone working appropriate and can risks be safely managed at these locations?
- ❑ Any problems with communication – typically there will be locations where a mobile phone signal cannot be relied on and risk assessments must acknowledge and deal with this risk.
- ❑ The likelihood of work related injuries being sustained and consideration of foreseeable “worst case” scenarios including consideration of whether lone working activity is appropriate and capable of being safely managed. Are emergency procedures in place and have they been agreed?
- ❑ The vulnerability of the employee and consideration of any need for two person visits.
- ❑ The timing of the visits i.e. out of hours, weekends, bank holiday etc.

Managers' Obligations

- In general terms our employees and others will be given suitable and sufficient information, instruction and training delivered by their line manager and the Corporate Health and Safety team in an annual team based toolbox talk.
- Managers will need to make arrangements to provide an appropriate level of supervision to enable them to know that the lone working procedures in place are adequate and that they are being implemented by employees.
- This approach will help employees to recognise the hazards and understand the risks associated with various lone working activities.

Employees Obligations

- Employees are expected to follow safe working procedures when they are engaged in lone working activities.
- To review the situation prior to carrying out any visit (also known as a dynamic pre-visit risk assessment),
- Adhere to agreed communications protocols,
- Consider the provision of first aid (if appropriate)
- Diligently report all near misses, incidents and accidents including sharing intelligence with the Corporate Safety Officer.

- Employees should report any concerns or hazards to their Line manager and to the corporate health and safety team to add to the employee safety database.
- Stop any lone working activity that presents a new or unexpected risk to health, safety or wellbeing and report this to your line manager and the corporate health and safety team at the earliest opportunity (usually this will be a mobile telephone call from the work location or the nearest safe place if that location has become part of the risk).
- Employees are responsible for checking whether any relevant risks have been identified in the employee safety database prior to visiting any person or location with which they are unfamiliar.



Report to: Cabinet
Date of Meeting: 10 July 2019
Public Document: Yes
Exemption: None

Review date for release None

Subject: Construction (Design and Management) Regulations 2015 Policy

Purpose of report: At present the Council have guidance notes on the requirements of these Regulations, but no formal policy on how these matters are managed within the Council.

Recommendation:

1. That Members adopt the proposed Policy
2. That Members approve the further work required to implement the Policy throughout the Councils operations.

Reason for recommendation: To ensure all areas of the Councils operations comply with the requirements of the Regulations and staff are clear on their duties and responsibilities.

Officer: Andrew Ennis, Service Lead, Environmental Health and Car Parks, aennis@eastdevon.gov.uk
 Allison Ferrero, Principal Environmental Health Officer Commercial, aferrero@eastdevon.gov.uk

Financial implications: There are no additional financial resources being requested.

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

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: [EDDC's Construction \(Design and Management\) Regulations 2015 Policy](#)

Link to Council Plan: Continuously improving to be an outstanding council.

1. Report

- 1.1. These Regulations were introduced in 1994 and have been updated in 2007 and 2015. There are significant acts and responsibilities required to integrate health and safety into the management of construction projects and to encourage all parties involved to work together.
- 1.2. The definition of “Construction work” is very wide and includes construction; alteration; conversion; fitting out; commissioning; renovation; repair; upkeep; redecoration; other maintenance; decommissioning, demolition and site clearance.
- 1.3. The Council has for some time had guidance notes on the requirements of the Construction (Design & Management) Regulations 2015 for staff who are planning to carry out construction work on behalf of the Council. Following requests for additional training and discussion of issues that have arisen following various projects that have been undertaken, it became obvious that the guidance notes were not sufficient.
- 1.4. Over the past two years a working group including Property Services, Housing, StreetScene Engineering and Corporate Safety have been developing a more formal policy to provide greater support and guidance for staff in this area.
- 1.5. It was identified that there are a number of services across the council which commission works which can fall under the requirements of the CDM Regs. Not only Property Services, StreetScene and Housing, but Countryside, Regeneration and Car Parks can all require works that fall under the regulations. Many of the staff who come across these situations are not aware of the legislation and need more specific instruction to be clear at which point they need to ask for additional support.
- 1.6. The intention of the overarching policy is to provide a framework under which each service can develop working procedures that will comply with the regulations, and know at what point staff need to refer to a competent person for more specific advice.
- 1.7. Housing have already developed considerable procedures for the works they oversee. The StreetScene Engineering and Property Services Surveying staff have the necessary expertise due to the larger scales works they commission.
- 1.8. Staff who commission work will be directed to appropriately competent officers who can assist them in understanding the requirements and ensure they receive the correct advice to know what their responsibilities are.
- 1.9. Smaller scale works carried out for the Council, mainly maintenance and repair type works such as carried out by some StreetScene and Property Services staff, requires capturing and more formal work instruction will need to be developed for these tasks.
- 1.10. If we do not improve our procedures on this topic we risk being liable for enforcement action in the event of an accident during construction works for allowing works to be commissioned or carried out without complying with the regulations.



Report to: Cabinet

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: Public Health Implementation Plan 2019/20

Purpose of report: In this Council's Public Health Strategic Plan (2019 – 2023) we recognise that a lot of our residents would like to be (and could be) in better health and we believe that as a provider of important public services we have an overarching responsibility to think about people's health and wellbeing in everything we do. Every year we commit ourselves to a Public Health Implementation Plan that sets out specific things that this Council is going to do to help people to be healthy and to stay healthy. This report collects together examples of some of the really good work that has been and is continuing to be delivered by our front line Council services.

Recommendation: To approve and promote this year's Public Health Implementation Plan 2019/20

Reason for recommendation: To raise awareness of the importance of this Council's work in keeping people well and to celebrate the enormous contribution our services make to the prevention agenda within the Devon Sustainability and Transformation Partnership (STP) – the comprehensive five-year plan to transform health and care services for local people so they are fit for the future.

Officer: Andrew Ennis, Service Lead for Environmental Health
aennis@eastdevon.gov.uk – 01395 517452

Helen Wharam, Public Health Project Officer
HWharam@eastdevon.gov.uk : 01395 571651

Financial implications: There are no identifiable financial implications, however should there be Financial resource requirements then these would be funded from the individual Service budgets.

Legal implications: The report does not raise any specific legal implications which require comment.

Equalities impact: High Impact

This Implementation Plan identifies activities designed to make a positive difference to everyone's physical health and mental wellbeing across East Devon. In a fully multi-disciplinary approach, teams across the council are embracing opportunities to combat inequalities and encourage healthier lifestyles.

Risk: Low Risk

These activities are already identified in service plans for teams across the council.

Links to background information: [:Our Public Health Implementation Plan 2019/20](#)

The annual Implementation Plan records actions to meet our [Public Health Strategic Plan 2019/23](#)

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

Report in full

1. Council staff work incredibly hard to help our residents lead happier healthier lives. Unfortunately it is the case that you are more likely to have poor physical and mental health if you live in a deprived area with average life expectancy in some areas within the district being ten years more than in others. Public health data supports these observations and provide us with the robust evidence base upon which our strategic and implementation plans are founded.
2. We have set ourselves three overarching aims which help us to make a real difference in life expectancy (and in particular healthy life expectancy) within our communities:
 - i. To help more people to be healthy and stay healthy
 - ii. To enhance self-care and support community resilience
 - iii. To integrate and improve support for people in their homes.
3. Most of our Council services really do have an important part to play in delivering joined-up services that support these three health and wellbeing priorities.
4. Our Implementation Plan for 2019-20 is full of activities that we have included, not as bolt-on extras but as an integral part of our Service Plans.
5. **Our Countryside and Arts teams work tirelessly** to help provide a healthier, more beautiful natural environment and to deliver experiences that inspire, educate and involve all those who live in and visit East Devon's outstanding environment.

Specific work has included:

- the Thelma Hulbert Gallery outreach learning programme which delivers a learning programme in schools and communities;
 - a community consultation to create cross-sector social engagement;
 - working to develop visual impairment accessibility;
 - integrating art and the natural environment into so-called social prescribing as an alternative or in addition to medication to prevent and treat certain conditions including depression and anxiety associated with social isolation that can be improved by participation in say a local nature reserve volunteering programme.
6. **Through our Economy and Regeneration Services** we deliver regeneration outcomes by optimising the council's assets, creating new facilities for people to visit or work in and to generally enhance work-life balance.

Their work:

- leads to genuine transformation of places,
- supports and develops businesses; creates partnerships; attracts investment;
- supports new development through the planning process and;

- helps to develop skilled work opportunities – a critical underlying determinant of future health and wellbeing.
 - identifies opportunities that help to promote the council's environmental, cultural and countryside/coastal commitments by delivering projects such as Exmouth Watersports Centre, Queen's Drive Space and the renewal of the former Drill Hall site.
7. **Our Environmental Health, Car Parks and Community Safety teams** work in many and various ways to control and influence a range of behaviours and environmental factors that affect the health and wellbeing of people in East Devon.
- We help more people to be healthy and stay healthy with regular and informative health message broadcasting on social media.
 - We find, research and evaluate national and regional public health campaigns, initiatives and programmes suitable for our population and then promote them;
 - We support East Devon's communities with a programme of fair and transparent regulatory inspections and investigations supporting businesses and helping to protect residents' health and wellbeing.
8. **Our Finance, Revenues and Benefits teams** provide means-tested financial support in respect of housing and council tax costs in accordance with prescribed legislation and a locally determined scheme. They also signpost and refer customers to other agencies for help and support where they identify opportunities to help address wellbeing issues associated with financial hardship, social isolation or vulnerability.
9. **The staff in our Governance and Licensing teams** assist clients to run their businesses effectively, contribute to the welfare of residents and visitors, promote a vibrant and sustainable community. They help to secure affordable housing (and other planning benefit) through planning and property transactions – a decent home is another underlying determinant of good health and wellbeing. . They also provide valuable support the Strategic Planning Committee in ensuring appropriate strategic policy direction and delivery of CIL regime to ensure we continue to address health inequalities in our communities.
10. **Our Growth Point Team:** ensure that we achieve that perfect balance between economic growth whilst protecting our outstanding natural environmental – both of which are critical to good health and wellbeing in our communities. They focus on helping to secure a low carbon economy, they deliver projects that further the economic growth and productivity of the district. They also work to support the Cranbrook Healthy New Town programme and the Sport England pilot programme to encourage the least active Cranbrook families to be active together.
11. **East Devon District Council's Housing teams** deliver enormous benefits for the health and wellbeing of both our own tenants and those who live in privately rented accommodation. They strive to deliver a decent home for all residents of East Devon – possibly the single most important determinant of our health and wellbeing. They provide a housing options service for all who are homeless or threatened with homelessness; they provide, maintain and manage our own council housing stock; and work with housing developers and housing associations to deliver more affordable housing; to regulate and improve other social rented, private rented and owner occupied housing and promote and administer a range of support programmes to help improve the energy efficiency of our housing stock directly tackling fuel poverty and making a major contribution to residents' health and wellbeing. It should come as no surprise that we know that our tenants report significantly better wellbeing than those who are waiting for suitable accommodation.

12. **Our Organisational Development and Transformation teams** are responsible for encouraging and supporting a healthy workforce, and for ensuring that the Council meets its public sector equalities duties. They provide a range of activities and schemes supporting staff health and wellbeing include lunchtime staff walks and our occupational health service.
13. **The Planning and Planning Policy Service:** deliver good growth, thriving communities and environmental care. Their work delivers outcomes that stimulate growth in a cared-for environment. This creates places where people want to live, work, invest and visit. Their work shapes places and stimulates markets. They work closely with communities to fully engage people in planning decisions. These actions can have significant positive impacts on the physical and mental health and wellbeing of the community.
14. **Our in-house Property and Estates Service:** manages the council's land and property asset portfolio in a way that secures best value, operational efficiency, and longevity of assets and delivers commercial and social value. Equalities assessment including accessibility. They carry out engagement with community and other organisations. Through non-financial modelling they will also add weight to the contribution towards social, economic or environmental wellbeing of a community – all critically important to the overall health and wellbeing of East Devon's residents.
15. **Finally, last but by no means least our Streetscene teams** provide opportunities for health and wellbeing in our outstanding environment as well as contributing to public health through provision of sanitation services such as street cleansing, public toilets and recycling and waste collection. Their work delivers, promotes and protects our outstanding environment through keeping things clean and green, providing award winning beaches and parks; supporting other objectives by providing opportunities for communities to be healthy, to connect with nature and each other; great beaches and public spaces that help to support our visitor economy and to support corporate projects such as Queens Drive Space to make them a success. They maintain all outdoor council assets and spaces; cleaning most of East Devon's public realm; they look after East Devon's 5 town beaches and associated cliffs, promenades and accesses to ensure they encourage residents to make the most of the natural "green" and "blue" gyms on our doorstep.
16. Our Public Health Implementation Plan 2019/20 is available at:
http://eastdevon.gov.uk/media/2940644/eddc_ph_implementation-plan_19-20.pdf

Report to: **Cabinet**

Date of Meeting: 10 July 2019

Public Document: Yes

Exemption: None

Review date for release: None



Subject: **Sid Valley Neighbourhood Plan Examiner's Report**

Purpose of report: To provide feedback and set out the proposed modifications following the examination of the Sid Valley Neighbourhood Plan

Recommendation:

1. That Members endorse the Examiner's recommendations on the Sid Valley Neighbourhood Plan (the Plan).
2. That Members agree that a 'referendum version' of the Plan (incorporating the Examiner's proposed modifications) should proceed to referendum and a decision notice to this effect be published.
3. That Members congratulate the Neighbourhood Plan Steering Group on their hard work.

Reason for recommendation: 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 Town Council.

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

Financial implications: There are no direct financial implications.

Legal implications: As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed plan meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members agree the proposed recommendations then the Council is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies

that the District Council is responsible for organising the referendum and requires a resolution to progress this. At this stage there are no other legal observations arising.

Equalities impact: Low Impact

The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. Neighbourhood planning is designed to be inclusive and extensive consultation is a fundamental requirement. All electors are invited to vote in the referendum.

Risk: Medium Risk

There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

Links to background information:

- [Localism Act 2011](#)
- [Neighbourhood Planning Regulations 2012 \(As used to examine the Plan due to the submission date of December 2018\)](#)
- [Neighbourhood Planning Roadmap Guide](#)
- [Sid Valley Neighbourhood Plan and Examiner's Report](#)
- [EDDC Local Plan 2013-2031](#)

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 The Examination

1.1 The Sid Valley Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Liz Beth, was chosen by EDDC in consultation with Sidmouth Town Council.

1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as any representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The Plan and Examiner's report are

available to download on our website:

<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/sidmouth/#article-content>

- 1.3 The legislation, reflected in the Council's Neighbourhood Planning Protocol (excerpt below), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. This response will then be published as a decision notice.

Task in Neighbourhood Plan Production, Commentary and Formal Processes	Role of the Policy Team at the Council	Role of Other Services at the Council
<p>12b – Consideration of and response to the Examiner’s Report (Paragraph 12 of Schedule 4B of TCPA 90)</p> <p>The legislation requires the Council to consider and respond to the Examiner’s recommendations.</p> <p>In addition, and before moving on to the next stage, the Council must be satisfied that the draft plan;</p> <p>(1) meets the ‘basic conditions’ being,</p> <ul style="list-style-type: none"> -Complies with national policy and guidance from SoS -Contributes to sustainable development -General Conformity with the strategic policy of the Development Plan for the area or any part of that area -Doesn’t breach and is otherwise compatible with EU obligations – this includes the Strategic Environmental Assessment Directive of 2001/42/EC -The making of the NP is not likely to have a significant effect on a European site (as defined in the Habitats Regulations or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects))” <p>(2)is compatible with the Convention rights, and (3)complies with the other legal requirements set out in Sections 38A & 38B of the TCPA 90</p>	<p>Consider each of the Examiner’s recommendations and decide what action to take in response.</p> <p>This could be to accept the Examiner’s recommendations to progress to a referendum or to refuse the proposal. It could be to accept recommendations to make modifications or make our own modifications, so as to make the NP meet the ‘basic conditions’, Convention rights or other legal requirements. It could also be to extend the area for the referendum. We could also decide we are not satisfied that the plan meets the minimum requirements notwithstanding the Examiner’s view.</p> <p>We will need to consider if our proposed decision differs from the Examiner’s recommendations and whether this is as a result of new evidence or new fact. If so, and prior to making the decision, we will notify the plan producers and those making representations on the NP and invite further representations. This may entail referring this matter back to the Examiner.</p> <p>A report will be taken to the Determining Committee notifying members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. In the event of the Officers recommending refusal of the proposal it will not be necessary for the matter to be considered by the Determining Committee unless a Ward Member requests the committee consider the matter.</p>	<p>The Policy Team & Legal Services will assess each of the Examiner’s recommendations and decide what action to take in response.</p> <p>Legal Services will advise whether they are satisfied that the draft plan meets the basic conditions, is compatible with the Convention rights and complies with the other legal requirements</p>

12c - Produce and publish a Decision Statement (Regulation 18)		
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1.4 The Examiner's proposed modifications are as follows:

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Throughout	In order to comply with government guidance in the NPPG and thus the Basic Conditions, at the request of the examiner, the Community Actions need to be more clearly differentiated from the land use policies of the SVNP and the Plan. They should be removed from their current location at the end of each topic section and formed into a separate annex to come at the end of the document after the Glossary of Terms and Web links.
PM2	Policy 2 – Protection of key views	<p>In order that Policy 2 meets the Basic Conditions and has regard to government guidance, the following modifications are recommended by the examiner: <i>“Any development must not cause a significant adverse impact on the current valued views as shown in the Key Views Map 8. The visual relationship of settlements in the valley surrounded by hills should</i></p> <p><i>be protected. building heights should not normally be higher than neighbouring properties. Except when development will not be visible from the viewpoints, proposals outside of the BUAB must demonstrate that they will have a low or negligible impact on the views, assessing:</i></p> <p>a) the key views from outside the BUAB which are 1, 2, 8 and 9</p> <p>b) the key views from within the settlements to the surrounding AONB or the Coastal Protection</p> <p>Areas (CPA) which are 3,4,5,6,7 and 10;</p> <p>Views to be re-numbered to accommodate the removal of view 8.</p>
PM3	Policy 3 – Settlement Coalescence and Green Wedges	The policy as worded is stating that no development will be acceptable within the designated non-coalescence area. This would provide a degree of protection that would exceed Green Belt designation, and the examiner considers this as too negative. Some development may be acceptable, and the policy instead needs to focus on

		<p>development maintaining the visual and physical separation of Sidbury and Sidford.</p> <p>Policy 3 to be reworded as follows:</p> <p>POLICY 3 SETTLEMENT COALESCENCE AND GREEN WEDGES</p> <p>There will be a presumption against any built Any development proposal within the 'Green Wedges'</p> <p>Sidford-Sidbury Non-Coalescence Area, <i>shown on the Map 10</i>, will only be acceptable if it does not impact on the visual and physical separation of Sidford and Sidbury.</p>
PM4	Policy 4 - Green Corridors	<p>The policy as currently drafted has errors with the placing of bullet points, and for clarity this will need correcting. The examiner has agreed with the Qualifying Body that the borders of the corridors should coincide with the Environment Agency's floodzone 3, and Figures 11 and 12 will need amending therefore. The policy cannot state that there will be a presumption against any built development for reasons of being positive as required by the NPPG. Developers and others need guidelines in policies as to what is not acceptable, and why, so that what may be acceptable can be determined. In order that Policy 4 meets the Basic Conditions, the examiner recommends that it is amended as shown below:</p> <p>The Environment Agency Flood Zone 3 of the River Sid and tributaries; the Green Goyle and Woolbrook Stream in the Neighbourhood Area are defined as Green Corridors as shown on Maps 11 and 12. There will be a presumption against any built <i>Development within the areas shown on the Green Corridors Map other than alterations and extensions within the Green Corridors area where they are supported by alternative planning policy, including flooding considerations.</i> will be required to maintain and where possible enhance <i>the biodiversity of the corridor and allow uninterrupted passage of wildlife.</i></p> <p>Other text to be deleted.</p> <p>Maps 11 and 12 to remove reference to Flood Zone 2. Detail from the Sid Valley Place Analysis</p> <p>Figures 19 and 20 could be added for clarity with regard to the Green Corridors.</p>

PM5	Policy 5 – Local Green Space Designation	<p>With the further details of the LGS sites inserted in the Plan, the examiner considers that reference to the Open Space Study within the Policy will not be necessary. EDDC has pointed out that some development can enhance a LGS, and the ‘presumption against all development’ needs to be qualified in this regard in order that the Plan is not unduly and unhelpfully negative. Policy 5 and supporting text is recommended to be revised as shown in below in order that it meets the basic conditions.</p> <p>“The following areas are designated as Local Green Space as shown on the Sidmouth LGS Designation Maps (13-21) below, where there will be a general presumption against all development that does not promote the attributes and use for which it was designated except in very special circumstances.</p> <p>Specific areas designated as Local Green Spaces are listed in the East Devon District Council Open Space Study Review 2014 http://eastdevon.gov.uk/planning-libraries/evidence-documentlibrary/chapter8.4-environment/env046-openspacestudyreview2014.pdf and additional areas</p> <p>since this report are included below:</p> <p>Local Green Spaces in the Sid Valley:</p> <p>Include List as shown in Policy 5 ...</p> <p>Maps of each LGS, supporting text detailing the reasons for designation, and the revised justification text, to be inserted in the document after Policy 5. The existing table may remain or not, I do not see it as necessary now, but this is not a Basic Conditions issue. Other maps and references to them</p> <p>will need to be re-numbered.</p>
PM6	Policy 6 – Protected open Spaces	<p>The examiner raised a conflict between this policy and Policy 5 with the Qualifying Body, as the areas designated as LGS were also included within this policy. Duplicating designations in both policies would have confused users of</p>

		<p>the Plan as to what level of protection was intended with the LGS. Discussion on this point has led the Qualifying Body to suggest that Policy 6 is deleted. Open Space is protected in the EDLP, and the policy is not offering any new guidance. The examiner agrees that this is a sensible solution, and recommends that in order that the Plan has the clarity required by the NPPF and NPPG (ID: 41-041-20140306), and does not duplicate policy, it is deleted.</p>
PM7	Policy 8 – Local Distinctiveness	<p>EDDC were concerned that requiring ‘building heights should not normally be higher than neighbouring properties’ is difficult in a context like Sidmouth Parish with sloping sites. The examiner viewed this Plan requirement as overly prescriptive, contrary to the requirements of the NPPF (para59). The alternative wording suggested by the LPA is more flexible as per the proposed modification below:</p> <p>Policy 8 and the Place Analysis are to be amended as follows:</p> <p>The final paragraph of Policy 8 to read as follows:</p> <p><i>“Building heights should be in keeping with the context of not normally be higher than neighbouring properties.”</i></p> <p>The Place Analysis document to include the authors of the report, and their qualifications.</p>
PM8	Policy 9 – Light Pollution	<p>The examiner recommends that Policy 9 is amended as shown in order that it meets the Basic Conditions with regard to clarity:</p> <p>“There will be a general presumption against all outdoor lighting (both ambient and floodlight) outside the settlement areas BUAB, unless there is overwhelming operational requirement and the illumination has been designed to minimise light spillage and the hours of usage are restricted by planning condition.”</p>
PM9	Policy 10b – Exception Sites	<p>The examiner noted that there are aspects of Policy 10B, as currently drafted, that do not comply with the strategic policy Strategy 35 and are not in ‘general conformity’. East Devon DC has objected that the policy has no size limit, and in the absence of this the examiner proposes that Policy 10B should include the limit in Strategy 35. Policy 10B also needs to be clear that it is exception sites that are being allowed, a requirement for Strategy 35 as well as development in the AONB. The LPA has also objected to a strict local occupancy condition being applied to any</p>

market housing, and this would be unduly onerous for dwellings whose purpose is to improve the viability of the exception site development.

A formula has been agreed between EDDC and the Qualifying Body during this examination whereby a local occupancy condition will be required for market housing on an exception site, unless viability issues are shown to render it an unreasonable restriction on development. In this way, the examiner considers the revised policy to be in general conformity with strategic and national policy.

Additionally, the examiner proposes that Policy 14 on Principal Residency be added to the requirements of this policy. Exception sites are only allowable if they are providing for local need, and it is reasonable to exclude the possibility of 19 holiday accommodation being developed on any market housing allowed outside of the BUAB to facilitate affordable housing provision.

Policy 10B to be amended as follows:

~~The~~ **Exception site** residential development of land which lies immediately adjacent to the built-up area boundary and is well related to the pattern of adjacent developments in the vicinity will be allowed **if it complies with the requirements of this policy and provides for no more than 15 dwellings at any one site.** ~~provides for the specific housing needs of persons resident of or connected to the settlements within the plan area~~

~~Such~~ **Exception site** developments will be required to include at least 66% affordable housing and

all the housing whether market or affordable must be of a type and size required to meet local

housing need as set out in SVNP Housing Policy 12.

Affordable housing ~~and~~ must be accompanied by a Planning Obligation requiring that occupants must meet the local connection criteria set out in SVNP Housing Policy 13. **Market housing will also be expected to be accompanied by a Planning Obligation requiring occupants to meet the local connection criteria set out in SVNP Housing Policy 13, unless it is demonstrated that such a restriction would prevent the delivery of**

		<p>the affordable housing through its impact on the economic viability of the scheme.</p> <p>Any new open market housing will be required to be restricted to being used as a Principal Residence and not as a 'second home', in that the occupier shall be required to use it as their main residence regardless of who owns the Freehold.</p> <p>Such development will only be allowed where it is demonstrated that the development will not detrimentally impact on the setting of the town or the landscape quality of the AONB and it meets all other relevant policies in the development plan. and Its design and layout will be expected to follow the characteristics of the adjacent Character areas, as set out in the Place Analysis.</p>
PM10	Policy 11 – Affordable Housing	<p>The examiner recommends that the final paragraph of Policy 11 is amended as follows in order that it complies with the Basic Conditions and is in conformity with strategic guidance for the</p> <p>development plan:</p> <p>“.....On sites in the AONB schemes of between 6 and 9 10 units a financial contribution equivalent to a 50% site affordable housing provision will be expected to be made in lieu of on-site provision of affordable housing.”</p>
PM11	Policy 12 – Housing by number of bedrooms	<p>In order that the policy has the flexibility required by national policy, and complies with the Basic Conditions, the examiner proposes that it is amended as shown below:</p> <p>The first paragraph of Policy 12 to be amended as follows:</p> <p>All new developments of 11 or more homes should must meet the following requirements:</p> <p>The percentage of one, two and three/four bedrooms homes on any development shall be as follows</p> <p>unless up to date housing need evidence demonstrates an alternative mix would better suit local</p> <p>needs:....</p>
PM12	Policy 13 – Local connection	<p>The examiner recommends that it is not acceptable to require local occupancy on market housing that is being provided to aid viability, and Policy 10B now has a viability clause allowing opt-out if required for viability reasons. The NPPF (para 173) also requires policy burdens to not</p>

		<p>unreasonably threaten viability. In order that Policy 13 applies to the affordable housing on any exception site, and thus complies with the Basic Conditions with regard to conformity with the development plan and the NPPF, the examiner recommends that policy text is amended as shown in Modification 12 below:</p> <p>Apart from sites promoted under SVN Housing Policy 10 B, the eligibility for affordable housing will be administered by EDDC as the Housing Authority. The definition of local need is therefore laid down by the Council's Allocation Framework. However, priority will be given to people who can demonstrate a local connection to the parish of the Sid Valley in the first place. In this policy,</p> <p>For the purposes of allocating housing provided for local need on exception sites as allowed by</p> <p>Policy 10B, a local connection will be required which means one or more of the following connections in respect of the Sidmouth Town Parish area:</p> <ol style="list-style-type: none"> 1. Persons who have been permanently resident in Sidmouth Town Parish for a continuous period of three years out of five years, immediately prior to their occupation of the new dwelling; 2. Have been formerly permanently resident therein for a continuous period of five years at some time in the past; 3. Having his or her permanent place of work (normally regarded as 16 hours or more a week and not including seasonal employment) within the Sidmouth Town Council area for a continuous period of at least 12 months immediately prior to the occupation of the new dwelling; or 4. Persons who can demonstrate a close family connection to the Town Council area in that the person's mother, father, son, daughter or sibling has been permanently resident there for a continuous period of five years immediately prior to the occupation of the new dwelling and where there is independent evidence of a caring dependency relationship.
PM13	Policy 14 – Principal Residency	<p>Whilst this policy is considered reasonable at exception sites outside of the BUAB, the examiner does not find enough compelling evidence to apply a principal residency policy throughout the parish.</p> <p>In order that the SVN meets the Basic Conditions with regard to complying with national policy on proportionate</p>

		<p>evidence and policy burdens, the examiner recommends that Policy 14 be deleted.</p> <p>The Policy 14 justification paragraph to be moved to the justification for Policy 10B and altered as follows:</p> <p><u>2nd sentence:</u> "The Neighbourhood Plan is anxious that any new housing built in the plan area should be used for providing homes for persons to live in on a permanent basis."</p> <p><u>Final sentence:</u> "...Where the supply of new market housing is limited provided on an exception site it is important, given the limited development locations in Sidmouth, that it be retained in a way that has the greatest also benefits for those in the need for primary residence housing need locally.</p> <p>Policy numbering to be altered as required.</p>
PM14	Policy 22 – A Safe Town	<p>Policy 22 to be amended to avoid prescriptive design guidance:</p> <p>All Proposals for new developments should consider the conform to 'Secured by Design' principles and incorporate them where possible. and the Neighbourhood Plan will support Development proposals aimed at improving community safety which comply with other policy in the development plan will be supported.</p>
PM15	Policy 24 – Eastern Town Access	<p>The policy was criticised by EDDC for being onerous in an area with existing good links. It is not unreasonable to want to maintain these links, but improvements should be required 'where possible' in order not to be too burdensome a requirement and contrary to policy in the NPPF. The last sentence of the policy is dealing with highway matters not land-use, and so cannot form part of the policy.</p> <p>Policy 24 to be amended as follows:</p>

		<p>“Any development of Eastern Town will be expected to demonstrate via an access strategy how the scheme will maintain, and where possible improve, the cycle pathway linkages with the town centre and the wider area. The existing levels of car parking spaces will be retained unless alternative parking is provided which is equally accessible to the town centre. The development will be expected to provide high quality environmental and public realm enhancements to the immediate area. Vehicular access to and from the Esplanade turning circle</p> <p>should be restricted to service vehicles, coaches and boat trailers.</p>
PM16	Policy 26 – Eastern Town Community Assets	<p>The policy has been criticised by EDDC as being too prescriptive, and it is potentially placing excessive burdens on any development of the site, contrary to the requirements of national policy (NPPF para 173).</p> <p>Policy 26 to be re-worded as follows:</p> <p>Any development Redevelopment of the Eastern Town site will be expected is encouraged to retain and/or replace all current community assets, including: The Ham recreation ground, swimming pool and the public toilets. Any such redevelopment will be expected to include a flexible multi-use area capable of acting as a community events space, and/or a flexible cultural /performance space, with catering (bar/restaurant). Developments which enhance the above buildings and/or uses will be supported.</p>

1.5 Under para 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the report and the reasons for them and decide what action to take in response to each recommendation.

1.6 The District Council must be satisfied that the Neighbourhood Plan meets the ‘Basic Conditions’, compatible with the convention rights and complies with the provisions under s 38A and 38B or that the draft Neighbourhood Plan would meet those conditions be compatible with those rights and comply with those provisions if modifications were made to the draft Neighbourhood Plan (whether or not recommended by the Examiner) before a referendum is held.

1.7 The regulations go on to state that if-

- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and

- b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.

1.8 The legislation, which is reflected in our protocol, requires the Council to consider and respond to this report. The amendments suggested by the Examiner, mean that the Council can be satisfied that the Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Development Plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights and therefore meets the 'Basic Conditions'.

Given that this is the case and the 'Basic Conditions' are met, there are not considered to be any grounds to reject the findings of the report. Members are asked to agree to accept the recommendations of the Examiner's report and agree that a notice to this effect be published.

1.9 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be available to view on the EDDC website before the Cabinet meeting. The District Council will be responsible for arranging a referendum where all electors within the Parish of Sidmouth will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. **The date of the referendum, as agreed between East Devon District Council and Sidmouth Town Council, will be delayed until September to avoid the summer holiday period.** If more than 50% of those who vote say 'yes' the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon.