

South Hams Council



Title:	Agenda																														
Date:	Thursday, 17th May, 2018																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Cuthbert</p> <p style="text-align: center;">Vice Chairman Cllr Hicks</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Hopwood</td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Smerdon</td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Steer</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Tucker</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Vint</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Wingate</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Wright</td> </tr> <tr> <td>Cllr Holway</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hopwood	Cllr Bastone	Cllr Huntley	Cllr Birch	Cllr May	Cllr Blackler	Cllr Pearce	Cllr Bramble	Cllr Pennington	Cllr Brazil	Cllr Pringle	Cllr Brown	Cllr Rowe	Cllr Cane	Cllr Saltern	Cllr Foss	Cllr Smerdon	Cllr Gilbert	Cllr Steer	Cllr Green	Cllr Tucker	Cllr Hawkins	Cllr Vint	Cllr Hitchins	Cllr Wingate	Cllr Hodgson	Cllr Wright	Cllr Holway	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. Election of the Chairman of the Council

(The Chairman will then read and sign the declaration of acceptance of office)

2. Address by the New Chairman of Council

3. Vote of thanks to the Retiring Chairman

4. Response by the Retiring Chairman

5. Appointment of the Vice Chairman of the Council

(The Vice Chairman will then read and sign the declaration of acceptance of office)

6. Minutes

1 - 30

to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Council held on 22 February 2018 and the minutes of the special meeting held on 29 March 2018

7. Representation on Political Groups

To approve a review carried out in consultation with leaders of the Political Groups. This is reflected in the list of Council Bodies – see Item 8 below

8. Appointment of Members of the Bodies of the Council

31 - 32

to appoint the Members of the following Council Bodies for the 2018/19 Municipal Year:-

- a) Audit Committee;
- b) Development Management Committee;
- c) Executive;
- d) Licensing Committee; and
- e) Overview and Scrutiny Panel.

9. Election of Chairman and Vice-Chairman of Bodies of the Council

33 - 34

to elect the Chairman and Vice-Chairman of the following Bodies of the Council for the 2018/19 Municipal Year:-

- a) Audit Committee;
- b) Development Management Committee;
- c) Licensing Committee;
- d) Overview and Scrutiny Panel; and
- e) Salcombe Harbour Board (Chairman only).

10. Appointment of Representatives on Outside Bodies 35 - 36

To agree the appointment of Members as representatives on Outside Bodies for the 2018/19 Municipal Year;

NOTE: Although some of these appointments are accepted by the "Outside Bodies" for a period of years, it is the Council's practice where possible to review all appointments annually.

11. Appointment of Other Groups 37 - 38

to agree to the appointment of the following Groups for the 2018/19 Municipal Year:-

- a) Council Tax Setting Panel;
- b) Devon Building Control Partnership;
- c) Discretionary (Majors) Business Rate Relief Decision Panel;
- d) Investments Member Working Group;
- e) Joint SH/WD/Plymouth Local Plan Steering Group;
- f) Political Structures Working Group;
- g) Public Spaces Working Group;
- h) Rate Relief Panel
- i) Slapton Line Steering Group; and
- j) Waste and Recycling Working Group.

12. Urgent Business

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

13. Confidential Business

the Chairman to inform the meeting of any confidential item of business;

14. Exempt Information

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

15. Declarations of Interest

Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

16. Chairman's Announcements	
17. Business Brought Forward by the Chairman to consider business (if any) brought forward by the Chairman;	
18. Joint Local Plan Main Modifications Consultation	39 - 94
19. Ugborough Neighbourhood Plan	95 - 134
20. Annual Review of the Council Constitution	135 - 140
21. Appointment of Salcombe Harbour Board Co-Opted Members to follow	
22. Questions to consider the following questions received (if any) in accordance with Council Procedure Rule 8.	
23. Notice of Motion to consider the following motions received (if any) in accordance with Council Procedure Rule 10.1	
24. Reports of Bodies to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:- * Indicates minutes containing recommendations to Council	
(a) Development Management Committee - 7 March 2018	141 - 146
(b) Overview and Scrutiny Panel - 22 March 2018	147 - 152
(c) Audit Committee - 22 March 2018	153 - 162
(d) Development Management Committee - 4 April 2018	163 - 168
(e) Executive* - 26 April 2018	169 - 176

Agenda Item 6

MINUTES OF THE MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 22 FEBRUARY 2018

MEMBERS

∅ Cllr P K Cuthbert – Chairman

* Cllr M J Hicks – Vice-Chairman

- | | |
|-----------------------|-----------------------|
| * Cllr K J Baldry | * Cllr T R Holway |
| * Cllr H D Bastone | * Cllr E D Huntley |
| * Cllr J P Birch | * Cllr D W May |
| * Cllr J I G Blackler | * Cllr J A Pearce |
| * Cllr I Bramble | * Cllr J T Pennington |
| * Cllr J Brazil | * Cllr K Pringle |
| * Cllr D Brown | * Cllr R Rowe |
| * Cllr B F Cane | * Cllr M F Saltern |
| * Cllr R J Foss | * Cllr P C Smerdon |
| * Cllr R D Gilbert | * Cllr R C Steer |
| * Cllr J P Green | * Cllr R J Tucker |
| * Cllr J D Hawkins | * Cllr R J Vint |
| * Cllr P W Hitchins | * Cllr K R H Wingate |
| * Cllr N A Hopwood | * Cllr S A E Wright |
| * Cllr J M Hodgson | |

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service, Section 151 Officer, Deputy Monitoring Officer
and Senior Specialist – Democratic Services

56/17 APPOINTMENT OF VICE-CHAIRMAN

In light of the Chairman having sent her apologies to this meeting, nominations were invited to serve as Vice-Chairman for the duration of this meeting.

It was then:

RESOLVED

That Cllr T R Holway be appointed Vice-Chairman for the duration of this meeting.

57/17 MINUTES

The minutes of the meeting of the Council held on 14 December 2017 were confirmed as a correct record and signed by the Chairman, subject to it being recorded that Cllr R C Steer had submitted his apologies to that meeting.

58/17

DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr J P Green declared a Disclosable Pecuniary Interest in Item 9: '2018/19 Budget Proposals' (Minute 62/17 below refers) specifically in relation to the proposed fee for Acupuncture, Tattooing, Ear-piercing and Electrolysis by virtue of his wife being an acupuncturist. In the event of this particular fee being debated, Cllr Green advised that he would then leave the meeting during the discussion and he abstained from the vote on part 16 of the recommendation.

59/17

CHAIRMAN'S ANNOUNCEMENTS

The Chairman did not have any announcements to make in accordance with this agenda item.

60/17

QUESTIONS

It was noted that one question had been received in accordance with Council Procedure Rule 8. This question was as follows:-

From Cllr Baldry to Cllr Bastone, lead Executive Member for Development Management

(a) At the end of last year, Liberal Democrats asked local authorities questions about empty homes in their area. The only authorities in Devon not to reply to this FOI request were South Hams and West Devon. This is information which would inform Members, Officers and the public.

1. Why did we not reply?

2. What is the answer to the Questions?

2(a) How many homes in South Hams have been empty for over 6 months?

2(b) How many have been empty for over 2 years?

2(c) How many homes were brought back into use during the latest 12 months for which we have figures?

2(d) Have we made use of the Empty Dwelling Management Orders (EDMO) which allow local authorities to take over properties that have been empty for at least two years?

In reply, Cllr Bastone informed that the Council had a requirement to respond to all Freedom Of Information (FOI) requests within 20 working days. This FOI was received and allocated within Case Management. However, due to other demands, the information required to respond to the FOI was not collated and the FOI failed to be responded to. The Case Management Manager, Catherine Bowen, would be reviewing the process to ensure that an instance such as this did not happen again and the Member of staff reminded of the importance of dealing with FOI's in a timely fashion.

With regard to Question 2, Cllr Bastone replied that:

2(a) As of October 2017, there were 254 properties defined as empty for a period of over 6 months (37 of these were receiving a discount as they were considered uninhabitable for Council Tax purposes.

2(b) According to the Council Tax Government Return completed in October 2014 there were 62 properties shown as empty for over two years;

2(c) The Council had investigated a total of 51 properties on the Council Tax empty list. This list was generated in June 2017:

- 14 were now occupied;
- 6 confirmed as being 2nd homes;
- 4 were in the process of being sold;
- 7 either had planning issues or were going through planning;
- 1 had been demolished;
- 5 were going through refurbishment;
- 10 had been risk assessed and were currently being considered for further action; and
- 3 were being brought back into use: one using a Wessex Loan; one through a third party auction; and one through further engagement.

2(d) Cllr Bastone informed that the Council had not used the EDMO approach to date. However, this would be considered as part of the options appraisal for the 10 empty homes above.

In light of the great housing need in the South Hams, coupled with 254 properties being defined as 'empty', Cllr Baldry asked a supplementary question as to whether it was acceptable for the Council not to be using EDMO's. In response, Cllr Bastone gave an assurance that a review into the potential use of EDMO's would be undertaken within the next six months.

61/17

NOTICES OF MOTION

It was noted that five motions had been received in accordance with Council Procedure Rule 10.1.

(a) By Cllrs Pearce and Bastone

'This Council notes that the fishing industry is a dangerous industry to work in with several lives lost across the UK each year. Such a tragic loss of life has a far reaching impact upon the fisherman's family, friends and community. Personal Flotation Devices and Personal Locator Beacons would greatly improve the chances of the fisherman being rescued. Unfortunately not all fishermen can afford this equipment.

Therefore this Council requests the Group Manager – Commercial Services to make an application to the Marine Management Organisation for funding through the European Maritime and Fisheries Fund to fully fund the purchase of Personal Flotation Devices equipped with Personal Locator Beacons and to develop a delivery scheme in partnership with the local fishing industry. This would ensure that those local fishermen who would struggle financially to buy one of these potentially lifesaving pieces of equipment can be provided to them at no cost.

This Council also requests the Head of Paid Service to write to the Local Government Association to request they encourage all other councils with fishing communities to follow suit and support the fishing industry nationally.'

In introducing the motion, the proposer made reference to:-

- her amazement that, whilst you were required to wear a seat belt in modes of transport including a car and an aeroplane, there was no similar obligation to wear a Personal Flotation Device on a boat;
- these Devices being very comfortable to wear. In acknowledging that fishermen could not be forced to wear these Devices, she was confident that the overwhelming majority would choose to;
- funding for the Devices. Whilst the Marine Management Organisation would not fully fund these Devices, the Boards of both Salcombe and Dart Harbour had agreed in principle to fund the shortfall (estimated as being 15-20% of the total purchase price).

During the ensuing debate, the following points were raised:-

- (i) A Member highlighted that fishermen had been fully involved in the development of these Devices;
- (ii) Some Members emphasised the risky nature of the fishing industry and stressed that the lives of fishermen could be saved by them wearing these Devices;
- (iii) In total support of the motion, some Members felt that the roll out of these Devices should be extended to include the wider maritime industry and specifically those staff members who operated the Dartmouth Lower Ferry.

It was then:

RESOLVED

This Council notes that the fishing industry is a dangerous industry to work in with several lives lost across the UK each year. Such a tragic loss of life has a far reaching impact upon the fisherman's family, friends and community. Personal Flotation Devices and Personal Locator Beacons would greatly improve the chances of the fisherman being rescued. Unfortunately not all fishermen can afford this equipment.

Therefore this Council requests the Group Manager – Commercial Services to make an application to the Marine Management Organisation for funding through the European Maritime and Fisheries Fund to fully fund the purchase of Personal Flotation Devices equipped with Personal Locator Beacons and to develop a delivery scheme in partnership with the local fishing industry. This would ensure that those local fishermen who would struggle financially to buy one of these potentially lifesaving pieces of equipment can be provided to them at no cost.

This Council also requests the Head of Paid Service to write to the Local Government Association to request they encourage all other councils with fishing communities to follow suit and support the fishing industry nationally.

(b) By Cllrs Smerdon and Foss

'This Council is extremely concerned that the continual closure of local high street banks and village post offices is causing hardship to sections of our rural communities and small businesses, we will ask the LGA to press the government to address this matter with urgency.'

In his introduction, the proposer highlighted that:-

- in excess of 1,000 local high street banks and village post offices had closed in the last two years;
- Wales, Scotland and South West England had been the worst affected areas for these closures;
- there was a need to press Central Government to reverse this trend;
- these closures were having a significant impact upon the elderly and most vulnerable members of the community. In addition, this impact was heightened in rural communities.

In discussion, particular reference was made to:-

(a)an amendment being **PROPOSED** and **SECONDED** as follows:

"This Council also advises and encourages all of its parish councils on how to register village Post Offices as 'Assets of Community Value'."

In support of the amendment, the proposer felt that the original motion was too vague and there was a need to be more pro-active and increase the pressure on Central Government in this respect. Furthermore, the proposer stressed the need to look at tightening local planning policies to prevent any change of use applications from being submitted.

In echoing his support, another Member was of the view that the Council could be encouraging residents and tourists alike to be using our local town centres by reducing car parking charges.

Other Members expressed their concerns over the amendment that, in summary, were:

- the purpose of registering an 'Asset of Community Value' was to ensure the protection of a building as opposed to a business. As a result, the merits of supporting this amendment were therefore questioned;
- that the proposed addition would dilute the thrust of the original motion; and
- that local Ward Members should already be informing their parish councils on how to register an Asset of Community Value regardless of whether or not this amendment was supported.

When put to the vote, the amendment was declared **LOST**.

- (b) the need for local communities to use these facilities or risk losing them;
- (c) accessing online services. Some Members emphasised that a number of residents did not access services such as online banking and were reliant upon the face-to-face contact provided by local high street banks and village post offices.

It was then:

RESOLVED

This Council is extremely concerned that the continual closure of local high street banks and village post offices is causing hardship to sections of our rural communities and small businesses, we will ask the LGA to press the government to address this matter with urgency.

(c) By Cllrs Hawkins and Pringle

'South Hams District Council encourages moves to reduce the use of single use plastics in the District and will lead by example and commit to finding ways to prevent the need for single use plastic items at all of its premises.'

In his introduction, the proposer informed that:

- a similarly worded motion had been recently approved by Devon County Council;
- it was vitally important that all local authorities did everything they could to reduce the use of single use plastics;
- there was an intention for the Estuaries Officer to set up an informal Group involving interested Members to develop a policy for town and parish councils to adopt.

In the ensuing debate, the following points were raised:-

- (a) A number of Members highlighted the momentum that had been gained following the recent Planet Earth television series and were fully supportive of the motion;
- (b) It was confirmed that any interested Members who wished to be involved in the policy development for town and parish councils should contact the Estuaries Officer;
- (c) In addition to highlighting that Ivybridge Town Council had similarly passed a motion to reduce the use of single use plastics, a Member also made reference to the work of the 'Fishing for Litter' organisation that had been established to reduce the amount of marine litter in the sea.

It was then:

RESOLVED

South Hams District Council encourages moves to reduce the use of single use plastics in the District and will lead by example and commit to finding ways to prevent the need for single use plastic items at all of its premises.

(d) By Cllrs Green and Hodgson

'In all instances where a planning application is submitted following pre-application advice having been given by SHDC, this pre-application advice will be published on the Council's "Search for a Planning Application" facility during the consultation period prior to determination.'

Prior to proposing his motion, Cllr Green advised that, having been made aware of the imminent review of the pre-application process, it was his wish to **PROPOSE** an amended motion that read as follows:-

'That the review of the pre-application process considers that, in all instances where a planning application is submitted following pre-application advice having been given by SHDC, this pre-application advice will be published on the Council's "Search for a Planning Application" facility during the consultation period prior for determination.'

This alternative motion was subsequently **SECONDED**.

In debate, reference was made to an amendment to the motion that was **PROPOSED** and **SECONDED** to read as follows:

“Further this Council endorses the Government’s Guidance on Pre-Applications set out in a document dated 6 March 2014 that states:

“Democratically elected Members are strongly encouraged to participate at the Pre-Application Stage where it is appropriate and beneficial for them to do so.”

In the case of this Council, participation should include the attendance at meetings between planning officers and the applicant as well as being copied into key documents.”

In support of their amendment, the proposer and seconder felt that there was a definite need for increased Member involvement in the pre-application process. That being said, other Members were concerned with the final sentence being too restrictive and potentially pre-empting the outcome of the review. In addition, this practice was already felt to be taking place with examples being cited in which Members had requested to be kept regularly informed on specific pre-applications. Finally, there was concerns raised that Members of the Development Management Committee could be placing themselves in a difficult position in the event of this aspect of the amendment being approved.

As a result of these views, the proposer and seconder requested that the **final sentence be deleted** from their amendment.

At this point, the proposer and seconder of the motion confirmed their willingness to accept the amendment, which therefore became part of the substantive motion.

It was then:

RESOLVED

That the review of the pre-application process considers that in all instances where a planning application is submitted following pre-application advice having been given by SHDC, this pre-application advice will be published on the Council’s “Search for a Planning Application” facility during the consultation period prior to determination.

Further this Council endorses the Government’s Guidance on Pre-Applications set out in a Document dated 6 March 2014 that states:

“Democratically elected Members are strongly encouraged to participate at the Pre-Application Stage where it is appropriate and beneficial for them to do so.”

(e) By Cllrs Hodgson and Green

'SHDC has concerns over the rising number of people living illegally on the roadside in caravans, campervans and commercial vehicles in the District. As a matter of urgency, a strategy will be developed to determine how best to provide properly serviced pitches to accommodate these residents and land will be sought in order to secure suitable sites. Those that are on low incomes who do not identify as traditional gypsies and travellers will be recognised as a new group of residents who also need a safe pitch for their vehicles.'

In her introduction, the proposer highlighted that:

- she was aware of 10 illegal encampments in her ward in December 2017;
- there appeared to be a group of people that were currently not recognised;
- she would personally rather live in a camper van than be homeless and there was a definite need to make progress in this regard.

During the debate, reference was made to:

- (a) the term 'living *illegally* on the roadside....' being factually incorrect. Some Members took issue with this inaccuracy and did not wish to see this group of residents being wrongly criminalised. As a result, the proposer and seconder amended their motion to read 'living *unauthorised* on the roadside...';
- (b) those on '*low incomes*'. A Member informed that she took real issue with the reference in the motion to 'low incomes' and questioned how this was defined and felt it was not the role of the Council to judge who was (and was not) on a low income. In reply, the seconder clarified that the intention of this reference was that such provision would only be relevant to those who were on low incomes;
- (c) the budgetary implications. In the event of this motion being approved, it was estimated that the purchase price of an appropriate piece of land would be in the region of £500,000. Furthermore, it was likely to cost in the region of another £500,000 to provide 16 pitches on this piece of land. When considering the Council's severe budget pressures coupled with the fact that responsibility was outside of the remit of this Council, a number of Members stated that they could not support approval of this motion;
- (d) the assessed need for three pitches. It was noted that the Joint Local Plan had identified a need for three pitches in the South Hams. Since planning permission had already been granted for two pitches, there was a need to supply one further site;

- (e) use of such sites. Some Members made the point that, even if such sites were provided, the Council had no ability to force these residents to use them. In addition, a Member made the point that there was likely to be some reluctance amongst these residents to paying rent;
- (f) the number of caravan sites in the South Hams. A Member highlighted the number of caravan sites located in the South Hams and felt a possible solution could be for some of these to be made available for this purpose during the winter months;
- (g) the lack of low income housing. Some Members were of the view that this problem was a consequence of a lack of availability of low income housing;
- (h) a need for research to be undertaken into this matter. Some Members recognised the intention of the motion and requested that more research be undertaken on this issue.

When put to the vote, the motion was declared **LOST**.

62/17

2018/19 BUDGET PROPOSALS

The Council considered a report that provided an update of the overall financial position and detailed the formal proposals of the Executive to achieve a balanced Budget.

In his introduction, the Leader of Council particularly highlighted that:

- the Council would not be in receipt of any Revenue Support Grant in 2018/19 and would also see a reduction of up to 50% in its New Homes Bonus. As a consequence, he was particularly keen on the Council investigating potential new income streams;
- new employment units had recently been constructed in Dartmouth and Totnes;
- he had recently attended the annual conference of the District Council Network. Following this conference, the Leader was convinced that the time had come for the Council to start to build housing. It was therefore his intention to ask officers to work up a report that presented an in-depth review into the merits of building Council housing;
- there was a need to look at the provision of public conveniences in a more sustainable way;
- the additional Business Rates funding. The Leader reminded the Council that the amount of additional funding received was reliant upon continued business growth in Devon; and
- it was his belief that the Council maintained strong financial management.

Upon the conclusion of the introduction, the Chairman invited questions from Members, during which the following issues were raised:-

- A Member sought clarification around the recommendations to transfer monies into Reserves with the purposes of 'creating local jobs and better supporting the local economy' and 'towards economic regeneration projects'. In reply, the Leader informed that items would be brought forward over the next twelve months and all Members were therefore urged to closely monitor the Executive Forward Plan;
- With regard to recent correspondence relating to the proposal to impose a 'pay on entry' charge at the Steamer Quay, Totnes, the Leader confirmed that further work was required. As part of this further work, assurances were given that consultation would be undertaken with relevant tenants, stakeholders and local Ward Members;

In accordance with Budget and Policy Framework Procedure Rule 7(j), an amended Budget had been received and was **PROPOSED** and **SECONDED** as follows:

*'It is **RECOMMENDED** to Council that:-*

1. *internal borrowings up to £3 million be used to fund the leisure investment saving £55,000;*
2. *£1.5 million be invested long-term in the CCLA, upfront costs to be covered by the £103,000 underspend in the 2017/18 Budget, generating £65,000 income from 2019/20;*
3. *the Senior Leadership Team be reorganised (thereby saving £70,000);*
4. *funding to the LEP be ceased (thereby saving £5,000);*
5. *car parking charges in our market towns be reduced by 10% costing £175,000, with a target to reduce charges by 50% by 2022/23. £45,000 shortfall to be covered from the Economic Regeneration Projects reserve for 2018/19;*
6. *the closure of public toilets be stopped (costing £90,000 from 2019/20 and £180,000 from 2020/21);*
7. *the Community Investment Fund of £150,000 be reinstated and funded by using £100,000 from the Play Parks Capital Programme, £25,000 from the New Homes Bonus and £25,000 from the Economic Regeneration Projects;*
8. *a more thorough introduction of charging for domestic properties that have switched to business rates be explored;*
9. *the immediate and systematic transfer of assets (including car parks) but not liabilities (public toilets) to the relevant Town or Parish Council be started. (NB. these can be leased back to the Council at a peppercorn rent);*
10. *a housing trust/company be set up to act as a vehicle to deliver genuinely affordable and social housing for young working families;*
11. *investment from reserves in incubator and start up business units and the delivery of genuinely affordable housing based on the average local wage be accelerated;*
12. *work be undertaken with Devon County Council and other Devon District Councils to harmonise rubbish collection and car parking enforcement (on and off-street);*
13. *it joins with North Yorkshire Councils to lobby government for local councils to charge 200% or more Council Tax on Second and Holiday Homes;*

14. it invests in Commercial Property in our Market Towns.

This is a dynamic, vibrant and strategic budget for the medium and long-term. It supports our local businesses, market towns and the tourism industry. It will help to unlock the potential of our young entrepreneurs and creative talents in order to drive economic growth in the South Hams and build genuinely affordable housing for young working families. It shows our trust and confidence in local Parish and Town Councils believing they are best placed to deliver for their local communities.'

The proposer and seconder of the amendment introduced it to the meeting and highlighted that:-

- (i) they considered the Budget recommendations made by the Executive to be uninspiring. In contrast, they felt that their amendment contained imaginative ideas that would be beneficial to residents of the district;
- (ii) investment in Commercial Property opportunities would be restricted to the South Hams;
- (iii) they were supportive of the Leader's comments relating to the building of Council houses;
- (iv) there had been very few 'invest to earn' concepts or ideas to date that had been presented for consideration;
- (v) these proposals presented a real opportunity to support local businesses and market towns and would help residents to drive economic growth.

Following this introduction, a Member asked for his disappointment at the general lack of debate into these alternative budgetary proposals to be noted.

In line with statutory requirements, a recorded vote was then undertaken on the amendment and was recorded as follows:-

For the motion (6): Cllrs Baldry, Birch, Brazil, Hodgson, Huntley and Vint

Against the motion (23): Cllrs Bastone, Blackler, Bramble, Brown, Cane, Foss, Gilbert, Hawkins, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright

Abstentions (1): Cllr Green

Absent (1): Cllr Cuthbert

and the vote on the amendment was therefore declared **LOST**.

In line with statutory requirements, a recorded vote was then undertaken on part 1 of the motion (i.e. that Council Tax is increased by £5). The voting on this part was recorded as follows:-

For the motion (29): Cllrs Baldry, Bastone, Birch, Blackler, Bramble, Brazil, Brown, Cane, Foss, Gilbert, Green, Hawkins, Hicks, Hitchins, Hodgson, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Vint, Wingate and Wright.

Against the motion (0):

Abstentions (0):

Absent (2): Cllrs Cuthbert and Huntley.

and the vote on part 1 of the motion was therefore declared **CARRIED**. In line with statutory requirements, a recorded vote was then undertaken on part 16 of the motion. The voting on this part was recorded as follows:-

For the motion (23): Cllrs Bastone, Blackler, Bramble, Brown, Cane, Foss, Gilbert, Hawkins, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (6): Cllrs Baldry, Birch, Brazil, Hodgson, Huntley and Vint

Abstentions (1): Cllr Green

Absent (1): Cllr Cuthbert

and the vote on part 16 of the motion was therefore declared **CARRIED**.

In discussion on the remaining parts of the recommendation, reference was made to:-

(a) public conveniences. In light of the wording of the Executive Budget report, some Members were unable to support the recommendations relating to the public conveniences. Of particular concern to those Members was the inference that, if a transfer could not be negotiated and/or agreed, then a public convenience would automatically close. In reply, other Members gave an assurance that, in the event of any unforeseen issues coming to light, then these would be presented back to the Executive for further consideration. Despite these assurances, some Members still felt that the published Executive report did not include any provision for such flexibility in approach and they were therefore unwilling to support these recommendations as drafted;

(b) the proposal to cease accepting cash and cheques at Council premises (excluding Car Parks). A Member repeated his previously raised objections to this proposed saving;

(c) withdrawal of the Community Reinvestment Projects Fund. Since previous assurances had been made that Section 106 monies could be used for similar purposes to this Fund, it was requested that a report be presented to a future Overview and Scrutiny Panel meeting outlining how this alternative process would operate;

(d) future budget reports. In response to some concerns over the method in which the budget reports were presented (and subsequently voted on), the Leader confirmed that he would review the process in time for the budget setting process next year.

In line with statutory requirements, a recorded vote was then undertaken on parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23 and 24 of the motion. The voting on these parts was recorded as follows:-

For the motion (23): Cllrs Bastone, Blackler, Bramble, Brown, Cane, Foss, Gilbert, Hawkins, Hicks, Hitchins, Holway, Hopwood, May, Pearce, Pennington, Pringle, Rowe, Saltern, Smerdon, Steer, Tucker, Wingate and Wright.

Against the motion (7): Cllrs Baldry, Birch, Brazil, Green, Hodgson, Huntley and Vint.

Abstentions (0):

Absent (1): Cllr Cuthbert

It was then:

RESOLVED

1. That Council Tax is increased by £5 (which equates to a Band D council tax of £160.42 for 2018/19, an increase of £5 per year or 10 pence per week). This equates to a Council Tax Requirement of £6,072,207;
2. That the financial pressures in Appendix B of the presented agenda report (amounting to £895,700) be agreed;
3. That the £10,000 discretionary budget bid for the Citizens Advice Bureau be agreed;
4. That the schedule of savings identified in Appendix B of the presented agenda report (totalling £689,350) be agreed;
5. That the budget proposals for Public Conveniences (as set out in paragraphs 6.11, 6.23 and 6.24 of the Revenue Budget report to the Executive on 1 February 2018) be approved. (NB. This requires a decision as part of the 2018/19 Budget process, due to the implementation timescales);

6. That the Collection Fund Surplus of £73,000 (as shown in Appendix B of the presented agenda report) be agreed;
7. That the level of contributions to reserves to be included within the Authority's budget, as set out in Appendix C of the presented agenda report be agreed. (NB. This includes using £641,084 of New Homes Bonus funding to fund the 2018-19 Revenue Budget and a contribution of £475,000 into an Economic Regeneration Projects Earmarked Reserve);
8. That the Community Reinvestment Projects budget of £153,900 be withdrawn in 2018/19 onwards. (NB. This was previously funded by New Homes Bonus funding as set out in Appendix E of the Revenue Budget report presented to the Executive meeting on 1 February 2018);
9. That Delegated Authority be granted to the Section 151 Officer, in consultation with the Leader of Council and lead Executive Member for Support Services, to agree the final amount of New Homes Bonus funding for the Dartmoor National Park Sustainable Community Fund for 2018/19;
10. That £3.5 million be ringfenced from the Business Rates Retention Earmarked Reserve for employment for the creation of local jobs and to better support the local economy (as per Appendix D of the Revenue Budget report presented to the Executive meeting on 1 February 2018);
11. That the Council Tax Support Grant paid to Town and Parish Councils be reduced by 9.85% for 2018/19 (as per Appendix A of the presented agenda report). (NB. this equates to a payment of £82,615 for 2018/19);
12. That the Council sets its total net expenditure for 2018/19 as £8,983,194 (as shown in Appendix B of the presented agenda report);
13. That the minimum level of the Unearmarked Revenue Reserves be maintained at £1,500,000 (as per Section 9 of the Revenue Budget report presented to the Executive on 1 February 2018);
14. That the level of reserves (as set out within the presented agenda report to the Executive on 1 February 2018) and the assessment of their adequacy and the robustness of budget estimates be noted. (NB. this is a requirement of Part 2 of the Local Government Act 2003);
15. That the proposed fees and charges set out for Parks, Open Spaces and Outdoor Sports (as outlined in the report presented to the Joint Development Management Committee and Overview and Scrutiny Panel meeting held on 18 January 2018) be approved;

16. That the proposed Environmental Health Charges (as outlined in the report presented to the Joint Development Management Committee and Overview and Scrutiny Panel meeting held on 18 January 2018) be approved;
17. That the proposed Fees and Charges for Development Management (as set out in Appendix C of the report presented to the Joint Development Management Committee and Overview and Scrutiny Panel meeting held on 18 January 2018) be approved;
18. That delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;
19. That an overall percentage increase of 2% to car park charges be approved, with responsibility for implementing this increase being delegated to the Group Manager for Commercial Services, in consultation with the lead Executive Member, following consultation with representative bodies (including town and parish councils). In addition, approval also be given to the withdrawal of weekly parking tickets;
20. That delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste Charges, once all the price modelling factors are known;
21. That delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Public Conveniences 'Pay on Entry' charges (which should not exceed 20 pence), following completion of works and a review of appropriate charges;
22. That the changes to Boat Storage Charges (as set out in paragraph 3.7 of the report presented to the Joint Development Management Committee and Overview and Scrutiny Panel meeting held on 18 January 2018) be approved;
23. That the Capital Programme Proposals for 2018/19 (totalling £2,555,000) be approved; and
24. That the 2018/19 Capital Programme of £2,555,000 be financed from the funding sources (as set out in Section 4 of the Capital Programme Budget Proposals report that was presented to the Executive meeting on 1 February 2018).

PAY POLICY STATEMENT AND PAY AND REWARD STRATEGY 2018/19

A report was considered that proposed that the Council adopted the draft 2018/19 Pay Policy Statement and the draft Pay and Reward Strategy.

During discussion, reference was made to:-

- (a) an amendment to the Pay Policy Statement. By way of an update, Members were informed that there was an error within the 2018/19 Pay Policy Statement. As a consequence, the proposer and seconder amended their motion to read as follows:

'That the 2018/19 Pay Policy Statement (as attached at Appendix A of the presented agenda report) be adopted, subject to the salary per annum for the Interim Group Manager for Strategic Finance and Section 151 Officer being amended to read £64,226';

- (b) the Returning Officer role. In reply to a question, officers confirmed that the additional monies that were paid to the Returning Officer were funded directly from Central Government and not from the Council.

It was then:

RESOLVED

1. That the 2018/19 Pay Policy Statement (as attached at Appendix A of the presented agenda report) be adopted, subject to the salary per annum for the Interim Group Manager for Strategic Finance and Section 151 Officer being amended to read £64,226; and
2. That the 2018/19 Pay and Reward Strategy (as attached at Appendix B of the presented agenda report) be adopted.

POLITICAL STRUCTURES WORKING GROUP REVIEW

A report was considered that presented the findings of the Political Structures Working Group meeting that had been held on 25 January 2018 to discuss the following matters:-

- Live Streaming of Council and Formal Committee Meetings;
- Provision for Public Questions at full Council meetings;
- Electronic Voting in meetings; and
- Scheduling formal meetings during the month of August.

In discussion, it was confirmed that the intention of the Group proposal to live stream formal meetings initially to an internal audience only was to ensure that any technological issues could be identified, tested and resolved before any formal roll-out was then implemented.

It was then:

RESOLVED

1. That meetings of the Council and formal Committee meetings held at Follaton House be live streamed to an internal audience only initially for a three month trial period;
- 1a That, following this trial, the Political Structures Working Group be given authority to gauge its success and to then determine whether or not Council and formal Committee meetings held at Follaton House should be permanently live streamed;
2. That it be noted that the provision for both Public Questions to be asked at full Council meetings and electronic voting solutions be deferred to a future Political Structures Working Group for further consideration; and
3. That, unless in exceptional circumstances, no formal Member meetings be held during the month of August.

65/17

TRANSFER OF CHARITY LAND TO DARTMOUTH TOWN COUNCIL

A report was considered that presented the detailed legal work and negotiations on the proposal to transfer a number of assets to Dartmouth Town Council.

Following a brief discussion in relation to the process to be administered, it was then:

RESOLVED

1. That, pursuant to s.280 of the Charities Act 2011, approval be given to the transfer of the administration of the two Charitable Trusts at Castle Woodland and Warfleet, Dartmouth to Dartmouth Town Council, in conjunction with the proposed transfer of other Assets, as resolved by the Executive on 2 February 2017 (Minute E.64/16 refers); and
2. That authority be delegated to the Community Of Practice Lead for Assets; in consultation with the Section 151 Officer; Head of Paid Service; Community Of Practice Lead for Legal; and Leader of the Council to conclude the detailed negotiations.

66/17

APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER

A report was considered that sought approval of the Council to appoint the Group Manager – Customer First and Support Services (Steve Mullineaux) as the Deputy Electoral Registration Officer for the Council.

It was then:

RESOLVED

That, with immediate effect, the Group Manager – Customer First and Support Services (Steve Mullineaux) be appointed as the Deputy Electoral Registration Officer for South Hams District Council.

67/17

EXCLUSION OF PUBLIC AND PRESS

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

68/17

SALCOMBE HARBOUR PONTOON IMPROVEMENT PROJECT

An exempt report was considered that sought Council approval of a request from Salcombe Harbour Authority to borrow monies from the Repairs and Maintenance Earmarked Reserve.

It was then:

RESOLVED

1. That approval be given to borrowing from the Repairs and Maintenance Earmarked Reserve by the Salcombe Harbour Authority on the terms as outlined in the presented agenda report;
2. That the contract for pontoon purchase be awarded to the successful tenderer as identified in the evaluation process (as outlined in Appendix A of the presented agenda report); and
3. That pontoon purchases be phased following detailed consideration by the Harbour Board of intended locations and dependent upon legal permissions having been secured.

69/17

RE-ADMITTANCE OF PUBLIC AND PRESS

It was then:

RESOLVED

That the public and press be re-admitted to the meeting.

70/17

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

- | | | |
|-----|----------------------------------|-----------------|
| (a) | Development Management Committee | 10 January 2018 |
| (b) | Licensing Committee | 11 January 2018 |

L.16/17: Review of Proposed Licensing Charges in Relation to Taxi Licensing

RESOLVED

That the proposed fees be adopted with effect from 1 April 2018, subject to the outcome of the public consultation.

- | | | |
|-----|--|-----------------|
| (c) | Joint Overview and Scrutiny Panel and Development Management Com | |
| (d) | Overview and Scrutiny Panel | 18 January 2018 |
| (e) | Audit Committee | 25 January 2018 |
| (f) | Executive | 1 February 2018 |

E.61/17: Quarter 3 Revenue Budget Monitoring 2017/18

RESOLVED

1. That the income surplus (of up to £20,000) be transferred into a Support Services Trading Opportunities Earmarked Reserve at the end of the 2017/18 Financial Year. This is expected to be £20,000 and was generated by Human Resources and Finance in providing support to other Councils on their Transformation Programmes;
2. That the underspend on the Leisure Budget (of up to £87,000) be transferred into a Leisure Earmarked

Reserve at the end of the 2017/18 Financial Year;
and

3. That £50,000 of the additional planning income be transferred into the Planning Policy & Major Developments Earmarked Reserve at the end of the 2017/18 Financial Year.

E.62/17: Capital Programme Monitoring

RESOLVED

That £145,000 of the Capital Programme Contingency Budget of £300,000 be approved to be allocated to the capital projects as set out in exempt Appendix B of the agenda report presented to the Executive meeting.

E.67/17: Air Quality Strategy

RESOLVED

1. That a public and statutory consultation exercise be commenced on the proposed Air Quality Strategy (as outlined at Appendix 1 of the report presented to the Executive meeting); and
2. That authority be delegated to the Senior Specialist Environmental Health, in consultation with the Leader of Council, to make minor amendments to the document prior to its publication.

(Meeting commenced at 2.00 pm and concluded at 5.15 pm)

Chairman

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**MINUTES OF THE SPECIAL MEETING OF THE SOUTH HAMS DISTRICT
COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 29 MARCH
2018**

MEMBERS

* Cllr P K Cuthbert – Chairman

* Cllr M J Hicks – Vice-Chairman

* Cllr K J Baldry	* Cllr T R Holway
* Cllr H D Bastone	∅ Cllr E D Huntley
* Cllr J P Birch	∅ Cllr D W May
* Cllr J I G Blackler	* Cllr J A Pearce
* Cllr I Bramble	* Cllr J T Pennington
* Cllr J Brazil	∅ Cllr K Pringle
* Cllr D Brown	* Cllr R Rowe
* Cllr B F Cane	* Cllr M F Saltern
* Cllr R J Foss	* Cllr P C Smerdon
* Cllr R D Gilbert	* Cllr R C Steer
* Cllr J P Green	* Cllr R J Tucker
* Cllr J D Hawkins	∅ Cllr R J Vint
∅ Cllr P W Hitchins	* Cllr K R H Wingate
* Cllr N A Hopwood	* Cllr S A E Wright
* Cllr J M Hodgson	

* Denotes attendance

∅ Denotes apology for absence

Officers in attendance and participating:

For all items: Head of Paid Service; Section 151 Officer; Group Manager – Business Development; Group Manager – Commercial Services; Deputy Monitoring Officer; Lead Specialist Waste Strategy; and Senior Specialist – Democratic Services

71/17 URGENT BUSINESS

The Chairman confirmed that she had no items of urgent business to be considered at this meeting.

72/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr R D Gilbert declared a Disclosable Pecuniary Interest in Item 6: 'Totnes Leisure Centre: Investment Arrangements' (Minute 75/17 below refers) and proceeded to leave the meeting during the discussion and vote on this matter.

FRONTLINE SERVICES (WASTE AND CLEANSING) PROCUREMENT

Consideration was given to a report that detailed the Outline Solutions Stage of the Frontline Services (Waste and Cleansing) Procurement process.

In his introduction, the lead Executive Member emphasised that no formal decisions regarding future service provision were being sought at this meeting. The lead Member also highlighted the tight timescales that were associated with the procurement exercise and it was noted that a report on the next stage of the process would be presented to a Special Council meeting on 26 July 2018.

In discussion, the following points were raised:-

- (a) In reply to a question, it was reiterated that there were no risk implications to the Council at this stage of the process;
- (b) Members recognised the sheer volume of work that had been undertaken to reach this point and lead officers were consequently thanked for their hard work;
- (c) Before entering the process, officers confirmed that the service had been subjected to a rigorous benchmarking exercise;
- (d) A Member was of the view that any decision to ultimately move away from the existing provision of an in-house service would have to be extremely beneficial to the Council and its residents in order for him to be able to support such a recommendation. Moreover, the Member also expressed the view that a number of other local authorities were in fact in the process of bringing their waste and cleansing services back in-house;
- (e) In stating some scepticism over the accuracy of the supporting figures, a Member highlighted that the service had committed to making extensive savings over a number of years. However, these anticipated savings had never been realised. As a result, the Member advised that there was insufficient financial information in the published agenda papers for him to be able to support the recommendation.

It was then:

RESOLVED

1. That the progress of the report be noted: and
2. That the view of the Frontline Services (Waste Procurement) Project Board be endorsed to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services.

The Council considered a report that provided an update of the overall financial position and detailed the formal proposals of the Executive to achieve a balanced Budget.

In his introduction, the Deputy Leader of Council particularly highlighted that the Strategy had already been considered by both the Executive and the Audit Committee at recent meetings. In addition to the presented agenda report containing an additional recommendation (part 6), the Deputy Leader also advised that the Audit Committee had asked for the Council to acknowledge that the recommendations relating to the CCLA Funds were not without risk. That being said, the Committee had still recommended approval of these proposals.

In the ensuing debate, the following points were raised:-

- (a) With regard to the proposals to invest in CCLA Funds, it was confirmed that external advice had been sought, with the opinion being that these constituted a valid investment for the Council to make;
- (b) It was recognised that a number of other local authorities had funds invested with the CCLA. These authorities included: Devon County Council; Mid Devon District Council and Exeter City Council;
- (c) With regard to the Icelandic Bank issue, the Section 151 Officer confirmed that she would provide a detailed response to an interested Member outside of this meeting;
- (d) The Audit Committee Chairman confirmed that the Committee had welcomed the proposal to extend the list of potential counterparties. It was also the hope of the Committee that the projected additional income of £25,000, that could be generated through this proposal, would prove to be a conservative estimate;
- (e) Some Members expressed their view that monies would be more appropriately invested in social and affordable housing opportunities instead of with the CCLA. In reply, the Leader informed that he remained committed to investigating such opportunities and those monies proposed to be invested into the CCLA Diversified Income Fund would be readily accessible at minimal penalty to the Council.

It was then:

RESOLVED

1. That the prudential indicators and limits for 2018/19 to 2020/21 (as contained within Appendix A of the presented agenda report) be approved;
2. That the Minimum Revenue Position (MRP) statement that set out the Council's Policy on MRP (as outlined within Appendix A of the presented agenda report) be approved;

3. That the Treasury Management Strategy 2018/19 and the treasury prudential indicators 2018/19 to 2020/21 (as outlined within Appendix B of the presented agenda report) be approved;
4. That the Investment Strategy 2018/19 (as detailed at Appendix C of the presented agenda report); the detailed criteria (as outlined at Appendix D of the presented agenda report); and the Counterparty List (as set out at Appendix E of the presented agenda report) be approved;
5. That approval be given to investing £500,000 into the CCLA Local Authority Property Fund and £1 million into the CCLA Diversified Income Fund (as per Appendix H of the presented agenda report); and
6. That the proposal to externally borrow from the Public Works Loans Board for the Leisure Investment (as detailed in Section 5 of the presented agenda report) be approved.

75/17

TOTNES LEISURE CENTRE: INVESTMENT ARRANGEMENTS

The Council considered a report that sought to amend a previous decision that related to an approved loan facility in Totnes Leisure Centre.

In his introduction, the lead Executive Member was of the view that the proposals were an excellent opportunity for both the Leisure Centre and local residents.

In the ensuing discussion, reference was made to the Fusion annual presentation that was recently considered by the Overview and Scrutiny Panel (Minute O&S.102/17) and specifically the comment that had been expressed whereby there were outstanding issues still to be resolved between the organisation and Tadpool. In reply, the lead Executive Member expressed his confidence that those issues that had been referred to would be resolved in due course and he recognised that the local Ward Members had a key role to play in this respect.

It was then:

RESOLVED

That a loan facility to Fusion of up to £1.5 million (to be funded by prudential borrowing) be approved, subject to a Business Case also being approved by the COP Lead for Assets and the Section 151 Officer, in consultation with the Monitoring Officer, the Leader of the Council and the lead Executive Member, to be paid back over the lease period (~ 12 years).

CALENDAR OF MEETINGS 2018/19

A report was considered that proposed that the Council adopted the draft Calendar of Meetings for 2018/19.

During discussion, reference was made to:-

- (a) an amendment to the draft Calendar. Due to a clash with the date that had been set aside for Development Management Committee Site Inspections, an amendment to the draft Calendar was **PROPOSED** and **SECONDED** as follows:

'That the following changes be incorporated to the draft Calendar:

1. *That the Salcombe Harbour Board meeting be put back a week from 15 July to 22 July 2019; and*
2. *That the Salcombe Harbour Board meeting be put back a week from 9 September to 16 September 2019.'*

When put to the vote, this amendment was declared **CARRIED**.

- (b) the proposed Annual Council meeting date in May 2019. Some disappointment was expressed that the date proposed would result in a clash with the Devon County Show;
- (c) syncing the approved Calendar. Once approved, it was confirmed that there was a means for the meeting dates to be downloaded and synced with the Calendar functionality on Member iPads;
- (d) the proposed Council meeting date on 6 December 2018. In light of a potential clash with the equivalent Full Council meeting at Devon County Council, a further amendment was **PROPOSED** and **SECONDED** as follows:-

'That the Council meeting proposed for Thursday, 6 December 2018 start at the earlier time of 10.00am.'

When put to the vote, this amendment was declared **CARRIED**.

- (e) the provision for four Council meetings per year. A Member considered the provision for only four 'ordinary' Council meetings each year to be insufficient and felt that this was evidenced through the recent number of additional Special Council meetings that had been arranged. In reply, the Leader considered four meetings per year to be adequate, but did recognise the importance of giving as much notice as was practically possible when convening additional Special Council meetings.

In conclusion, a number of Members recognised the complexities associated with producing the draft Calendar and they wished to put on record their thanks to the Democratic Services Specialist for her hard work in this regard.

It was then:

RESOLVED

That the Calendar of Meetings 2018/19 (as outlined at Appendix A of the presented agenda report) be approved, subject to the following changes being incorporated:

1. The Salcombe Harbour Board meeting being put back a week from 15 July to 22 July 2019;
2. The Salcombe Harbour Board meeting being put back a week from 9 September to 16 September 2019; and
3. The Council meeting on 6 December 2018 start at the earlier time of 10.00am.

77/17

EXCLUSION OF PUBLIC AND PRESS

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

78/17

PROPERTY ACQUISITION

An exempt report was considered that recommended that the Council delegated authority to conclude an acquisition of a vacant property unit.

In discussion, reference was made to:-

- (a) an amendment to the recommendation. It was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that the consultation process be extended to include both the lead Executive Member and the Leader of the Opposition Group;
- (b) the future approach for similar proposals. In response to some concerns over the lack of information contained within the published agenda report, the Leader gave a commitment to revisit the process that was followed in the event of similar future initiatives coming forward. For clarity, it was confirmed that this would include a proposal to re-constitute the Council's Invest to Earn Working Group in time for consideration at the Annual Council meeting.

It was then:

RESOLVED

1. That authority be delegated to the Community Of Practice Lead for Assets, in consultation with the Leader of the Council; the lead Executive Member for Strategy and Commissioning; and the Leader of the Opposition Group to negotiate terms and, if mutually acceptable, conclude the acquisition of a property in Dartmouth for Best Consideration and let the same property to a growing local business (as detailed in section 3 of the presented agenda report); and
2. That the acquisition be funded from the Economic Regeneration Projects Earmarked Reserve.

79/17

RE-ADMITTANCE OF PUBLIC AND PRESS

It was then:

RESOLVED

That the public and press be re-admitted to the meeting.

80/17

REPORTS OF BODIES

RESOLVED

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

- | | | |
|-----|----------------------------------|------------------|
| (a) | Development Management Committee | 7 February 2018 |
| (b) | Overview and Scrutiny Panel | 8 February 2018 |
| (c) | Council Tax Setting Panel | 23 February 2018 |
| (d) | Executive | 15 March 2018 |

E.76/17: Council Charity Land

RESOLVED

That the governance structure (as proposed in Section 2 of the presented agenda report) be approved.

(Meeting commenced at 2.00 pm and concluded at 3.40 pm)

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Agenda Item 8

Membership of Council Bodies for 2018/19

<p>A</p> <p>Audit Committee Cllr I Bramble Cllr J Brazil Cllr T R Holway Cllr J A Pearce Cllr J T Pennington</p>	<p>D</p> <p>Licensing Committee Cllr K J Baldry Cllr J I G Blackler Cllr D Brown Cllr B F Cane Cllr P K Cuthbert Cllr R J Foss Cllr P W Hitchins Cllr T R Holway Cllr N A Hopwood Cllr D W May Cllr K Pringle Cllr R Rowe</p>
<p>B</p> <p>Development Management Committee Cllr I Bramble Cllr J Brazil Cllr D Brown Cllr P K Cuthbert Cllr R J Foss Cllr P W Hitchins Cllr J M Hodgson Cllr T R Holway Cllr J A Pearce Cllr R Rowe Cllr R C Steer Cllr R J Vint</p>	<p>E</p> <p>Overview and Scrutiny Panel Cllr K J Baldry Cllr J P Birch Cllr J I G Blackler Cllr B F Cane Cllr J P Green Cllr J D Hawkins Cllr M J Hicks Cllr E D Huntley Cllr D W May Cllr J T Pennington Cllr K Pringle Cllr M F Saltern Cllr P C Smerdon</p>
<p>C</p> <p>Executive Cllr H D Bastone Cllr R D Gilbert Cllr N A Hopwood Cllr R J Tucker Cllr K R H Wingate Cllr S A E Wright</p>	

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A. Audit Committee

Cllr J A Pearce – Chairman
Cllr J T Pennington – Vice Chairman

B. Development Management Committee

Cllr R C Steer – Chairman
Cllr R J Foss – Vice Chairman

C. Licensing Committee

Cllr D W May – Chairman
Cllr T R Holway – Vice Chairman

D. Overview and Scrutiny Panel

Cllr J Birch **OR** Cllr M F Saltern – Chairman
Cllr J P Green **OR** Cllr P Smerdon – Vice Chairman

E. Salcombe Harbour Board

Cllr J Brazil - Chairman

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REPRESENTATIVES ON OUTSIDE BODIES 2018/19

1. **Avon Estuary Forum**
Cllr E D Huntley
2. **Dartmoor National Park Authority**
Cllr P W Hitchins
3. **Dartmoor National Park Forum**
Cllr P C Smerdon
4. **Devon Authorities Strategic Waste Committee**
Lead Executive Member for Commercial Services (Substitute: Cllr D Brown)
5. **Devon County/South Hams Highways and Traffic Orders Committee**
Cllrs J Birch **AND/OR** J T Pennington **AND/OR** P Smerdon (**2 REPRESENTATIVES**)
6. **Employment Appeals Panel**
Cllr M F Saltern
7. **Governance Board (South Devon Healthcare NHS Foundation Trust)**
Cllr P Smerdon
8. **Greater Dartmoor Local Enterprise Action Fund**
Cllr P C Smerdon
9. **Heart of the South West Devolution Joint Committee**
Leader of the Council (Substitute: Deputy Leader of the Council)
10. **Hope Harbour**
Cllr S A E Wright
11. **iESE Transformation Limited**
Cllr S A E Wright
12. **Joint Advisory Committee on Housing for Local Needs in the Dartmoor National Park (JAC)**
Cllrs J I G Blacker and J Brazil
13. **Langage Local Liaison Committee**
Cllrs J I G Blackler and D Brown
14. **Local Government Association:-**
 - (i) **District Council Network** – Leader
 - (ii) **General Assembly** – Deputy Leader
 - (ii) **South West Branch** – Leader
 - (iii) **Rural Commission** – Leader or Deputy Leader
 - (iv) **LGA Committee, Panel, etc appointments**

(NB: These appointments are made via an Electoral College process through the LGA. Council has been given delegated authority to the Monitoring Officer, in consultation with the Leaders of the political groups, to agree any such appointments).
15. **Parking and Traffic Regulations Outside London (PATROL)**
Cllr K J Baldry

- 16. Plymouth and Peninsula City Deal**
Leader of Council
- 17. Police and Crime Commissioners Scrutiny Panel**
Cllr K R H Wingate
- 18. River Yealm Harbour Authority**
Cllr T R Holway
- 19. Salcombe-Kingsbridge Estuary Conservation Forum**
Cllr J A Pearce and Chairman of Salcombe Harbour Board (or nominee).
- 20. South Devon AONB Partnership Committee**
Cllrs D Brown and J Green
- 21. South Devon Coastal Local Action Group**
Cllr M J Hicks
- 22. South Devon and Dartmoor Community Safety Partnership**
Cllr T Holway
- 23. South Hams Citizens' Advice Bureau**
Cllr P K Cuthbert
- 24. South Hams Community and Voluntary Services - Executive Committee**
Cllrs K Pringle and P C Smerdon
- 25. South West Councils**
Cllr R J Tucker (Substitute: Cllr S A E Wright)
- 26. SPARSE Rural and Rural Services Network**
Cllr M J Hicks
- 27. Tamar Estuary Consultative Forum**
Cllr P W Hitchins
- 28. Yealm Estuary Forum**
Cllr K J Baldry

Appointment of Other Groups 2018/19

- (a) Council Tax Setting Panel**
Chairman of Council
Leader of Council
Chairman of Overview and Scrutiny Panel
Leader of the Opposition Group
- (b) Devon Building Control Partnership**
Cllr H D Bastone
Cllr R C Steer
- (c) Discretionary (Majors) Business Rate Relief Decision Panel**
Chairman of the Overview and Scrutiny Panel
Lead Executive Member for Business Development
Leader of Council

Substitute Member:
Deputy Leader of Council
- (d) Investments Member Working Group**
All Executive Members
Audit Committee Chairman
Development Management Committee Chairman
Overview and Scrutiny Panel Chairman
Cllr K J Baldry
- (e) Joint SH/WD/Plymouth Local Plan Steering Group**
Cllr M J Hicks
Cllr J A Pearce
- (f) Political Structures Working Group**
Cllr K J Baldry
Cllr J P Green
Cllr P W Hitchins
Cllr T R Holway
Cllr J T Pennington
Cllr M F Saltern
Cllr R J Tucker
Cllr S A E Wright
- (g) Public Spaces Working Group**
Cllr R J Foss
Cllr R C Steer
Cllr R J Vint
Cllr S A E Wright
- (h) Rate Relief Panel**
Leader of Council
Deputy Leader of Council
- (i) Slapton Line Steering Group**
Cllr J Brazil
Cllr R J Foss

(j) Waste and Recycling Working Group

Cllr K J Baldry

Cllr D Brown

Cllr R D Gilbert

Cllr N A Hopwood

Report to: **Annual Council**
Date: **17 May 2018**
Title: **Joint Local Plan Main Modifications Consultation**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: Overview and Scrutiny Panel

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: Immediately following this meeting

Author: **Tom Jones** Role: **CoP Lead Place Making**

Contact: thomas.jones@swdevon.gov.uk; **01803861404**

Recommendation:

That the Council delegates authority to the Head of Paid Service, in consultation with the Leader of the Council and Joint Local Plan Joint Steering Group Members to authorise the final version of the Joint Local Plan for consultation.

1. Executive summary

- 1.1 The JLP Hearings concluded in March 2018.
- 1.2 The JLP Inspectors have advised that they will issue, before the end of June, an Interim Report.
- 1.3 The Interim Report will direct the three Councils with respect to modifications to the plan that are necessary to make it sound.
- 1.4 Any modifications that are considered to be 'main modifications' will need to be the subject of a formal, public consultation. Prior to consultation the proposed main modifications will need to be approved by all three Councils.
- 1.5 The first Full Council Meeting at which the main modifications could be considered is 26th July. To avoid delay in the adoption of the JLP

it is requested that Council grants delegated authority to the Head of Paid Service, in consultation with the Leader and JLP Joint Steering Group Members, to authorise the final version of the Joint Local Plan for consultation.

2. Background

- 2.1 The JLP has reached an advanced stage in its preparation. Before the plan can be adopted it will be necessary to consult publicly with respect to main modifications.
- 2.2 During the Hearings the Councils submitted a number of proposed main modifications to the Inspectors. The full details are attached as Appendix 1. Other, 'non main' modifications are, for completeness, provided as Appendix 2. The latter will be included in a revised version of the plan, but will not be the subject of consultation.
- 2.3 It is anticipated that the majority of necessary main modifications are covered by the proposed modifications in Appendix 1. It is possible, however, that the Inspectors will require other main modifications, but Officers cannot at this time state with certainty what these will be.
- 2.4 Following receipt of the Interim Report the JLP will be revised to include all necessary main modifications and will then be the subject of formal consultation. Following this six week period the Councils will collate and forward to the Inspectors any representations made during the consultation period. The Inspectors will consider the representations before issuing a final report.
- 2.5 Following receipt of the final report the Councils will be able to proceed to adoption of the plan unless further significant matters arise during the final stages of consultation and consideration by the Inspectors.

3. Outcomes /outputs

- 3.1 If agreed, the resolution will allow timely progress of the JLP.
- 3.2 Once adopted, the JLP will establish a 5 year housing land supply for South Hams and will be used to inform decisions on planning applications in South Hams District, West Devon Borough and Plymouth City.

4. Options available and consideration of risk

- 4.1 The risk exists that the Inspectors' Interim Report will include measures that require significant changes to the JLP that have not been considered by all Councillors. To mitigate this risk it is suggested that any significantly affected Ward Members are consulted prior to signing off the revised JLP.
- 4.2 One alternative is to present the revised JLP to Full Council on 26th July; a second alternative is to convene a Special Full Council. Either option would delay adoption of the JLP.
- 4.3 Delayed adoption of the JLP would prolong the period of time where South Hams cannot demonstrate a 5 year housing land supply. The absence of a demonstrable 5YHLS means that some policies in the development plan that would ordinarily restrict development do not have full weight in planning decisions.

5. Proposed Way Forward

- 5.1 It is recommended that the Council delegates authority to the Head of Paid Service, in consultation with the Leader and JLP Joint Steering Group Members, to authorise the final version of the Joint Local Plan for consultation.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Council is required to update planning policies on a regular basis. Failure to update planning policy in a timely manner can result in policies not being given full weight in planning decisions
Financial		There are no financial implications.
Risk		See section 4, above.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The JLP has considered and assessed Equality and Diversity implications as part of its background evidence.
Safeguarding		None.
Community Safety, Crime and Disorder		No direct implications.
Health, Safety and Wellbeing		Positive outcomes are anticipated from adoption of the JLP
Other		

implications		None
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Supporting Information

Appendices:

Appendix 1: Main Modifications

Appendix 2: Other Modifications

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN – PROVISIONAL SCHEDULE OF MAIN MODIFICATIONS
(13 April 2018)**

Ref	Previous ref / document	Part of JLP (Submission version) affected	Main modification
MM1	HM31 (EXD5vi)	Spatial Strategy – Policy SPT3 and consequential amendments to narrative and Annex 2	<p><u>Clarifying the operation of the spatial strategy in relation to managing the delivery and distribution of housing in the Plan Area</u></p> <p>Policy SPT3 Provision for new homes</p> <p>The LPAs will plan, monitor and manage the delivery of housing from 2014 to 2034 in accordance with the apportionment between Policy Areas, the spatial strategy and the site allocations set out in this plan. Housing provision will be made for at least 26,700 dwellings (net) in the Plan Area during the plan period 2014 to 2034, comprising the policy area totals and the related market housing and affordable housing provision as follows:</p> <ol style="list-style-type: none"> 1. Within the Plymouth Policy Area - at least 19,000 new homes, of which 4,550 should be affordable. 2. Within the Thriving Towns and Villages Policy Area - at least 7,700 new homes of which 2,050 should be affordable. <p>... The delivery and availability of housing land will be monitored annually. Any necessary adjustments will be made in order to deliver the overall local plan housing target and maintain a rolling 5 year supply of deliverable housing land, consistent with the policy area totals. The Policy Area housing requirements are separate and non-transferable. Only housing proposals within each Policy Area will be considered to contribute to meeting the housing requirement for that Policy Area. Any shortfall in the supply of housing sites in a Policy Area must be made up within that Policy Area, and cannot be remedied in the other Policy Area.</p> <p>Para 3.25 Local Plans must demonstrate that a five year land supply of specific deliverable sites is available at the point of adoption of the plan, measured against their housing requirements. The JLP sets out a housing requirement figure for the Plan Area as a whole as well as for the Plymouth Policy</p>

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			<p>Area and the Thriving Towns and Villages Policy Area. It must therefore demonstrate a five year land supply against each of these targets. For the purposes of paragraph 49 of the NPPF, housing delivery will be monitored at the Policy Area level. Additionally, for monitoring purposes the five year land supply will be assessed at local planning authority level.</p> <p>Para 7.23 (3rd bullet) Each The LPAs will additionally monitor housing delivery along with policy area monitoring to ensure the requirements of paragraph 47 of the NPPF are being met, and set out a 5 year land supply for their area. This is to ensure that the requirements of paragraph 47 of the NPPF are being met, and is also to show how each LPA is contributing to delivering new homes as envisioned by the strategy and policies set out in the JLP, and chiefly to demonstrate that growth is taking place across the two policy areas as set out in the spatial strategy. LPA housing monitoring indicative requirements are set out as Indicator I1a in Annex 2 of the JLP.</p> <p>Annex 2, Indicator I1a Total homes consented and built (including brownfield and windfall) by Local Planning Authority area PCC: 13,200 WDBC: 3,200 SHDC: 10,300 5,800 in Plymouth Policy Area; 4,500 in TTV Policy Area</p>
MM2		Spatial Strategy – housing trajectory information throughout plan	<p><u>Update of housing trajectory</u></p> <p>TO FOLLOW</p>
MM3	M325-329 (EXC10Ai)	Spatial Strategy – Policy SPT4, para 3.38, fig 3.6	<p><u>Modification to correctly apply the OAN figures for employment from the evidence base, correct and clarify the commentary on Langage and correct / update the supply figures</u></p> <p>Policy SPT4 Provision for employment floorspace The LPAs will provide for a net increase of at least 312,700 375,208 sq.m. of employment floorspace landspace within the plan period (equating to approximately 82 ha. of land) to ensure that land</p>

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			<p>space is available in sufficient quantity and of the right quality to drive the economic growth of the city and support the prosperity of rural South West Devon.</p> <p>Within the Plymouth Policy Area provision will be made for:</p> <ol style="list-style-type: none"> 1. B1a offices - 93,000 111,600 sq.m., with the City Centre as the primary location for new office development and Derriford as a secondary location. 2. B1/B2 industrial - 51,000 61,100 sq.m. 3. B8 storage and distribution - 99,000 118,700 sq.m. <p>Within the Thriving Towns and Villages Policy Area provision will be made for:</p> <ol style="list-style-type: none"> 1. B1a offices - 24,000 28,900 sq.m., with town centres identified as the primary location for new office development. 2. B1/B2 industrial - 18,100 21,700 sq.m. 3. B8 storage and distribution - 27,600 33,100 sq.m. <p>Langage Strategic Employment Site will continue to play a strategic role in meeting the employment land needs of the Plan Area in relation to B1b,c, B2 and B8 employment uses.</p> <p>Para 3.38 Figure 3.6 summarises the assumed employment land supply totals across the Plan Area. The Plymouth Policy Area figure includes Langage, which provides opportunity for 241,800 sq.m. of B1b,c, B2 and B8 floorspace. It should be noted however that Langage, which has potential to provide at least 243,000 sqm of B1b,c, B2 and B8 employment floorspace (see Policy PLY51), is not included in this table. This is in acknowledgement of the unique strategic nature of the site to the Plan Area, with the plan's primary aim for Langage being to identify and protect the opportunity for strategic employment investment. The site is considered to be in a category of its own, supporting the Plan Area as a whole rather than either particular policy area. as the strategic employment site, plays a role in helping meet the needs of both the Plymouth and the Thriving Towns and Villages Policy Areas, and in maintaining a high quality of supply into the future which can be unlocked over time.</p> <p>Fig 3.6 Employment Land Supply (sq m)</p> <table border="1" data-bbox="800 1333 1934 1359"> <tr> <td data-bbox="800 1333 1010 1359"></td> <td data-bbox="1010 1333 1388 1359">Plymouth Policy Area</td> <td data-bbox="1388 1333 1787 1359">Thriving Towns and Villages Policy</td> <td data-bbox="1787 1333 1934 1359">Plan Area</td> </tr> </table>		Plymouth Policy Area	Thriving Towns and Villages Policy	Plan Area
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MM4	M330-333 (EXC10Ai)	Spatial Strategy – Policy SPT6	<p><u>Modification to revise the retail hierarchy within the TTV area to better reflect the evidence base</u></p> <p>SPT6.3.2ii The village and community centres of the towns and larger villages Village centres of the smaller town and larger villages - primarily for top-up food shopping and local services.</p> <p>Fig 3.9 Village and community centres of the towns and larger villages Village centres of the towns and larger villages</p> <p>Fig 3.9.... Lifton Stokenham/Chillington</p> <p>Fig 3.9 NEW FOOTNOTE 'Village centres of the towns and larger villages are Local Centres in the retail hierarchy'</p>																																																																
MM5	M13 –M22, and HM40 (EXC10A)	Spatial Strategy – Policy SPT11	<p><u>Restructuring the strategic policy for the natural environment to align them more closely to Framework para 113 and 118, as agreed in Statement of Common Ground with Natural England (and further modified following discussions at hearing)</u></p> <p>Policy SPT11 Strategic approach to the natural environment The distinctive characteristics, special and unique qualities and important features of the natural environment of the Plan Area will be protected, conserved and enhanced. This will be through a</p>																																																																

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			<p>strategic approach which takes account of protects the hierarchy of legal status international, national and locally designated sites, commensurate with their status, and takes account of the natural infrastructure functions of different sites, habitats and features. Key principles include:</p> <p>1.. 1.. Avoiding harmful impacts on existing features as a first principle, and where harmful impacts are unavoidable, to ensure that such impacts are adequately and proportionately mitigated or as a last resort fully compensated.</p> <p>1. 2. Protecting Sites of European and national significance for biodiversity and conservation will be afforded the highest level of protection. These include existing and potential Special Protection Areas, existing possible and candidate Special Areas of Conservation, existing and proposed Ramsar sites and sites identified, or required, as compensatory measures for harmful impacts on European sites. Development affecting such sites will only be permitted where:</p> <p>i A suitable and less harmful alternative location, design or form of development cannot be achieved.</p> <p>ii The benefits substantially outweigh the impacts on the features of interest.</p> <p>iii The impacts can be fully mitigated and/or compensated.</p> <p>3. 3. Protecting Sites of national significance for biodiversity and conservation. These include Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones.</p> <p>2. 4. Conserving and enhancing the landscape and scenic beauty of the South Devon and the Tamar Valley Areas of Outstanding Natural Beauty, and the adjacent Dartmoor National Park and their settings. are given the highest status of protection in relation to landscape and scenic beauty. Great weight will therefore be given to conserving the landscape and scenic beauty of these designations and their settings. Major development in these areas will only be permitted in exceptional circumstances, and where it is in the public interest.</p> <p>3. 5. Protecting and enhancing the distinctive landscapes of the Undeveloped Coast will be protected and enhanced, particularly within the South Devon Heritage Coast, with support for improvements to public access to and enjoyment of the coast.</p> <p>6. Safeguarding the landscape setting of the Cornwall and West Devon Mining Landscape World</p>

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			<p>Heritage Site. Additionally, great weight will be given to the need to</p> <p>7. Supporting innovative and sustainable solutions within the North Devon Biosphere Transition Zone in accordance with the Biosphere Strategy for Sustainable Development. and to</p> <p>4. 8. Conserving and enhancing a functional network across the Plan Area of greenspace and geodiversity sites of regional and local importance will be identified to ensure a functional green network is achieved that meets the needs of communities and wildlife. These include:</p> <p>i. Strategic Landscape Areas (Plymouth Policy Area) - providing a strong landscape context for Plymouth.</p> <p>ii. Strategic Greenspaces (Plymouth Policy Area) - large scale sites to be proactively enhanced to provide a focus for people's interaction with nature.</p> <p>iii. Local Green Spaces (Plymouth Policy Area) - providing multiple benefits to communities and wildlife.</p> <p>iv. Local Nature Reserves - designated for their benefits for wildlife and providing communities with access to nature.</p> <p>v. County Wildlife Sites and County Geological Sites - designated for their high wildlife and geodiversity value and other priority sites supporting Biodiversity Action Plan habitats and species.</p> <p>vi. The ecological networks of wildlife corridors and stepping stones that connects these sites including areas identified for habitat restoration and creation.</p> <p>5. 9. The need to Improving links to and along regional and national walking and cycling routes, including the South West Coast Path national trail and the National Cycle Network will be a weighty consideration in planning and development in the Plan Area.</p> <p>6. 10. Protecting and extending the Public Rights of Way and bridleway s will be protected and the network extended as an essential element of the enjoyment of the natural environment.</p>
MM6	M47, M56, M57, M59, M62, M78, M79, M142, M166, M169 (EXC10A)	Strategy for Plymouth Policy Area – Policy PLY15, PLY27, PLY28, PLY30, PLY31, PLY36.2, PLY36.3	<p><u>Historic environment provisions of site allocation policies: modification to make language more consistent with Framework, as agreed in Statement of Common Ground with Historic England</u></p> <p>PLY15.5. New build development on the existing surface level car park which optimises the use of the site but respects conserves and enhances the historic and architectural interest and setting of</p>

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		<p>Strategy for TTV Policy Area – Policy TTV11.1, TTV18, TTV21</p>	<p>the Civic Centre and Council House, Plymouth Theatre Royal and The Bank.</p> <p>PLY27.1. High quality architecture that maximises the site’s redevelopment potential whilst responding positively to the Hoe Conservation Area’s historic character and the site’s role as a strategic gateway to Armada Way. The design should be informed by a detailed heritage character assessment to be undertaken for the proposal and should preserve or enhance the character and appearance of the Hoe Conservation Area and Registered Park and Garden.</p> <p>PLY28. 1. A development which preserves or enhances the character and appearance of the Hoe Conservation Area and Registered Park and Garden respects the site's heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>PLY30.3. A development which respects the site's heritage assets and context High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area, informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>PLY31.4. A development which respects the site's heritage assets and context High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area, informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>5. High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area.</p> <p>PLY36.2a. Site is within a conservation area therefore design will need to be in keeping with historic features conserve and enhance the significance including the setting of the heritage assets.</p> <p>PLY36.3a. Site is within a conservation area therefore design will need to be in keeping with historic features conserve and enhance the significance including the setting of the heritage assets.</p>

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			<p>TTV11.1a. Sensitive renovation and re-use of heritage assets Conservation and enhancement of the heritage assets, delivering its renovation and reuse.</p> <p>TTV18.10. A design and layout which is sensitive to conserves and where appropriate enhances the scheduled monument and its setting to the north west of the site and which respects the layout of the Roman Road running across the site which should be incorporated as part of the public realm.</p> <p>TTV21.4. High quality design and layout that has regard to conserves and enhances the Tamar Valley Area of Outstanding Natural Beauty, the West Devon and Outstanding Universal Value of the Cornwall and West Devon Mining Landscape World Heritage Site, and the Dartmoor National Park and the Conservation Areas, and avoid mitigate for any impacts on these important designations and their settings.</p>
MM7	HM13 (EXD5ii)	Strategy for Plymouth Policy Area – para 4.201 and subsequent new paragraphs (PLY51)	<p><u>Addressing insufficient reasoned justification for Langage site allocation policy to help ensure the policy is effective (PLY51)</u></p> <p>Economic growth at Langage is of strategic importance to the city and wider sub region. Future development offers the opportunity to strengthen the role of Langage as an attractive destination for new employment and investment.</p> <p>Langage is a strategically important employment location that has long been identified in former local and regional plans as an opportunity for a Strategic Employment Site of regional significance, providing a specific offer which cannot be replicated in the city itself. Considerable investment has taken place in the last decade, including the construction of a power station and the compulsory purchase of land in 2016 to bring much of the site identified in PLY51 under a single landowner. Langage provides a unique offer for the plan area by virtue of its scale, its location in relation to the strategic highway network and at the eastern edge of Plymouth, and the potential synergies with other uses, providing an opportunity that other sites cannot match for strategic employment uses and large footprint employment developments.</p> <p>The allocation is important not just to provide the opportunity for major employment investment</p>

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			<p>during the plan period which builds greater resilience into the economy of the city and wider sub-region but also to position the plan area for the type of employment investments that could deliver a step change in the long-term performance of the plan area's economy.</p> <p>Realisation of the full potential of Language is likely to go beyond the end of the plan period and will require significant investment in infrastructure in terms of its physical accessibility and connections to the A38, through a new southern access road and improved connections for walking, cycling and public transport to the City Centre, Plympton, Sherford and Deep Lane Junction Park and Ride..</p> <p>However, the policy plays a vital role in securing this as a long term strategic employment opportunity.</p>
MM8	M112 (EXC10A)	Strategy for Plymouth Policy Area – Policy PLY60.11	<p><u>Modification to provide support for the deliverability of Boringdon Park sports hub (PLY60.11), as agreed in Statement of Common Ground with Strategic South West Developments</u></p> <p>NEW POINT Enabling development will be acceptable to facilitate the delivery of the sports facilities and the other provisions of this policy, provided that it is well related to the Coypool development, and it respects the urban fringe character of the site and does not break the skyline when the site is viewed from off-site locations to the south.</p>
MM9	HM33 (EXD5vi)	Strategy for TTV Policy Area – Policy TTV1 and consequential changes to para 5.5	<p><u>Addressing the effectiveness of the policy in relation to settlement boundaries</u></p> <p>Policy TTV1</p> <p>Prioritising growth through a hierarchy of sustainable settlements</p> <p>The LPAs will distribute growth and development delivering homes and jobs in accordance with the following hierarchy of settlements, enabling each town and village to play its role within the rural area:</p> <ol style="list-style-type: none"> 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area. 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets. 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited

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			<p>services and amenities will be supported.</p> <p>4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated that it fully meets the principles of sustainable development and sustainable communities (Policies SPT1 and 2) and positively contributes in all other respects to a sustainable and beautiful countryside.</p> <p>In order to focus sustainable development into settlements that have the facilities to support and accommodate them, settlement boundaries will be identified for settlements in the top three levels of the settlement hierarchy are identified on the policies map. These will be and kept under regular review through supplementary planning documents and will be able to be updated through neighbourhood plans where consistent with the overarching principles for drawing settlement boundaries as established by the LPAs. Development outside of settlement boundaries will be considered with particular regard to Policy TTV31.</p> <p>Para 5.5 Settlement boundaries tend to evolve over time as changes take place in towns and villages. Updates to the boundaries can be through the neighbourhood planning process provided that this is consistent with overarching principles for the drawing of settlement boundaries established by the LPAs. These principles, which were published in the JLP Settlement Boundaries Topic Paper, will be incorporated in the Thriving Towns and Villages SPD. A further opportunity for boundary review will be through the next review of the JLP. A Thriving Towns and Villages Settlement Boundaries Background Paper will be published alongside this local plan to consult upon potential changes to the currently defined settlement boundaries. The outcome of this consultation will be used to incorporate updated settlement boundaries into the Thriving Towns and Villages Supplementary Planning Document.</p>
MM10	HM42 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV8 and para 5.46 after	<p><u>Modification to improve the effectiveness of the policy in addressing its part of any cumulative impact on air quality in the Western Road AQMA.</u></p> <p>TTV8: East of Ivybridge</p> <p>Point 4 - An appropriate strategy to mitigate for any impact on the Western Road AQMA, including</p>

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			<p>proportionate contributions as appropriate to any relevant Air Quality Action Plan and traffic management schemes.</p> <p>Point 9 - Improved road and junction connections to the south of the A38.</p> <p>Para 5.46 This allocation comprises three separate areas, one of which benefits from planning permission under planning reference 27_57/1347/15/F. The site spans both sides of the B3213 and is adjacent to the Ivybridge train station Park and Ride. The proposal aims to improve the sustainability and self-sufficiency of Ivybridge through a large scale development incorporating new homes, employment land and local facilities. The site will improve connectivity with the town centre through the provision of enhanced walking and cycling routes, combined with the creation of a road linking Exeter Road to the A38 via land south of the A38 are necessary to reduce the as well as measures to address its impact on the Air Quality Management Area, which has been designated on Western Road.</p>
MM11	HM43 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV9	<p><u>Modification to improve the effectiveness of the policy in addressing its part of any cumulative impact on air quality in the Western Road AQMA.</u></p> <p>TTV9: Land at Filham</p> <p>Point 3 - An appropriate strategy to mitigate for any impact on the Western Road AQMA, including proportionate contributions as appropriate to any relevant Air Quality Action Plan and traffic management schemes.</p>
MM12	HM44 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV13	<p><u>Modification to improve the effectiveness of the policy in relation to managing economic impacts of development</u></p> <p>Point 3 - Retention of appropriate levels of public car parking to a level sufficient to support the town's shopping and tourism roles, and which is appropriately located to those roles and which is sensitively incorporated into the design of new development, ensuring that car parking does not dominate the street scene.</p>
MM13	Statement of Common	Strategy for TTV Policy Area – Policy TTV29.4,	<u>Delivering a strategic approach to the Dartington estate</u>

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	Ground with Dartington Hall Trust and Historic England (SCG11)	TTV29.5, TTV29.10 and consequential amendment	<p>Delete Policy TTV29.4</p> <p>Delete Policy TTV29.5</p> <p>Delete Policy TTV29.10</p> <p>NEW POLICY</p> <p>Development at the Dartington Hall Estate (within the boundaries defined on the Policies Map), including in the order of 120 dwellings at Foxhole and Higher Barton, will be supported as a means of securing its long term future and to ensure the conservation of its historic buildings and landscape, where it is brought forward in line with an endorsed Estate Framework and other policies in this Plan. The Estate Framework, which will be periodically reviewed, will identify:</p> <ul style="list-style-type: none"> a The need for the development and how it will help to achieve the long-term sustainability of the Estate including the future of its historic buildings and landscape without causing harmful fragmentation of the historic entity. b The physical, economic and environmental context. c The significance of heritage assets within the Estate together with an overarching assessment of their condition and vulnerability now and in the future and setting out solutions for how they will be sustained, re-used, conserved and enhanced with identified priorities for investment. d Development principles to underpin future development proposals, the broad areas for development, the type of uses proposed, and how these developments will assist in the conservation of the heritage assets identified in the framework as vulnerable or will deliver other justifiable public benefits. e An estate-wide transport, movement and parking strategy. <p>Planning applications for development will be required to demonstrate the following where relevant and appropriate to the scale and nature of the proposal:</p> <ol style="list-style-type: none"> 1. How the proposal complies with the Estate Framework. 2. How the proposal addresses sustainable development by achieving economic, social and

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			<p>environmental gains.</p> <p>3.Planning applications for the development of sites within the Estate that are outside settlement boundaries should clearly demonstrate how they are contributing to securing key environmental or cultural objectives of the Trust, such as contributing financially to the reuse/repair of heritage assets.</p> <p>4.Where the proposal could affect the significance of a designated heritage asset, whether as a result of works to the asset or within its setting, how the development will help to secure the long term viable use of the asset and enhance the positive contribution that the asset or its setting makes, or otherwise will deliver justifiable public benefits.</p> <p>5. How the proposal will make a positive contribution to heritage settings and to the wider distinctiveness and character of the Estate and its landscape.</p> <p>6.That an archaeological assessment has been undertaken to inform and guide the development proposal.</p> <p>7. That a full assessment of the potential ecological impacts of the proposed development has been undertaken (including greater horseshoe bats), and, where appropriate, a mitigation plan has been prepared.</p> <p>8.How design standards ensure that the special architectural, historic, archaeological and artistic qualities of the Estate are retained.</p> <p>9.The implementation of a appropriate boundary treatment in order to retain the rural character of the wider Estate landscape.</p> <p>NARRATIVE / REASONED JUSTIFICATION FOR POLICY</p> <p>The Dartington Hall Estate is a major local employer which provides significant social and economic benefits. It is also an internationally important heritage ensemble, incorporating 42 listed buildings (including the Grade I listed Hall), 4 scheduled monuments and a Grade II* historic park and garden. The Dartington Hall Trust, as a charitable organisation responsible for the management of the Estate, has a strong innovation agenda and undertakes many educational and research projects of national interest. It also has an important role to play in the conservation of historic buildings and landscape.</p>

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			<p>The LPAs acknowledge the special heritage and landscape qualities of the Estate and the unique role that it and the Trust play in the social and economic life of the parish, Totnes and the region. This policy, therefore, seeks to support the role of the Dartington Hall Estate and recognises that an Estate Framework may be able to demonstrate material considerations that justify development outside the settlement boundary. This includes the need for housing and commercial development to generate long term funding streams for re-investment in vulnerable or deteriorating heritage assets.</p> <p>The policy requires that individual projects requiring planning permission are brought forward within the context of an Estate Framework which would clearly assess the impacts of development and explain how such development can contribute to the long-term sustainability of the Estate, including the future of its historic buildings and landscape. Importantly, the Estate Framework will provide the Trust with the confidence that once strategic decisions have been taken they can be delivered over time as part of an agreed comprehensive vision. The Trust will engage with Historic England and South Hams District Council, as the relevant LPA, to prepare the Estate Framework with a view to it being endorsed by these parties. It will also be the subject of consultation with its partners, other statutory consultees and the local community.</p> <p>It is anticipated that the Estate Framework will demonstrate how the core estate could support in the region of 120 new homes with a range of other uses as part of a sustainable growth strategy including employment, retail, learning and tourism/leisure opportunities. The main focus for enhancement and development will likely be at Foxhole, The Shops, Higher Barton, Woodlands Yard, Old Postern and Aller Park and adjacent land. The core estate's capacity to accommodate future development will, however, need to be tested and justified through the preparation of the Estate Framework. This represents a positive strategy for the ongoing conservation, enhancement and enjoyment of this historic environment. The Estate Framework will be reviewed and revised at agreed intervals, with updated versions being subject to endorsement by the same Parties.</p>

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			<p>Should development proposals be promoted beyond those identified in the Estate Framework, these will be considered in light of points 1 to 9 in the policy, where relevant and appropriate to the scale and nature of the development proposed and other policies within the JLP.</p> <p>Para 5.122 As set out in Policy Policies TTV29 and TTV(new number), 282 252 new homes and 17,300 11,800 sqm of employment floorspace ...</p>
MM14	HM46 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV30	<p><u>To improve the effectiveness of the policy in ensuring that sustainable villages contribute sufficiently to the housing supply, to more effectively support the preparation of neighbourhood plans, and to provide greater clarity for developers in how we expect to deliver numbers, particularly in settlements not covered by neighbourhood plans.</u></p> <p>The LPAs support the preparation of neighbourhood plans as the a means of identifying local development needs in the sustainable villages, and positively responding to the indicative housing figures set out in figure 5.8. whilst acknowledging that not all communities will bring forward such Neighbourhood plans may deviate from these numbers providing they can justify that such an approach is in accordance with the other policies of the JLP.</p> <p>For Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the essential identified local needs of local communities. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan in the usual way.</p>
MM15	HM47 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV31 and NEW POLICY	<p><u>To improve the effectiveness of the rural exception sites provision in TTV31, but bringing it into a separate policy and providing greater clarity about the wider housing benefits to be expected.</u></p> <p>TTV31 – Development in the countryside</p> <p>Point 1 - Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small-scale local development needs of the community and provides a sustainable solution.</p>

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			<p>NEW POLICY – RURAL EXCEPTION SITES Development proposals on sites outside of but adjacent to a settlement boundary will be supported where the proposal provides affordable housing that meets local housing needs. Specifically:</p> <ol style="list-style-type: none"> Proposals may contain a mix of affordable housing products that combine to represent a financially viable development proposal. This includes discount market housing, providing it does not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services. Community-led housing initiatives will be supported on rural exception sites, and will be subject to eligibility criteria requiring a local connection, and suppressed in value against open market values in perpetuity to ensure that dwellings continue to meet the affordable housing needs of local people.
MM16	M229 (EXC10A)	Strategy for TTV Policy Area – Policy TTV32	<p><u>New provision in the policy to address an omission in relation to extensions of dwellings in the countryside</u></p> <p>NEW POINT The extension is appropriate in scale and design in the context of the setting of the host dwelling, and should lead to an enhancement of the overall site within that context.</p>
MM17	HM38 (EXD5vi)	Development Policies – Policy DEV2 and supporting narrative	<p><u>Modification to improve consistent of policy to Framework and ensure that it is effective</u></p> <p>Policy DEV2 Air, water, soil, noise, land and light pollution Development proposals which will cause unacceptable on- or off-site risk or harm to human health, the natural environment and or general amenity by unacceptable levels of soil, air, water or noise pollution or land instability, either individually or cumulatively, will not be permitted. Development should:</p> <ol style="list-style-type: none"> Avoid or mitigate against harmful environmental impacts and health risks for both new and existing development arising from soil, air, water, land, and or noise pollution or land instability. Where located in or impacting an Air Quality Management Area, avoid or mitigate its impact through positively contributing towards the implementation of measures contained within air quality action plans and transport programmes, and through green infrastructure provision and

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			<p>enhancements, building design and layout which helps minimise air quality impacts.</p> <p>3. Prevent deterioration of and where appropriate protect, enhance and restore water quality.</p> <p>4. Limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>5. Where appropriate, remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.</p> <p>6 Protect soils, safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources.</p> <p>7. Maintain and where appropriate improve the noise environment in accordance with the Noise Policy Statement for England (including any subsequent updates).</p> <p>8. Not cause an adverse effect on the integrity of a European Site (see Policy SPT11).</p> <p>6.9 The planning system plays an important role in protecting the environment and people from pollution and managing natural resources. Policy DEV2 considers air, water, land, noise and light pollution, alongside other natural resource issues such as land stability and the need to safeguard soils and agricultural land. Its implementation will be amplified in the Plymouth Policy Area and Thriving Towns and Villages SPDs.</p> <p>NEW Air Quality Management Areas (AQMA) highlight those areas where air quality presents a particular issue and challenge. In addition to avoiding unacceptable impacts to air quality in any event, Policy DEV2 seeks to ensure that the individual and cumulative impacts of development on AQMA is appropriately considered and looks to Air Quality Action Plans and transport programmes in the first instance for appropriate measures to be implemented. The context and circumstances of an existing AQMA will inform the extent to which any impact is considered unacceptable. Any development, whether having an impact on an existing AQMA or not, that could have a significant cumulative impact on air quality, would normally be considered in the context of an Air Quality Assessment or Environmental Impact Assessment.</p> <p>...</p>
MM18	HM61	Development policies	Modification to improve the effectiveness of the policy and to make it compliant with

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	(EXD5viii)	– Policy DEV8 and related provisions in the plan	<p><u>national policy, including Written Ministerial Statements relating to affordable housing.</u></p> <p>Policy DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area</p> <p>The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:</p> <ol style="list-style-type: none"> 1. A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are: <ol style="list-style-type: none"> i. Homes that redress an imbalance within the existing housing stock. ii. Housing suitable for households with specific need. iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency. 2. Within rural areas and areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme. <ol style="list-style-type: none"> ii. All residential developments of 11 dwellings or more will provide at least 30 per cent affordable housing on site, subject to viability. 3. Within the Main Towns, outside of areas with special designations, Within the whole policy area, a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified. 4. In identified High Value Areas, proposals for large single dwelling houses with a gross floorspace exceeding 200 sq m in schemes of less than 6 homes will be required to provide an off-site commuted sum to deliver affordable housing in an appropriate location to help meet local housing needs.

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			<p>Para. 6.31 Policy DEV8 also contains a range of measures to boost the supply of affordable housing in the policy area, particularly in high value areas where there are particular difficulties for younger people and local families looking to remain in the area. In addition, by promoting using self and custom build approaches to the provision of new homes, we are not only increasing the opportunities for young working age people to build their own home, but also sharing the responsibility for the delivery of homes for local people.</p> <p>Para 6.32 Where viability is identified as a constraint on the delivery of the policies, this will be considered in the context of Policy DEL1. The LPAs have a strong expectation of on-site provision of affordable housing, but acknowledge that there can be exceptional circumstance where off site provision or commuted sums might be justified on the basis of robust evidence provided by the applicant. The Plymouth and Thriving Towns and Villages Policy Area SPDs, and for the TTV Policy Area the update of Affordable Housing Code of Practice, will provide amplification of how these policies will be delivered through the development process.</p> <p>Glossary Rural areas with special designations – An area within a National Park, an Area of Outstanding Natural Beauty or an area designated by order of the Secretary of State as a rural area.</p> <p>Glossary High Value Areas – High Value Areas (Policy DEV8.4) include value area 3 and value area 4 as defined in Table 1.2 and shown in Fig 1.1 for the reason set out in paragraph 1.21 in the South Hams Strategic Viability Assessment (Lewvel February 2015). The relevant postcodes are PL8 1, TQ6 0, TQ6 9, TQ7 2, TQ7 3, TQ7 4, TQ 8 8, TQ9 6 and TQ9 7.</p>
MM19	HM53 (EXD5vii)	Development policies – Policy DEV13	<p><u>Modification to address inspectors’ concern about unspecific wording of point 1, and the potential unnecessary repetition with para 26 of National Policy on Traveler sites.</u></p> <p>...</p> <p>1. New sites should not be located in the open countryside away from near to existing settlements, with a</p>

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			<p>2. The scale of any development must not be such as to that does not dominate the nearest settled community and should avoids placing an undue pressure on the local infrastructure.</p> <p>...</p>
MM20	M345 (EXC10Ai)	Development Policies – Policy DEV14	<p><u>Modification to provide consistency with para 22 of Framework</u></p> <p>2.iii Site allocated in this plan for employment uses.</p>
MM21	HM20 (EXD5iv)	Development Policies – Policy DEV18	<p><u>Modification to better reflect the evidence relating to the frontages in the Main Towns</u></p> <p>4. In the Thriving Towns and Villages Policy Area the LPA will support proposals which:</p> <p>i. Result in the loss of ground floor premises in retail use (Use Class A1) within primary frontages to uses within Use Class A2 and A3 only where they do not create a continuous frontage of more than two non Class A1 uses and would not result in more than 15m of continuous frontage in non-Class A1 use.</p> <p>ii. Do not result in more than:</p> <ul style="list-style-type: none"> • 30% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth and Tavistock; • 40% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Kingsbridge; • 45% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Totnes; and • 60% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Okehampton. <p>35% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Okehampton.</p> <p>iii. Do not result in more than 25% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth, Kingsbridge, Tavistock and Totnes.</p> <p>iv. iii. Provide uses outside Classes A1, A2 or A3 in ground floor premises within primary frontages only where the use would achieve a significant improvement in the vitality and viability of the centre.</p>

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			<p>∇. iv Result in the loss of ground floor premises in retail use (Use Class A1) within secondary frontages to other main town centre uses where they encourage footfall within the centre and support the main functions of the rest of the centre.</p> <p>v. Within the wider centre, provide a broad range of uses which contribute to vitality of the area and do not lead to inactive frontage.</p>
MM22	HM56 (EXD5vii)	Development Policies – Policy DEV22	<p><u>Modification of the policy to provide greater consistency with the relevant provisions of the Framework and improve its effectiveness, as agreed in Statement of Common Ground with Historic England (further modified following hearing session discussion)</u></p> <p>Policy DEV22 Development affecting the historic environment Development proposals will need to sustain the local character and distinctiveness of the area and, by conserving or and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance. The following provisions will apply:</p> <ol style="list-style-type: none"> 1. Development should conserve or enhance the historic environment, including designated heritage assets of national importance and undesignated heritage assets of local significance and their settings. 2. 1. The significance, character, setting and local distinctiveness of heritage assets should be considered within an appropriate assessment to determine impact. this significance. In certain cases applicants will be required to arrange archaeological or historic asset assessment and evaluations. 3. 2. Great weight will be given to the conservation of the Plan Area's designated heritage assets. <p>Where development proposals will lead to substantial any harm to, or loss of the significance of a designated heritage asset, permission will be refused they must be fully justified against:</p> <ol style="list-style-type: none"> i significant wider public benefits; ii whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of harm to the assets significance and if the work is the minimum required to secure its long term use. <ol style="list-style-type: none"> 3. Development that harms the significance of locally important non-designated heritage assets, or

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			<p>their contribution to the character of a place will only be permitted where it can be justified. Proposals will be weighed against the public benefits.</p> <p>. Exceptions to this will only be made where the harm to such elements is outweighed by the public benefits of the proposal, with substantial harm or total loss to the significance of a designated heritage asset (or archaeological site of national importance) only permitted in exceptional circumstances.</p> <p>4. Adverse impacts on locally important heritage assets and/or their settings should be avoided. Where proposals are likely to cause substantial harm to or loss of locally important assets, permission will only be granted where the public benefit outweighs the asset's historic or archaeological interest, having regard to the scale of any harm or loss and the significance of the heritage asset. The features of interest should be preserved in situ, but where this is not justifiable or feasible, provision must be made for appropriate preservation by record.</p> <p>4. Where harm to designated and non- designated heritage assets can be justified applicants will be required to undertake excavation or recording as appropriate, followed by analysis and publication to professionally acceptable standards.</p> <p>5. Development should help secure the long term sustainable future for the Plan Area's heritage assets, especially those identified as being of greater risk of loss and decay and that might have a community benefit where possible.</p> <p>6. Development should respond positively and creatively to ensure those elements that contribute to the special character and appearance of conservation areas are preserved or enhanced using, where appropriate, Conservation Area Appraisals and Management Plans to inform future development.</p>
MM23	M256-258, 260-261 (EXC10A) & M259 modified, M347 (EXC10Ai)	Development Policies – Policy DEV23	<p><u>Modification to better align policy with the WHS management plan and achieve a more effective policy</u></p> <p>Policy DEV23 Cornwall and West Devon Mining Landscape World Heritage Site Development proposals within or within the setting of the Cornwall and West Devon Mining Landscape World Heritage Site or its setting will conserve or where appropriate enhance the</p>

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			<p>Outstanding Universal Value of the site.</p> <ol style="list-style-type: none"> 1. The historical and social importance cultural significance of the seven key attributes that express the OUV of the Site as well as other of key buildings or other features and their contextual setting as may contribute to this significance. 2. The need to conserve and maintain existing historic fabric and to retain and reflect locally distinctive features in the design of buildings, layouts and landscape to ensure the authenticity and integrity of the World Heritage Site is maintained. 3. The integrity and authenticity of industrial infrastructure, transportation networks and associated features. 4. The importance of and evidence for ancillary industries. 5. The need to be in accordance with the principles and objectives of the relevant Cornwall and West Devon Mining Landscape WHS Management Plan and other guidance/ adopted documents including the WHS Supplementary Planning Document. 6. Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value, should be wholly exceptional. Less than substantial harm must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm. If the impact of the proposal is neutral, either on the significance or setting, then opportunities to enhance or better reveal the significance should be taken. 7. All development proposals should be informed by proportionate historic environment assessments and evaluations. These will identify the significance of all heritage assets that would be affected by the proposals, the nature and degree of any effects and demonstrate how any harm will be avoided, minimised or mitigated.
MM24	EXD61	Development Policies – Policy DEV26	TO FOLLOW ONCE INSPECTORS’ HAVE CONSIDERED AND ADVISED IN RESPONSE TO PAPER EXD61
MM25	M275-282 (EXC10A)	Development Policies – Policy DEV28	<u>Restructuring the strategic policy for the natural environment to align them more closely to Framework para 113 and 118, as agreed in Statement of Common Ground with Natural England</u>

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			<p>Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity interests across the Plan Area. Specific provisions are identified below:</p> <p>1 Full account will be given in making planning decisions to the importance of any affected habitats and features, taking account of the hierarchy of protected sites: i. Internationally important sites including existing, candidate or proposed Special Protection Areas and Special Areas of Conservation ii. Nationally important sites including Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones. iii. Locally important sites including County Wildlife Sites, Local Nature Reserves, Regionally Important Geological Sites, and other priority habitats. iv. The ecological network of wildlife corridors and stepping stones that link the biodiversity areas detailed above, including areas identified for habitat restoration and creation.</p> <p>1. The highest level of protection will be given to European Sites. Development will not be permitted unless it will not adversely affect the integrity of a European site either alone or in combination with other development. Proposals having a harmful impact on the integrity of European Sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where:</p> <ul style="list-style-type: none"> i There are no suitable alternatives. ii There are Imperative Reasons of Overriding Public Interest. iii Necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European Sites is protected. <p>2. A high level of protection will be given to sites of national significance for nature conservation Development proposed on land within or outside such a site which would be likely to have a harmful impact on the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, at the site, clearly outweigh both the impacts on the notified special interest features of the site and any broader impacts on the national network of sites of national significance for nature conservation.</p> <p>3. Development likely to have a harmful impact on designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained.</p>

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			<p>4. Harmful impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to the legal tests afforded to them where applicable, and unless the need for, or benefits of the development clearly outweigh the loss.</p> <p>2-5. Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.</p> <p>3. Development which would be likely to directly or indirectly impact the biodiversity value of a site will not be permitted unless:</p> <ul style="list-style-type: none"> i. The need for and the public interest benefits of the development outweigh the harm, including any harm to the integrity of the ecological network. ii. The impacts cannot be avoided through an alternative, less harmful location, design or form of development. iii. The development demonstrates that it has proactively tried to avoid impacts on biodiversity and geological interests through the design process prior to developing measures to mitigate or as a last resort to compensate for unavoidable impacts. iv. The favourable conservation status of legally protected species is maintained. v. Impacts upon species, habitats or geodiversity can be reduced to a level whereby they are not significant by appropriate mitigation or as a last resort, by compensation. vi. Potentially adverse effects can be fully mitigated and / or compensated in the case of European Protected Sites. <p>4. 6. Development will provide for the long term management of biodiversity features retained and enhanced within the site or for those features created off site to compensate for development impacts.</p>
MM26	EXD62	Development Policies	TO FOLLOW ONCE INSPECTORS' HAVE CONSIDERED AND ADVISED IN RESPONSE TO PAPER

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		– Policy DEV29	EXD62
MM27	M291 (EXC10A)	Development Policies – Policy DEV33	<p><u>Modification to provide consistency with paragraph 7 (first bullet point) of National Planning Policy for Waste.</u></p> <p>5 i There is a need for the facility and that there are no other appropriate and more suitable facilities for waste management in a reasonable proximity.</p>

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN – PROVISIONAL SCHEDULE OF MAIN MODIFICATIONS
(13 April 2018)**

Ref	Previous ref / document	Part of JLP (Submission version) affected	Main modification
MM1	HM31 (EXD5vi)	Spatial Strategy – Policy SPT3 and consequential amendments to narrative and Annex 2	<p><u>Clarifying the operation of the spatial strategy in relation to managing the delivery and distribution of housing in the Plan Area</u></p> <p>Policy SPT3 Provision for new homes</p> <p>The LPAs will plan, monitor and manage the delivery of housing from 2014 to 2034 in accordance with the apportionment between Policy Areas, the spatial strategy and the site allocations set out in this plan. Housing provision will be made for at least 26,700 dwellings (net) in the Plan Area during the plan period 2014 to 2034, comprising the policy area totals and the related market housing and affordable housing provision as follows:</p> <ol style="list-style-type: none"> 1. Within the Plymouth Policy Area - at least 19,000 new homes, of which 4,550 should be affordable. 2. Within the Thriving Towns and Villages Policy Area - at least 7,700 new homes of which 2,050 should be affordable. <p>... The delivery and availability of housing land will be monitored annually. Any necessary adjustments will be made in order to deliver the overall local plan housing target and maintain a rolling 5-year supply of deliverable housing land, consistent with the policy area totals. The Policy Area housing requirements are separate and non-transferable. Only housing proposals within each Policy Area will be considered to contribute to meeting the housing requirement for that Policy Area. Any shortfall in the supply of housing sites in a Policy Area must be made up within that Policy Area, and cannot be remedied in the other Policy Area.</p> <p>Para 3.25 Local Plans must demonstrate that a five year land supply of specific deliverable sites is available at the point of adoption of the plan, measured against their housing requirements. The JLP sets out a housing requirement figure for the Plan Area as a whole as well as for the Plymouth Policy</p>

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			<p>Area and the Thriving Towns and Villages Policy Area. It must therefore demonstrate a five year land supply against each of these targets. For the purposes of paragraph 49 of the NPPF, housing delivery will be monitored at the Policy Area level. Additionally, for monitoring purposes the five year land supply will be assessed at local planning authority level.</p> <p>Para 7.23 (3rd bullet) Each The LPAs will additionally monitor housing delivery along with policy area monitoring to ensure the requirements of paragraph 47 of the NPPF are being met, and set out a 5 year land supply for their area. This is to ensure that the requirements of paragraph 47 of the NPPF are being met, and is also to show how each LPA is contributing to delivering new homes as envisioned by the strategy and policies set out in the JLP, and chiefly to demonstrate that growth is taking place across the two policy areas as set out in the spatial strategy. LPA housing monitoring indicative requirements are set out as Indicator I1a in Annex 2 of the JLP.</p> <p>Annex 2, Indicator I1a Total homes consented and built (including brownfield and windfall) by Local Planning Authority area PCC: 13,200 WDBC: 3,200 SHDC: 10,300 5,800 in Plymouth Policy Area; 4,500 in TTV Policy Area</p>
MM2		Spatial Strategy – housing trajectory information throughout plan	<p><u>Update of housing trajectory</u></p> <p>TO FOLLOW</p>
MM3	M325-329 (EXC10Ai)	Spatial Strategy – Policy SPT4, para 3.38, fig 3.6	<p><u>Modification to correctly apply the OAN figures for employment from the evidence base, correct and clarify the commentary on Langage and correct / update the supply figures</u></p> <p>Policy SPT4 Provision for employment floorspace The LPAs will provide for a net increase of at least 312,700 375,208 sq.m. of employment floorspace landspace within the plan period (equating to approximately 82 ha. of land) to ensure that land</p>

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			<p>space is available in sufficient quantity and of the right quality to drive the economic growth of the city and support the prosperity of rural South West Devon.</p> <p>Within the Plymouth Policy Area provision will be made for:</p> <ol style="list-style-type: none"> 1. B1a offices - 93,000 111,600 sq.m., with the City Centre as the primary location for new office development and Derriford as a secondary location. 2. B1/B2 industrial - 51,000 61,100 sq.m. 3. B8 storage and distribution - 99,000 118,700 sq.m. <p>Within the Thriving Towns and Villages Policy Area provision will be made for:</p> <ol style="list-style-type: none"> 1. B1a offices - 24,000 28,900 sq.m., with town centres identified as the primary location for new office development. 2. B1/B2 industrial - 18,100 21,700 sq.m. 3. B8 storage and distribution - 27,600 33,100 sq.m. <p>Langage Strategic Employment Site will continue to play a strategic role in meeting the employment land needs of the Plan Area in relation to B1b,c, B2 and B8 employment uses.</p> <p>Para 3.38 Figure 3.6 summarises the assumed employment land supply totals across the Plan Area. The Plymouth Policy Area figure includes Langage, which provides opportunity for 241,800 sq.m. of B1b,c, B2 and B8 floorspace. It should be noted however that Langage, which has potential to provide at least 243,000 sqm of B1b,c, B2 and B8 employment floorspace (see Policy PLY51), is not included in this table. This is in acknowledgement of the unique strategic nature of the site to the Plan Area, with the plan's primary aim for Langage being to identify and protect the opportunity for strategic employment investment. The site is considered to be in a category of its own, supporting the Plan Area as a whole rather than either particular policy area., as the strategic employment site, plays a role in helping meet the needs of both the Plymouth and the Thriving Towns and Villages Policy Areas, and in maintaining a high quality of supply into the future which can be unlocked over time.</p> <p>Fig 3.6 Employment Land Supply (sq m)</p> <table border="1" data-bbox="800 1333 1934 1359"> <tr> <td data-bbox="800 1333 1010 1359"></td> <td data-bbox="1010 1333 1388 1359">Plymouth Policy Area</td> <td data-bbox="1388 1333 1787 1359">Thriving Towns and Villages Policy</td> <td data-bbox="1787 1333 1934 1359">Plan Area</td> </tr> </table>		Plymouth Policy Area	Thriving Towns and Villages Policy	Plan Area
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MM4	M330-333 (EXC10Ai)	Spatial Strategy – Policy SPT6	<p><u>Modification to revise the retail hierarchy within the TTV area to better reflect the evidence base</u></p> <p>SPT6.3.2ii The village and community centres of the towns and larger villages Village centres of the smaller town and larger villages - primarily for top-up food shopping and local services.</p> <p>Fig 3.9 Village and community centres of the towns and larger villages Village centres of the towns and larger villages</p> <p>Fig 3.9.... Lifton Stokenham/Chillington</p> <p>Fig 3.9 NEW FOOTNOTE 'Village centres of the towns and larger villages are Local Centres in the retail hierarchy'</p>																																																																
MM5	M13 –M22, and HM40 (EXC10A)	Spatial Strategy – Policy SPT11	<p><u>Restructuring the strategic policy for the natural environment to align them more closely to Framework para 113 and 118, as agreed in Statement of Common Ground with Natural England (and further modified following discussions at hearing)</u></p> <p>Policy SPT11 Strategic approach to the natural environment The distinctive characteristics, special and unique qualities and important features of the natural environment of the Plan Area will be protected, conserved and enhanced. This will be through a</p>																																																																

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			<p>strategic approach which takes account of protects the hierarchy of legal status international, national and locally designated sites, commensurate with their status, and takes account of the natural infrastructure functions of different sites, habitats and features. Key principles include:</p> <p>1.. 1.. Avoiding harmful impacts on existing features as a first principle, and where harmful impacts are unavoidable, to ensure that such impacts are adequately and proportionately mitigated or as a last resort fully compensated.</p> <p>1. 2. Protecting Sites of European and national significance for biodiversity and conservation will be afforded the highest level of protection. These include existing and potential Special Protection Areas, existing possible and candidate Special Areas of Conservation, existing and proposed Ramsar sites and sites identified, or required, as compensatory measures for harmful impacts on European sites. Development affecting such sites will only be permitted where:</p> <ul style="list-style-type: none"> i i A suitable and less harmful alternative location, design or form of development cannot be achieved. ii ii The benefits substantially outweigh the impacts on the features of interest. iii iii The impacts can be fully mitigated and/or compensated. <p>3. 3. Protecting Sites of national significance for biodiversity and conservation. These include Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones.</p> <p>2. 4. Conserving and enhancing the landscape and scenic beauty of the South Devon and the Tamar Valley Areas of Outstanding Natural Beauty, and the adjacent Dartmoor National Park and their settings. are given the highest status of protection in relation to landscape and scenic beauty. Great weight will therefore be given to conserving the landscape and scenic beauty of these designations and their settings. Major development in these areas will only be permitted in exceptional circumstances, and where it is in the public interest.</p> <p>3. 5. Protecting and enhancing the distinctive landscapes of the Undeveloped Coast will be protected and enhanced, particularly within the South Devon Heritage Coast, with support for improvements to public access to and enjoyment of the coast.</p> <p>6. Safeguarding the landscape setting of the Cornwall and West Devon Mining Landscape World</p>

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			<p>Heritage Site. Additionally, great weight will be given to the need to</p> <p>7. Supporting innovative and sustainable solutions within the North Devon Biosphere Transition Zone in accordance with the Biosphere Strategy for Sustainable Development. and to</p> <p>4. 8. Conserving and enhancing a functional network across the Plan Area of greenspace and geodiversity sites of regional and local importance will be identified to ensure a functional green network is achieved that meets the needs of communities and wildlife. These include:</p> <p>i. Strategic Landscape Areas (Plymouth Policy Area) - providing a strong landscape context for Plymouth.</p> <p>ii. Strategic Greenspaces (Plymouth Policy Area) - large scale sites to be proactively enhanced to provide a focus for people's interaction with nature.</p> <p>iii. Local Green Spaces (Plymouth Policy Area) - providing multiple benefits to communities and wildlife.</p> <p>iv. Local Nature Reserves - designated for their benefits for wildlife and providing communities with access to nature.</p> <p>v. County Wildlife Sites and County Geological Sites - designated for their high wildlife and geodiversity value and other priority sites supporting Biodiversity Action Plan habitats and species.</p> <p>vi. The ecological networks of wildlife corridors and stepping stones that connects these sites including areas identified for habitat restoration and creation.</p> <p>5. 9. The need to Improving links to and along regional and national walking and cycling routes, including the South West Coast Path national trail and the National Cycle Network will be a weighty consideration in planning and development in the Plan Area.</p> <p>6. 10. Protecting and extending the Public Rights of Way and bridleway s will be protected and the network extended as an essential element of the enjoyment of the natural environment.</p>
MM6	M47, M56, M57, M59, M62, M78, M79, M142, M166, M169 (EXC10A)	Strategy for Plymouth Policy Area – Policy PLY15, PLY27, PLY28, PLY30, PLY31, PLY36.2, PLY36.3	<p><u>Historic environment provisions of site allocation policies: modification to make language more consistent with Framework, as agreed in Statement of Common Ground with Historic England</u></p> <p>PLY15.5. New build development on the existing surface level car park which optimises the use of the site but respects conserves and enhances the historic and architectural interest and setting of</p>

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		<p>Strategy for TTV Policy Area – Policy TTV11.1, TTV18, TTV21</p>	<p>the Civic Centre and Council House, Plymouth Theatre Royal and The Bank.</p> <p>PLY27.1. High quality architecture that maximises the site’s redevelopment potential whilst responding positively to the Hoe Conservation Area’s historic character and the site’s role as a strategic gateway to Armada Way. The design should be informed by a detailed heritage character assessment to be undertaken for the proposal and should preserve or enhance the character and appearance of the Hoe Conservation Area and Registered Park and Garden.</p> <p>PLY28. 1. A development which preserves or enhances the character and appearance of the Hoe Conservation Area and Registered Park and Garden respects the site's heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>PLY30.3. A development which respects the site's heritage assets and context High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area, informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>PLY31.4. A development which respects the site's heritage assets and context High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area, informed by a detailed heritage character assessment to be undertaken for the proposal.</p> <p>5. High quality design which preserves and enhances the setting of the adjacent listed buildings and Union Street Conservation Area.</p> <p>PLY36.2a. Site is within a conservation area therefore design will need to be in keeping with historic features conserve and enhance the significance including the setting of the heritage assets.</p> <p>PLY36.3a. Site is within a conservation area therefore design will need to be in keeping with historic features conserve and enhance the significance including the setting of the heritage assets.</p>

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			<p>TTV11.1a. Sensitive renovation and re-use of heritage assets Conservation and enhancement of the heritage assets, delivering its renovation and reuse.</p> <p>TTV18.10. A design and layout which is sensitive to conserves and where appropriate enhances the scheduled monument and its setting to the north west of the site and which respects the layout of the Roman Road running across the site which should be incorporated as part of the public realm.</p> <p>TTV21.4. High quality design and layout that has regard to conserves and enhances the Tamar Valley Area of Outstanding Natural Beauty, the West Devon and Outstanding Universal Value of the Cornwall and West Devon Mining Landscape World Heritage Site, and the Dartmoor National Park and the Conservation Areas, and avoid mitigate for any impacts on these important designations and their settings.</p>
MM7	HM13 (EXD5ii)	Strategy for Plymouth Policy Area – para 4.201 and subsequent new paragraphs (PLY51)	<p><u>Addressing insufficient reasoned justification for Langage site allocation policy to help ensure the policy is effective (PLY51)</u></p> <p>Economic growth at Langage is of strategic importance to the city and wider sub region. Future development offers the opportunity to strengthen the role of Langage as an attractive destination for new employment and investment.</p> <p>Langage is a strategically important employment location that has long been identified in former local and regional plans as an opportunity for a Strategic Employment Site of regional significance, providing a specific offer which cannot be replicated in the city itself. Considerable investment has taken place in the last decade, including the construction of a power station and the compulsory purchase of land in 2016 to bring much of the site identified in PLY51 under a single landowner. Langage provides a unique offer for the plan area by virtue of its scale, its location in relation to the strategic highway network and at the eastern edge of Plymouth, and the potential synergies with other uses, providing an opportunity that other sites cannot match for strategic employment uses and large footprint employment developments.</p> <p>The allocation is important not just to provide the opportunity for major employment investment</p>

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			<p>during the plan period which builds greater resilience into the economy of the city and wider sub-region but also to position the plan area for the type of employment investments that could deliver a step change in the long-term performance of the plan area's economy.</p> <p>Realisation of the full potential of Language is likely to go beyond the end of the plan period and will require significant investment in infrastructure in terms of its physical accessibility and connections to the A38, through a new southern access road and improved connections for walking, cycling and public transport to the City Centre, Plympton, Sherford and Deep Lane Junction Park and Ride..</p> <p>However, the policy plays a vital role in securing this as a long term strategic employment opportunity.</p>
MM8	M112 (EXC10A)	Strategy for Plymouth Policy Area – Policy PLY60.11	<p><u>Modification to provide support for the deliverability of Boringdon Park sports hub (PLY60.11), as agreed in Statement of Common Ground with Strategic South West Developments</u></p> <p>NEW POINT Enabling development will be acceptable to facilitate the delivery of the sports facilities and the other provisions of this policy, provided that it is well related to the Coypool development, and it respects the urban fringe character of the site and does not break the skyline when the site is viewed from off-site locations to the south.</p>
MM9	HM33 (EXD5vi)	Strategy for TTV Policy Area – Policy TTV1 and consequential changes to para 5.5	<p><u>Addressing the effectiveness of the policy in relation to settlement boundaries</u></p> <p>Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements</p> <p>The LPAs will distribute growth and development delivering homes and jobs in accordance with the following hierarchy of settlements, enabling each town and village to play its role within the rural area:</p> <ol style="list-style-type: none"> 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area. 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets. 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited

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			<p>services and amenities will be supported.</p> <p>4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated that it fully meets the principles of sustainable development and sustainable communities (Policies SPT1 and 2) and positively contributes in all other respects to a sustainable and beautiful countryside.</p> <p>In order to focus sustainable development into settlements that have the facilities to support and accommodate them, settlement boundaries will be identified for settlements in the top three levels of the settlement hierarchy are identified on the policies map. These will be and kept under regular review through supplementary planning documents and will be able to be updated through neighbourhood plans where consistent with the overarching principles for drawing settlement boundaries as established by the LPAs. Development outside of settlement boundaries will be considered with particular regard to Policy TTV31.</p> <p>Para 5.5 Settlement boundaries tend to evolve over time as changes take place in towns and villages. Updates to the boundaries can be through the neighbourhood planning process provided that this is consistent with overarching principles for the drawing of settlement boundaries established by the LPAs. These principles, which were published in the JLP Settlement Boundaries Topic Paper, will be incorporated in the Thriving Towns and Villages SPD. A further opportunity for boundary review will be through the next review of the JLP. A Thriving Towns and Villages Settlement Boundaries Background Paper will be published alongside this local plan to consult upon potential changes to the currently defined settlement boundaries. The outcome of this consultation will be used to incorporate updated settlement boundaries into the Thriving Towns and Villages Supplementary Planning Document.</p>
MM10	HM42 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV8 and para 5.46 after	<p><u>Modification to improve the effectiveness of the policy in addressing its part of any cumulative impact on air quality in the Western Road AQMA.</u></p> <p>TTV8: East of Ivybridge</p> <p>Point 4 - An appropriate strategy to mitigate for any impact on the Western Road AQMA, including</p>

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			<p>proportionate contributions as appropriate to any relevant Air Quality Action Plan and traffic management schemes.</p> <p>Point 9 - Improved road and junction connections to the south of the A38.</p> <p>Para 5.46 This allocation comprises three separate areas, one of which benefits from planning permission under planning reference 27_57/1347/15/F. The site spans both sides of the B3213 and is adjacent to the Ivybridge train station Park and Ride. The proposal aims to improve the sustainability and self-sufficiency of Ivybridge through a large scale development incorporating new homes, employment land and local facilities. The site will improve connectivity with the town centre through the provision of enhanced walking and cycling routes, combined with the creation of a road linking Exeter Road to the A38 via land south of the A38 are necessary to reduce the as well as measures to address its impact on the Air Quality Management Area, which has been designated on Western Road.</p>
MM11	HM43 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV9	<p><u>Modification to improve the effectiveness of the policy in addressing its part of any cumulative impact on air quality in the Western Road AQMA.</u></p> <p>TTV9: Land at Filham</p> <p>Point 3 - An appropriate strategy to mitigate for any impact on the Western Road AQMA, including proportionate contributions as appropriate to any relevant Air Quality Action Plan and traffic management schemes.</p>
MM12	HM44 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV13	<p><u>Modification to improve the effectiveness of the policy in relation to managing economic impacts of development</u></p> <p>Point 3 - Retention of appropriate levels of public car parking to a level sufficient to support the town's shopping and tourism roles, and which is appropriately located to those roles and which is sensitively incorporated into the design of new development, ensuring that car parking does not dominate the street scene.</p>
MM13	Statement of Common	Strategy for TTV Policy Area – Policy TTV29.4,	<u>Delivering a strategic approach to the Dartington estate</u>

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	Ground with Dartington Hall Trust and Historic England (SCG11)	TTV29.5, TTV29.10 and consequential amendment	<p>Delete Policy TTV29.4</p> <p>Delete Policy TTV29.5</p> <p>Delete Policy TTV29.10</p> <p>NEW POLICY</p> <p>Development at the Dartington Hall Estate (within the boundaries defined on the Policies Map), including in the order of 120 dwellings at Foxhole and Higher Barton, will be supported as a means of securing its long term future and to ensure the conservation of its historic buildings and landscape, where it is brought forward in line with an endorsed Estate Framework and other policies in this Plan. The Estate Framework, which will be periodically reviewed, will identify:</p> <ul style="list-style-type: none"> a The need for the development and how it will help to achieve the long-term sustainability of the Estate including the future of its historic buildings and landscape without causing harmful fragmentation of the historic entity. b The physical, economic and environmental context. c The significance of heritage assets within the Estate together with an overarching assessment of their condition and vulnerability now and in the future and setting out solutions for how they will be sustained, re-used, conserved and enhanced with identified priorities for investment. d Development principles to underpin future development proposals, the broad areas for development, the type of uses proposed, and how these developments will assist in the conservation of the heritage assets identified in the framework as vulnerable or will deliver other justifiable public benefits. e An estate-wide transport, movement and parking strategy. <p>Planning applications for development will be required to demonstrate the following where relevant and appropriate to the scale and nature of the proposal:</p> <ol style="list-style-type: none"> 1. How the proposal complies with the Estate Framework. 2. How the proposal addresses sustainable development by achieving economic, social and

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			<p>environmental gains.</p> <p>3.Planning applications for the development of sites within the Estate that are outside settlement boundaries should clearly demonstrate how they are contributing to securing key environmental or cultural objectives of the Trust, such as contributing financially to the reuse/repair of heritage assets.</p> <p>4.Where the proposal could affect the significance of a designated heritage asset, whether as a result of works to the asset or within its setting, how the development will help to secure the long term viable use of the asset and enhance the positive contribution that the asset or its setting makes, or otherwise will deliver justifiable public benefits.</p> <p>5. How the proposal will make a positive contribution to heritage settings and to the wider distinctiveness and character of the Estate and its landscape.</p> <p>6.That an archaeological assessment has been undertaken to inform and guide the development proposal.</p> <p>7. That a full assessment of the potential ecological impacts of the proposed development has been undertaken (including greater horseshoe bats), and, where appropriate, a mitigation plan has been prepared.</p> <p>8.How design standards ensure that the special architectural, historic, archaeological and artistic qualities of the Estate are retained.</p> <p>9.The implementation of a appropriate boundary treatment in order to retain the rural character of the wider Estate landscape.</p> <p>NARRATIVE / REASONED JUSTIFICATION FOR POLICY</p> <p>The Dartington Hall Estate is a major local employer which provides significant social and economic benefits. It is also an internationally important heritage ensemble, incorporating 42 listed buildings (including the Grade I listed Hall), 4 scheduled monuments and a Grade II* historic park and garden. The Dartington Hall Trust, as a charitable organisation responsible for the management of the Estate, has a strong innovation agenda and undertakes many educational and research projects of national interest. It also has an important role to play in the conservation of historic buildings and landscape.</p>

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			<p>The LPAs acknowledge the special heritage and landscape qualities of the Estate and the unique role that it and the Trust play in the social and economic life of the parish, Totnes and the region. This policy, therefore, seeks to support the role of the Dartington Hall Estate and recognises that an Estate Framework may be able to demonstrate material considerations that justify development outside the settlement boundary. This includes the need for housing and commercial development to generate long term funding streams for re-investment in vulnerable or deteriorating heritage assets.</p> <p>The policy requires that individual projects requiring planning permission are brought forward within the context of an Estate Framework which would clearly assess the impacts of development and explain how such development can contribute to the long-term sustainability of the Estate, including the future of its historic buildings and landscape. Importantly, the Estate Framework will provide the Trust with the confidence that once strategic decisions have been taken they can be delivered over time as part of an agreed comprehensive vision. The Trust will engage with Historic England and South Hams District Council, as the relevant LPA, to prepare the Estate Framework with a view to it being endorsed by these parties. It will also be the subject of consultation with its partners, other statutory consultees and the local community.</p> <p>It is anticipated that the Estate Framework will demonstrate how the core estate could support in the region of 120 new homes with a range of other uses as part of a sustainable growth strategy including employment, retail, learning and tourism/leisure opportunities. The main focus for enhancement and development will likely be at Foxhole, The Shops, Higher Barton, Woodlands Yard, Old Postern and Aller Park and adjacent land. The core estate's capacity to accommodate future development will, however, need to be tested and justified through the preparation of the Estate Framework. This represents a positive strategy for the ongoing conservation, enhancement and enjoyment of this historic environment. The Estate Framework will be reviewed and revised at agreed intervals, with updated versions being subject to endorsement by the same Parties.</p>

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			<p>Should development proposals be promoted beyond those identified in the Estate Framework, these will be considered in light of points 1 to 9 in the policy, where relevant and appropriate to the scale and nature of the development proposed and other policies within the JLP.</p> <p>Para 5.122 As set out in Policy Policies TTV29 and TTV(new number), 282 252 new homes and 17,300 11,800 sqm of employment floorspace ...</p>
MM14	HM46 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV30	<p><u>To improve the effectiveness of the policy in ensuring that sustainable villages contribute sufficiently to the housing supply, to more effectively support the preparation of neighbourhood plans, and to provide greater clarity for developers in how we expect to deliver numbers, particularly in settlements not covered by neighbourhood plans.</u></p> <p>The LPAs support the preparation of neighbourhood plans as the a means of identifying local development needs in the sustainable villages, and positively responding to the indicative housing figures set out in figure 5.8. whilst acknowledging that not all communities will bring forward such Neighbourhood plans may deviate from these numbers providing they can justify that such an approach is in accordance with the other policies of the JLP.</p> <p>For Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the essential identified local needs of local communities. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan in the usual way.</p>
MM15	HM47 (EXD5vii)	Strategy for TTV Policy Area – Policy TTV31 and NEW POLICY	<p><u>To improve the effectiveness of the rural exception sites provision in TTV31, but bringing it into a separate policy and providing greater clarity about the wider housing benefits to be expected.</u></p> <p>TTV31 – Development in the countryside</p> <p>Point 1 - Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small-scale local development needs of the community and provides a sustainable solution.</p>

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			<p>NEW POLICY – RURAL EXCEPTION SITES Development proposals on sites outside of but adjacent to a settlement boundary will be supported where the proposal provides affordable housing that meets local housing needs. Specifically: 1. Proposals may contain a mix of affordable housing products that combine to represent a financially viable development proposal. This includes discount market housing, providing it does not represent more than 50% of the homes or 50% of the land take, excluding infrastructure and services. 2. Community-led housing initiatives will be supported on rural exception sites, and will be subject to eligibility criteria requiring a local connection, and suppressed in value against open market values in perpetuity to ensure that dwellings continue to meet the affordable housing needs of local people.</p>
MM16	M229 (EXC10A)	Strategy for TTV Policy Area – Policy TTV32	<p><u>New provision in the policy to address an omission in relation to extensions of dwellings in the countryside</u></p> <p>NEW POINT The extension is appropriate in scale and design in the context of the setting of the host dwelling, and should lead to an enhancement of the overall site within that context.</p>
MM17	HM38 (EXD5vi)	Development Policies – Policy DEV2 and supporting narrative	<p><u>Modification to improve consistent of policy to Framework and ensure that it is effective</u></p> <p>Policy DEV2 Air, water, soil, noise, land and light pollution Development proposals which will cause unacceptable on- or off-site risk or harm to human health, the natural environment and or general amenity by unacceptable levels of soil, air, water or noise pollution or land instability, either individually or cumulatively, will not be permitted. Development should: 1. Avoid or mitigate against harmful environmental impacts and health risks for both new and existing development arising from soil, air, water, land, and or noise pollution or land instability. 2. Where located in or impacting an Air Quality Management Area, avoid or mitigate its impact through positively contributing towards the implementation of measures contained within air quality action plans and transport programmes, and through green infrastructure provision and</p>

Ref	Previous ref / document	Part of JLP (Submission version) affected	Main modification
			<p>enhancements, building design and layout which helps minimise air quality impacts.</p> <p>3. Prevent deterioration of and where appropriate protect, enhance and restore water quality.</p> <p>4. Limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>5. Where appropriate, remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.</p> <p>6 Protect soils, safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources.</p> <p>7. Maintain and where appropriate improve the noise environment in accordance with the Noise Policy Statement for England (including any subsequent updates).</p> <p>8. Not cause an adverse effect on the integrity of a European Site (see Policy SPT11).</p> <p>6.9 The planning system plays an important role in protecting the environment and people from pollution and managing natural resources. Policy DEV2 considers air, water, land, noise and light pollution, alongside other natural resource issues such as land stability and the need to safeguard soils and agricultural land. Its implementation will be amplified in the Plymouth Policy Area and Thriving Towns and Villages SPDs.</p> <p>NEW Air Quality Management Areas (AQMA) highlight those areas where air quality presents a particular issue and challenge. In addition to avoiding unacceptable impacts to air quality in any event, Policy DEV2 seeks to ensure that the individual and cumulative impacts of development on AQMA is appropriately considered and looks to Air Quality Action Plans and transport programmes in the first instance for appropriate measures to be implemented. The context and circumstances of an existing AQMA will inform the extent to which any impact is considered unacceptable. Any development, whether having an impact on an existing AQMA or not, that could have a significant cumulative impact on air quality, would normally be considered in the context of an Air Quality Assessment or Environmental Impact Assessment.</p> <p>...</p>
MM18	HM61	Development policies	Modification to improve the effectiveness of the policy and to make it compliant with

Ref	Previous ref / document	Part of JLP (Submission version) affected	Main modification
	(EXD5viii)	– Policy DEV8 and related provisions in the plan	<p><u>national policy, including Written Ministerial Statements relating to affordable housing.</u></p> <p>Policy DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area</p> <p>The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:</p> <ol style="list-style-type: none"> 1. A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are: <ol style="list-style-type: none"> i. Homes that redress an imbalance within the existing housing stock. ii. Housing suitable for households with specific need. iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency. 2. Within rural areas and areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme. <ol style="list-style-type: none"> ii. All residential developments of 11 dwellings or more will provide at least 30 per cent affordable housing on site, subject to viability. 3. Within the Main Towns, outside of areas with special designations, Within the whole policy area, a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified. 4. In identified High Value Areas, proposals for large single dwelling houses with a gross floorspace exceeding 200 sq m in schemes of less than 6 homes will be required to provide an off-site commuted sum to deliver affordable housing in an appropriate location to help meet local housing needs.

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			<p>Para. 6.31 Policy DEV8 also contains a range of measures to boost the supply of affordable housing in the policy area, particularly in high value areas where there are particular difficulties for younger people and local families looking to remain in the area. In addition, by promoting using self and custom build approaches to the provision of new homes, we are not only increasing the opportunities for young working age people to build their own home, but also sharing the responsibility for the delivery of homes for local people.</p> <p>Para 6.32 Where viability is identified as a constraint on the delivery of the policies, this will be considered in the context of Policy DEL1. The LPAs have a strong expectation of on-site provision of affordable housing, but acknowledge that there can be exceptional circumstance where off site provision or commuted sums might be justified on the basis of robust evidence provided by the applicant. The Plymouth and Thriving Towns and Villages Policy Area SPDs, and for the TTV Policy Area the update of Affordable Housing Code of Practice, will provide amplification of how these policies will be delivered through the development process.</p> <p>Glossary Rural areas with special designations – An area within a National Park, an Area of Outstanding Natural Beauty or an area designated by order of the Secretary of State as a rural area.</p> <p>Glossary High Value Areas – High Value Areas (Policy DEV8.4) include value area 3 and value area 4 as defined in Table 1.2 and shown in Fig 1.1 for the reason set out in paragraph 1.21 in the South Hams Strategic Viability Assessment (Lewvel February 2015). The relevant postcodes are PL8 1, TQ6 0, TQ6 9, TQ7 2, TQ7 3, TQ7 4, TQ 8 8, TQ9 6 and TQ9 7.</p>
MM19	HM53 (EXD5vii)	Development policies – Policy DEV13	<p><u>Modification to address inspectors’ concern about unspecific wording of point 1, and the potential unnecessary repetition with para 26 of National Policy on Traveler sites.</u></p> <p>...</p> <p>1. New sites should not be located in the open countryside away from near to existing settlements, with a</p>

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			<p>2. The scale of any development must not be such as to that does not dominate the nearest settled community and should avoids placing an undue pressure on the local infrastructure.</p> <p>...</p>
MM20	M345 (EXC10Ai)	Development Policies – Policy DEV14	<p><u>Modification to provide consistency with para 22 of Framework</u></p> <p>2.iii Site allocated in this plan for employment uses.</p>
MM21	HM20 (EXD5iv)	Development Policies – Policy DEV18	<p><u>Modification to better reflect the evidence relating to the frontages in the Main Towns</u></p> <p>4. In the Thriving Towns and Villages Policy Area the LPA will support proposals which:</p> <p>i. Result in the loss of ground floor premises in retail use (Use Class A1) within primary frontages to uses within Use Class A2 and A3 only where they do not create a continuous frontage of more than two non Class A1 uses and would not result in more than 15m of continuous frontage in non-Class A1 use.</p> <p>ii. Do not result in more than:</p> <ul style="list-style-type: none"> • 30% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth and Tavistock; • 40% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Kingsbridge; • 45% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Totnes; and • 60% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Okehampton. <p>35% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Okehampton.</p> <p>iii. Do not result in more than 25% of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth, Kingsbridge, Tavistock and Totnes.</p> <p>iv. iii. Provide uses outside Classes A1, A2 or A3 in ground floor premises within primary frontages only where the use would achieve a significant improvement in the vitality and viability of the centre.</p>

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			<p>∇. iv Result in the loss of ground floor premises in retail use (Use Class A1) within secondary frontages to other main town centre uses where they encourage footfall within the centre and support the main functions of the rest of the centre.</p> <p>v. Within the wider centre, provide a broad range of uses which contribute to vitality of the area and do not lead to inactive frontage.</p>
MM22	HM56 (EXD5vii)	Development Policies – Policy DEV22	<p><u>Modification of the policy to provide greater consistency with the relevant provisions of the Framework and improve its effectiveness, as agreed in Statement of Common Ground with Historic England (further modified following hearing session discussion)</u></p> <p>Policy DEV22 Development affecting the historic environment Development proposals will need to sustain the local character and distinctiveness of the area and, by conserving or and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance. The following provisions will apply:</p> <ol style="list-style-type: none"> 1. Development should conserve or enhance the historic environment, including designated heritage assets of national importance and undesignated heritage assets of local significance and their settings. 2. 1. The significance, character, setting and local distinctiveness of heritage assets should be considered within an appropriate assessment to determine impact. this significance. In certain cases applicants will be required to arrange archaeological or historic asset assessment and evaluations. 3. 2. Great weight will be given to the conservation of the Plan Area's designated heritage assets. <p>Where development proposals will lead to substantial any harm to, or loss of the significance of a designated heritage asset, permission will be refused they must be fully justified against:</p> <ol style="list-style-type: none"> i significant wider public benefits; ii whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of harm to the assets significance and if the work is the minimum required to secure its long term use. <ol style="list-style-type: none"> 3. Development that harms the significance of locally important non-designated heritage assets, or

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			<p>their contribution to the character of a place will only be permitted where it can be justified. Proposals will be weighed against the public benefits.</p> <p>. Exceptions to this will only be made where the harm to such elements is outweighed by the public benefits of the proposal, with substantial harm or total loss to the significance of a designated heritage asset (or archaeological site of national importance) only permitted in exceptional circumstances.</p> <p>4. Adverse impacts on locally important heritage assets and/or their settings should be avoided. Where proposals are likely to cause substantial harm to or loss of locally important assets, permission will only be granted where the public benefit outweighs the asset's historic or archaeological interest, having regard to the scale of any harm or loss and the significance of the heritage asset. The features of interest should be preserved in situ, but where this is not justifiable or feasible, provision must be made for appropriate preservation by record.</p> <p>4. Where harm to designated and non- designated heritage assets can be justified applicants will be required to undertake excavation or recording as appropriate, followed by analysis and publication to professionally acceptable standards.</p> <p>5. Development should help secure the long term sustainable future for the Plan Area's heritage assets, especially those identified as being of greater risk of loss and decay and that might have a community benefit where possible.</p> <p>6. Development should respond positively and creatively to ensure those elements that contribute to the special character and appearance of conservation areas are preserved or enhanced using, where appropriate, Conservation Area Appraisals and Management Plans to inform future development.</p>
MM23	M256-258, 260-261 (EXC10A) & M259 modified, M347 (EXC10Ai)	Development Policies – Policy DEV23	<p><u>Modification to better align policy with the WHS management plan and achieve a more effective policy</u></p> <p>Policy DEV23 Cornwall and West Devon Mining Landscape World Heritage Site Development proposals within or within the setting of the Cornwall and West Devon Mining Landscape World Heritage Site or its setting will conserve or where appropriate enhance the</p>

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			<p>Outstanding Universal Value of the site.</p> <ol style="list-style-type: none"> 1. The historical and social importance cultural significance of the seven key attributes that express the OUV of the Site as well as other of key buildings or other features and their contextual setting as may contribute to this significance. 2. The need to conserve and maintain existing historic fabric and to retain and reflect locally distinctive features in the design of buildings, layouts and landscape to ensure the authenticity and integrity of the World Heritage Site is maintained. 3. The integrity and authenticity of industrial infrastructure, transportation networks and associated features. 4. The importance of and evidence for ancillary industries. 5. The need to be in accordance with the principles and objectives of the relevant Cornwall and West Devon Mining Landscape WHS Management Plan and other guidance/ adopted documents including the WHS Supplementary Planning Document. 6. Proposals that would result in harm to the authenticity and integrity of the Outstanding Universal Value, should be wholly exceptional. Less than substantial harm must be justified. Proposals causing harm will be weighed against the substantial public, not private, benefits of the proposal and whether it has been demonstrated that all reasonable efforts have been made to mitigate the extent of the harm. If the impact of the proposal is neutral, either on the significance or setting, then opportunities to enhance or better reveal the significance should be taken. 7. All development proposals should be informed by proportionate historic environment assessments and evaluations. These will identify the significance of all heritage assets that would be affected by the proposals, the nature and degree of any effects and demonstrate how any harm will be avoided, minimised or mitigated.
MM24	EXD61	Development Policies – Policy DEV26	TO FOLLOW ONCE INSPECTORS’ HAVE CONSIDERED AND ADVISED IN RESPONSE TO PAPER EXD61
MM25	M275-282 (EXC10A)	Development Policies – Policy DEV28	<u>Restructuring the strategic policy for the natural environment to align them more closely to Framework para 113 and 118, as agreed in Statement of Common Ground with Natural England</u>

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			<p>Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity interests across the Plan Area. Specific provisions are identified below:</p> <p>1 Full account will be given in making planning decisions to the importance of any affected habitats and features, taking account of the hierarchy of protected sites: i. Internationally important sites including existing, candidate or proposed Special Protection Areas and Special Areas of Conservation ii. Nationally important sites including Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones. iii. Locally important sites including County Wildlife Sites, Local Nature Reserves, Regionally Important Geological Sites, and other priority habitats. iv. The ecological network of wildlife corridors and stepping stones that link the biodiversity areas detailed above, including areas identified for habitat restoration and creation.</p> <p>1. The highest level of protection will be given to European Sites. Development will not be permitted unless it will not adversely affect the integrity of a European site either alone or in combination with other development. Proposals having a harmful impact on the integrity of European Sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. These circumstances will only apply where:</p> <ul style="list-style-type: none"> i There are no suitable alternatives. ii There are Imperative Reasons of Overriding Public Interest. iii Necessary compensatory provision can be secured to ensure that the overall coherence of the Natura 2000 network of European Sites is protected. <p>2. A high level of protection will be given to sites of national significance for nature conservation Development proposed on land within or outside such a site which would be likely to have a harmful impact on the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, at the site, clearly outweigh both the impacts on the notified special interest features of the site and any broader impacts on the national network of sites of national significance for nature conservation.</p> <p>3. Development likely to have a harmful impact on designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained.</p>

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			<p>4. Harmful impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to the legal tests afforded to them where applicable, and unless the need for, or benefits of the development clearly outweigh the loss.</p> <p>2-5. Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.</p> <p>3. Development which would be likely to directly or indirectly impact the biodiversity value of a site will not be permitted unless:</p> <ul style="list-style-type: none"> i. The need for and the public interest benefits of the development outweigh the harm, including any harm to the integrity of the ecological network. ii. The impacts cannot be avoided through an alternative, less harmful location, design or form of development. iii. The development demonstrates that it has proactively tried to avoid impacts on biodiversity and geological interests through the design process prior to developing measures to mitigate or as a last resort to compensate for unavoidable impacts. iv. The favourable conservation status of legally protected species is maintained. v. Impacts upon species, habitats or geodiversity can be reduced to a level whereby they are not significant by appropriate mitigation or as a last resort, by compensation. vi. Potentially adverse effects can be fully mitigated and / or compensated in the case of European Protected Sites. <p>4. 6. Development will provide for the long term management of biodiversity features retained and enhanced within the site or for those features created off site to compensate for development impacts.</p>
MM26	EXD62	Development Policies	TO FOLLOW ONCE INSPECTORS' HAVE CONSIDERED AND ADVISED IN RESPONSE TO PAPER

Ref	Previous ref / document	Part of JLP (Submission version) affected	Main modification
		– Policy DEV29	EXD62
MM27	M291 (EXC10A)	Development Policies – Policy DEV33	<p><u>Modification to provide consistency with paragraph 7 (first bullet point) of National Planning Policy for Waste.</u></p> <p>5 i There is a need for the facility and that there are no other appropriate and more suitable facilities for waste management in a reasonable proximity.</p>

Report to: **Annual Council**
Date: **17 May 2018**
Title: **Ugborough Neighbourhood Plan**
Portfolio Area: **Customer First**
Wards Affected: **Ermington and Ugborough**
Relevant Scrutiny Committee: Overview and Scrutiny Panel

Urgent Decision: **Y** Approval and clearance obtained: **Y/N**

Date next steps can be taken: Immediately

Author: **Tom Jones** Role: **CoP Lead Place Making**

Contact: **Telephone/email: Thomas.Jones@swdevon.gov.uk**

Recommendations:

That Council approves the making (adoption) of the Ugborough Neighbourhood Development Plan.

1. Executive summary

- 1.1 Neighbourhood Development Plans are a community right introduced by the Localism Act 2011. They are the responsibility of Parish and Town Councils as the 'Qualifying Body'.
- 1.2 Once 'made' (adopted) by the Local Planning Authority the NDP becomes part of the Development Plan and are used alongside the Local Plan to decide planning applications in the area to which they relate.
- 1.3 In order to comply with the Neighbourhood Planning Regulations, a NDP must be made by South Hams District Council, as the relevant Local Planning Authority, within 8 weeks of a successful referendum result.

2. Background

- 2.1 The Ugborough Neighbourhood Plan has been undertaken by Ugborough Parish Council in accordance with the relevant legislation and regulations.
- 2.2 The Council has previously expressed support for neighbourhood plans as a way of achieving local and community priorities.
- 2.3 The Ugborough Neighbourhood Area was designated on 21st March 2013.
- 2.4 Following the necessary community engagement, consultation and background work, a draft plan was submitted to South Hams District Council on 18th August 2016, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations.
- 2.5 Council officers worked alongside the Ugborough Neighbourhood Plan Group to ensure that the Neighbourhood Plan provides an appropriate framework for development in the Ivybridge area up to 2034.
- 2.6 The District Council consulted on the draft plan between 29th September 2016 and 10th November 2016, in accordance with Regulation 16 of the above Regulations.
- 2.7 Following this consultation an independent examiner was appointed in accordance with Regulation 17, who confirmed that, subject to minor modifications, the plan met the 'basic conditions' as set out in legislation, and was suitable to go forward to referendum.
- 2.8 The Council agreed with the Examiner's conclusion. A referendum held on 26th April 2018 achieved a turnout of 27.75% of local residents. Of these, 91.53% voted in favour of the plan.
- 2.9 Regulation 18a of the Neighbourhood Planning (General) Regulations requires that a neighbourhood plan is made by the Local Planning Authority no later than 8 weeks from the date of a successful referendum. In this case the relevant date by which the plan should be made is Thursday 21st June 2018.

3. Outcomes/outputs

- 3.1 The Ugborough Neighbourhood Development Plan will become part of the Development Plan and will be used to help decide planning applications in the Parish of Ugborough.
- 3.2 A successful outcome for the second neighbourhood plan in South Hams will provide encouragement to the many other Parishes who are currently working on neighbourhood plans.

4. Options available and consideration of risk

- 4.1 In order to comply with the relevant legislation the Local Planning Authority must make a NDP within the required timeframe following a successful referendum unless a legal challenge has been brought in relation to the referendum or unless there are concerns about the compatibility of the neighbourhood plan with any EU or human rights legislation. In this instance there are no such concerns.
- 4.2 Failure to make the Ugborough Neighbourhood Plan within the required timeframe could open the Council to legal challenge.

5. Proposed Way Forward

- 5.1 It is recommended that the Council approve the making of the Ugborough Neighbourhood Development Plan.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		As set out in section 4, South Hams District Council is legally obliged to make the Ugborough Neighbourhood Development Plan.
Financial		There are no financial implications.
Risk		There is a risk of legal challenge if the Neighbourhood Plan is not made within the required timeframe.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Neighbourhood Plan has assessed Equality and Diversity implications as part of its background evidence.
Safeguarding		None.
Community Safety, Crime and Disorder		No direct implications.
Health, Safety and Wellbeing		Positive outcomes are anticipated from the making of the Neighbourhood Plan.
Other implications		None

Supporting Information

Appendices:

Appendix 1: Ugborough Neighbourhood Plan - Referendum version

Background Papers:

The Neighbourhood Planning (General) Regulations 2012, including later amendments

Government guidance at <https://www.gov.uk/guidance/neighbourhood-planning>

Background documents to the Ugborough Neighbourhood Plan:
<https://www.southhams.gov.uk/article/3882/Neighbourhood-Development-Plans-and-Orders>



**Independent Examiner's Report of the
Ugborough Neighbourhood Development Plan**

Independent Examiner's Report of the
Ugborough Neighbourhood Development
Plan

Author

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NPIERS Examiner

CEDR accredited mediator

22nd January 2018

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SECTION 2

Summary

As the Independent Examiner appointed by South Hams District Council to examine the Ugborough Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the Ugborough Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Ugborough Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Ugborough Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Ugborough Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD).*
- 6. Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD). The preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic*

Policies of the emerging JLP and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Ugborough Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Ugborough Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Ugborough Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Ugborough Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body*
- Has been prepared for an area that has been properly designated for such plan preparation*
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*

- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Ugborough Neighbourhood Development Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- *the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- *the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- *the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development; and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

South Hams District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

South Hams District Council appointed me as the Independent Examiner for the Ugborough Neighbourhood Development Plan with the agreement of Ugborough Parish Council.

2. Qualifying body

I am satisfied that Ugborough Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

The designated Ugborough Neighbourhood Plan Area does not cover all of Ugborough Parish. The Neighbourhood Plan Area is that part of the parish of Ugborough that lies in the South Hams District referred to as Ugborough South, excluding that part of the Parish identified for development in the Ivybridge Site Allocations DPD and additional land between the development boundary and the boundary of adjoining country roads (to make a convenient plan boundary). The Basic Conditions Statement submitted with the Ugborough Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Ugborough Neighbourhood Development Plan.

4. Plan Period

It is intended that the Ugborough Neighbourhood Development Plan will cover the period 2017-2032.

5. South Hams District Council Regulation 15 Assessment of the Plan.

Ugborough Parish Council, the qualifying body for preparing the Ugborough Neighbourhood Development Plan, submitted it to South Hams District Council for consideration. South Hams District Council has made an initial assessment of the submitted Ugborough Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area.

7. The Consultation Process

The Ugborough Neighbourhood Development Plan has been submitted for examination with

a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by South Hams District Council and record of responses.

The District Council placed the Ugborough Neighbourhood Development Plan out for consultation under Regulation 16 from the 29th September 2016 to the 10th of November 2016.

A number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

9. Compliance with the Basic Conditions

The Ugborough Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Ugborough Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Ugborough Neighbourhood Development Plan:

1. *Has regard to national policies and advice*
2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the District Council for my examination include:

(i) The Ugborough Neighbourhood Development Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.

(ii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.

There is an error on the cover of the Consultation Statement which states the Plan Period to be 2016-2031 when the confirmed plan period is 2017-2032.

(iii) Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of SHDC and any other policies and guidance.

(iv) Plan Area Character Appraisal

(v) Conservation Area Character Appraisal

(vi) Conservation Area Management Plan

Comment on Documents submitted

Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD). The preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging

JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of the emerging JLP and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Ugborough Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

The Ugborough Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Ugborough Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Ugborough is within the area covered by South Hams District Council. Currently the relevant development plan is South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD) 2010 Development Policies Development Plan

Document (DPD) and 2011 Site Allocations Development Plan Document (DPD).

For the purposes of the examination of a Neighbourhood Plan the relevant strategic policies are those of the currently adopted Development Plan not the policies of an emerging local plan. The situation however, is complicated by the fact that during the course of the preparation of the Ugborough Neighbourhood Plan the District Council have been preparing a new Local Plan jointly with the neighbouring authorities of West Devon and Plymouth. This new plan has now reached the stage of submission for examination with a date for the Local Plan Examination set for January 2018. At this stage it is not possible to be sure whether or not the strategic policies of the emerging plan will remain unchanged by the time of adoption. An additional complication is the age of the existing Development Plan, and the issues relating to out of date policies. The challenge for a Qualifying Body in these circumstances has been to produce a plan that meets the Basic Conditions in relation to the strategic policies of the Development Plan without creating a plan which becomes out of date at the point of adoption of a new local plan. I have considered the Strategic policies of the Development Plan and the Policies of the Ugborough Neighbourhood Development Plan and I consider that the plan, subject to modification meets the Basic Conditions and should remain up to date upon adoption of the new local plan.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *South Hams District Council*

The view of South Hams District Council was that a SEA (Strategic Environmental Assessment) or HRA (Habitats Regulation Appraisal) was not required (28/04/2017):

"Because the Plan is 'Theme based' rather than a 'site - based' plan SHDC considers the Plan does not require a Strategic Environmental Assessment (SEA) (European Directive 2001/42/EC, Appendix 9) – see Ugborough Neighbourhood Plan HRA SEA Screening Opinion document."

11.2 Sustainable development

The Ugborough Neighbourhood Development Plan has addressed the issue of sustainable development in the Basic Conditions Statement. My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Ugborough Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Ugborough Neighbourhood Development Plan has done so.

I am therefore satisfied that the Ugborough Neighbourhood Development Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Ugborough Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Ugborough Neighbourhood Development Plan, subject to modification covers development and land use matters.

11.5 The Neighbourhood Plan Vision, Strategic Aims and Policies

Vision Statement

“The Ugborough Neighbourhood Development Plan Area sits between the moor and sea with a distinct historic and natural environment and is a strong, balanced, rural community. Our aim is to maintain and enhance its character, support the local community while responding to evolving needs and aspirations and striving towards a sustainable future for all.”

The Policies in the Plan have been organised under the following themes:

Heritage (Built and Natural Environment)

Transport and Movement

Housing

Economy

Community Wellbeing

I am satisfied that the themes for the Neighbourhood Plan have developed as a result of the community consultation carried out and that the policies of the plan respond to those themes.

12. Ugborough Neighbourhood Development Plan Policies

Objective:

The intention is to conserve and enhance the character and heritage of the Plan Area, in particular historic features, by:

- ***conserving the characteristics and heritage of the different settlements in the Plan Area.***
- ***maintaining the shape and character of Ugborough village, for example the distance of buildings from the central Square with no excessive development in one direction, and the existing street form;***
- ***protecting and enhancing landscaping, green infrastructure and stripfield systems; and***
- ***protecting and enhancing the natural environment, including hedgerows.***

UG1: Historic and environmental features

See also UG11, UG12 and UG13

Development will be supported where it:

- ***makes the most of opportunities to draw on the contribution made by the historic environment to the character of the place***
- ***takes account of the desirability of making a positive contribution to local character;***
- ***respects the local character of the surroundings and takes every opportunity, through use of design and local materials, to reinforce local distinctiveness;***
- ***does not dominate the views of the landscape or the view of the Grade 1 listed Church of St Peter;***
- ***respects the unique character of the natural environment; and***

can demonstrate that it respects and positively responds to identified listed buildings

and vernacular features within the plan area.

COMMENT

I have no comment on this policy

UG2 Skyline and other views and vistas

Development will be supported where it maintains the distinctiveness and character of local skylines, views and vistas.

All development should meet the following criteria:

- *does not spoil the skyline;*
- *does not spoil the views and vistas within the Plan Area (see map on page 33 and character appraisal); and*
- *does not spoil the setting of Ugborough village nestling in the valley as epitomised by the views of the village from near and afar.*

COMMENT

I have no comment on this policy

Transport and Movement

Objective

Recognise the character, capacity and constraints of the roadways serving the Plan Area.

The intention is that any new development does not worsen, and if possible improves, traffic flow in the Plan Area, and particularly in Ugborough village and the lanes serving it. Thereby, maintaining a safe environment for pedestrians (particularly children), horse-riders, livestock movements, cyclists and other road users.

UG3: Traffic flow

See also UG4.

New development should be associated with a settlement and in a location that allows safe, direct and unhindered access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that

settlement.

Proposals for any new development must include a proportionate assessment of:

- ***the level of traffic the development is likely to generate;***
- ***the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;***
- ***the potential impact on parking and congestion within the Plan Area;***
- ***noise; and***
- ***measures needed to mitigate any impacts***

COMMENT

The policy should be reworded as follows:

Subject to other policies in the plan, new development will be supported where it is associated with a settlement and in a location that allows safe access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that settlement.

Proposals for any new development must include a proportionate assessment of:

- ***the level of traffic the development is likely to generate;***
- ***the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;***
- ***the potential impact on parking and congestion within the Plan Area;***
- ***noise; and***
- ***measures needed to mitigate any impacts***

Housing

Objective:

- ***Provide new homes that respond to the need identified within the Plan Area ensuring the quantity, quality, location, type and tenure of any new homes meet the criteria set by those living in the Plan Area and are consistent with the emerging Joint Local Plan.***
- ***Deliver new homes over the period of the Plan in line with historic growth trend (currently an average of 3 new homes per year).***
- ***Deliver a mix of housing that meets the needs of all sections of our community.***

UG4: Small scale housing developments of less than 10

Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG11, UG12, UG13 and UG14.

Small scale development of less than 10 would in principle be supported in line with historic growth trends subject to meeting the criteria contained within policies UG1, UG2, UG3, UG11, UG12, UG13 and UG14.

Any site put forward for larger development (more than 10) must have due regard to the sustainability criteria and must take account of the need for access to public transport, to major roads such as the A38 and to other local services.

All new development of 3 or more should deliver at least 35% affordable housing.

All new developments will be subject to section 106 contributions appropriate to the impact of the development.

COMMENT

This policy would be better located with UG7 or combined with that policy as it is confusing to have two policies relating to new housing both of which refer to affordable housing. Paragraph 4 of this policy does not meet the Basic Conditions in that it requires a level of affordable housing which does not reflect the contents of the written Ministerial Statement on affordable housing and does not allow for any viability testing of a proposal. This paragraph must be deleted in order to meet the Basic Conditions. It is essential that the Neighbourhood Plan will deliver the level of housing identified across the plan period and therefore policy UG1 should be worded so that it is clear that it does not seek to restrict the delivery of housing. The Neighbourhood Plan Area (and adjacent areas) will be subject to growth across the plan period through strategic allocations being brought forward by South Hams District Council and I am satisfied that this will satisfy the NPPF requirement to boost housing supply. It is important that the wording of the policy acknowledges this growth and more clearly defines the intention of the policy to address growth outside these allocations. In order to provide clarity and meet the Basic Conditions this policy should be reworded as follows:

UG4: New Housing

Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG7, UG11, UG12, UG13 and UG14.

Across the plan period South Hams District Council will bring forward site allocations which will deliver significant growth. Outside these allocations developments of less than 10 units will in principle be supported in line with historic growth trends. Any site put forward for larger development (more than 10) must take account of the need for access to public transport, to major roads such as the A38 and to other local services.

All new developments will be subject to section 106 contributions appropriate to the impact of the development.

UG5: Infill sites

The use of individual plots where appropriate is encouraged, providing the development complies with planning policy and the relevant policies in this Plan.

Small scale residential development of less than 10 or single new homes on infill and redevelopment sites will be supported subject to:

- proposals being well designed and meeting all relevant requirements set out in other policies in this Plan, and where such development;*
- fills a small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings; and*
- where the development is not subject to any highways access constraints both during and after completion*

COMMENT

The last bullet point of this policy should be modified to remove “both during and after completion” in order to meet the Basic Conditions.

UG6: Conversion of farm buildings

Where the development needs planning permission then it must also meet the criteria in policies UG11, UG12, UG13 and UG14.

Planning proposals for conversion of redundant farm buildings into accommodation for family, holiday lets or workshops will be supported subject to the following criteria:

- it is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;*
- the form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm*

its landscape setting;

- *it protects the distinctiveness and character of local skylines, views and vistas;*
- *the building is capable of conversion without losing its historical or vernacular significance;*
- *it will not damage the fabric or character of any traditional building and, in the case of a listed building, the proposal will not damage the architectural or historic merit of the building or its setting; and*
- *the building is part of a farmstead and not in an isolated position.*

COMMENT

Paragraph two seems to refer to new development but the policy title refers to conversion. For clarity and to avoid confusion this bullet point should be deleted. In addition to comply with the Basic Conditions bullet point 4 should be reworded to reflect the NPPF requirements for dealing with planning applications which affect Listed Buildings.

UG6: Conversion of farm buildings

Where the development needs planning permission, proposals for conversion of redundant farm buildings into accommodation for family, holiday lets or workshops will be supported subject to the following criteria:

- *it is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;*
- *the building is capable of conversion without losing its historical or vernacular significance;*
- *it minimises the impact on the fabric or character of any traditional building and, in the case of a designated or non designated heritage asset is compliant with the relevant adopted policy and legislation.*
- *the building is part of a farmstead and not in an isolated position.*
- *And where it meets the criteria in policies UG11, UG12, UG13 and UG14.*

UG7: New affordable housing

In the event of a site being brought forward for development that meets all the criteria in UG4 the following criteria must be met:

- *all new development of 3 or more should deliver at least 35% affordable housing.*

- *the proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- *the development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity (see UG8)*

COMMENT

This policy would be more logically located with UG4

It appears that the intention of this policy is to cover Exception sites where the presumption would be that the development would be 100% affordable unless a viability assessment proved that an element of open market housing would be required to cross subsidise the delivery of the affordable housing. On sites that aren't Exception sites, in line with the Ministerial Statement sites of 10 units outside the AONB or other classified area (5 within it) are not required to make provision for any affordable housing. It is therefore highly unlikely that the small scale developments envisaged within the settlements in the area through infill will yield any affordable housing at all and therefore the provision of affordable housing across the plan period is only likely to be delivered through Exception sites. The current wording of this policy is unclear and does not meet the Basic Conditions and should be reworded:

UG7: New affordable housing

Proposals for new affordable housing on Exception Sites will be supported subject to other policies in the plan where:

- *the proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- *the development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity (see UG8)*

UG8: Local connection

This Plan wishes that those in housing need and have a local connection are given higher priority for affordable and social rent housing than those with no local connection. Affordable Houses shall only be sold to or let to and occupied by people (and their Household) whose housing need is not met by the market and who meet one or more of the following criteria:

- *have lived in the Plan Area for the last 5 or more years; or*
- *have worked in permanent employment in the Plan Area for the last 5 or more*

- years; or
- have grown up in the Plan Area (defined as having spent 10 of their first 16 years in the Plan Area); or
 - have a close family member living for a minimum of 5 years permanently and continuously in the Plan Area.

Where such a person cannot be found, Affordable Houses may then be sold to or let to and occupied by persons (and their Household) whose housing need is not met by the market and has an area local connection within Ugborough Parish, adjacent Parishes or a South Hams local connection.

Occupation of the Affordable Housing built in the Plan period

will be controlled and managed by a registered provider or

other bonafide housing provider to ensure that the benefits of Affordable Housing are enjoyed by all subsequent as well as initial occupiers.

Note Adjacent Parishes are identified as: Modbury, Ermington, South Brent, Harford, North Huish and Ivybridge Town

COMMENT

This policy is overly restrictive and does not meet the Basic Conditions. It should reflect the District Council's local connection requirements

Reworded

UG8: Local connection

This Plan wishes that those in housing need and have a local connection are given higher priority for affordable and social rent housing than those with no local connection. Affordable Houses shall only be sold to or let to and occupied by people (and their Household) whose housing need is not met by the market and in accordance with the South Hams District Council Allocations Policy.

UG9: Self-build/custom build

Self-build is a possible low cost route to affordable housing. Proposals for self-build or custom build schemes will be supported where the location and nature of the

proposed development is appropriate and subject to UG4, UG5, UG11, UG12, UG13, UG14 and the following criteria:

- *dwellings can only be built on these sites by individuals, builders or developers acting on behalf of individuals or a community group of individuals;*
- *dwellings can only be built for owner occupation;*
- *self-build properties will still need to conform to the policy criteria set out in the rest of this Plan;*
- *landowners or developers who have an interest in a site which is designated for self-build may undertake activities to sub-divide the site into plots and provide supporting infrastructure such as roads and services;*
- *approval of the site layout/density will need to be obtained from SHDC prior to these activities taking place; and*
- *individuals who wish to purchase a self-build plot must:*
- *demonstrate that they have a local connection; and*
- *demonstrate that they intend to live in the property once it is complete.*

COMMENT

This policy seems to be confusing the provision of custom/self build housing which is not an affordable housing product with affordable self build which is. The occupancy of open market custom/self build housing cannot be restricted without a principal residence occupancy condition which is not proposed by this plan. The criteria for custom/self build housing is set out in other legislation and does not need to be repeated here. In order to meet the Basic Conditions this policy should be deleted or reworded as follows.

UG9: Self-build/custom build

Proposals for self-build or custom build schemes will be supported where the location and nature of the proposed development is appropriate and subject to UG4, UG5, UG11, UG12, UG13, UG14.

UG10: Older persons' housing

The demographic trend nationally and locally points to an ageing population and the ratio of older to younger people is set to rise. The demographic trend in the Plan Area (see 2001 and 2011 census data for Ugborough Parish, page 15) is similar to that nationally, i.e. the proportion of those over 85 years is likely to double over the next 20 years and nearly treble in the next 30.

The community have said they would like more accommodation that enables older people to remain within the community. It is clear from consultation with the community that the mix of ages contributes to the vibrancy that characterises the atmosphere

of the Area. The consultation suggests that some people either have, or foresee a time when they will have, a need to modify their accommodation to either remain themselves or to accommodate older relatives in an appropriate way.

Planning proposals to extend or sub-divide existing dwellings to provide additional and suitable accommodation for an older person or infirm dependent will be supported subject to the following criteria:

- *such accommodation should be ancillary to the main dwelling and should not be a separate dwelling;*
- *it does not have an unacceptable impact on the visual or landscape amenity value; and*
- *it meets the identified need of an older local person or a person having additional needs who can no longer live alone.*

COMMENT

The first three paragraphs should form part of the justification/context for the policy and should be moved from the policy. The word “infirm” should be replaced “dependent”.

UG11: Landscape and built environment character (see also UG1)

In conjunction with criteria on landscape character and built character, this policy contains criteria seeking to avoid detrimental impacts on biodiversity.

Any proposals for new development within the Plan Area are subject to the following criteria:

The proposals sit well within the surrounding rural landscape and the landscape setting of any settlement in the Plan Area. This includes consideration of the relationship to local features such as:

- *the openness of the surrounding landscape;*
- *the backdrop to the building including landscape features such as hedges, walls, strip fields, streams, routes and built forms; and*
- *abutting features.*

- *The proposed development must be appropriate in terms of its scale, character and location with the settlement to which it is associated; and*
- *The proposed development will respect the setting of any affected listed building. Where the proposed development is within a hamlet or farmstead, it must conserve or enhance the characteristics of the hamlet or farmstead or the character of buildings within the hamlet or farmstead.*

The proposed development must conserve or enhance the surrounding rural landscape and the landscape setting of any settlement in the Plan Area.

The proposed development must improve or conserve biodiversity and ecology of the surrounding landscape and should seek to protect and, where possible, enhance wildlife value on the application site, surrounding sites and wildlife corridors

COMMENT

This policy is long and lacks clarity. Built environment character is already covered in UG1. It would be best split into two policies UG11 covering landscape character and UG11 (a) biodiversity.

In order to meet the Basic Conditions, it should be reworded:

UG11: Landscape character

Proposals for new development within the Plan Area should sit well within the surrounding rural landscape and the landscape setting of any settlement in the Plan Area. This includes consideration of the relationship to local features such as:

- *the openness of the surrounding landscape;*
- *the backdrop to the building including landscape features such as hedges, walls, strip fields, streams, routes and built forms; and abutting features.*

The proposed development should be appropriate in terms of its scale, character and location with the settlement to which it is associated and respect the setting of any designated or non-designated heritage asset. Where the proposed development is within a hamlet or farmstead, it should respect or enhance the characteristics of the hamlet or farmstead or the character of buildings within the hamlet or farmstead.

UG11 (a) Biodiversity

Development proposals should seek to improve or conserve biodiversity and ecology

of the surrounding landscape and should seek to protect and, where possible, enhance wildlife value on the application site, surrounding sites and wildlife corridors

Where achievable and in proportion to its scale and location, proposals for new development should be accompanied by adequate information to assess the impact of the proposal on biodiversity and a biodiversity action plan.

UG12: Design

All new development should demonstrate good quality design, as set out in SHDC Local Development Framework policy DP1 (see above), and respect the character and appearance of the surrounding area. Development will be supported where it takes opportunities available for enhancing the local character and quality of the area and the way it functions. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment through:

- **achieving high quality design that respects the scale and character of existing and surrounding buildings;**
- **supporting innovative, original and excellent sustainable design;**
- **respecting established building set back and arrangements of front gardens, walls, railings or hedges;**
- **ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street;**
- **using good quality materials that complement the existing palette of materials;**
- **ensuring safe access and egress for pedestrians, cyclists and other road users;**
- **meeting the requirements of 'Secured by Design' to minimise the likelihood and fear of crime.**
- **providing at least two parking spaces of sufficient size per unit plus additional visitors parking. This is an essential requirement due to the lack of public transport in most of the Plan Area and, therefore reliance on private cars, and limited road parking;**
- **providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact;**
- **adopting the principles of sustainable urban drainage; and**
- **innovation to achieve low carbon sustainable design and construction.**

Reference CACA and PACA.

Any new development within the Conservation Area, or adjoining the Area, should take account of those qualities which create the unique character and atmosphere of the Area and must ensure that residents in the conservation area are not disadvantaged or lose existing amenities (e.g. parking).

COMMENT

The policy makes reference to existing Development Plan policy, as previously stated this should be removed. I have also received representation that this policy is too restrictive however on the basis that the policy reworded I am satisfied that this is not the case. The policy should be reworded as follows:

UG12: Design

A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment

All new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Applicants are encouraged to take opportunities to enhance the local character and quality of the area and the way it functions. Subject to other policies in the plan, where possible and in proportion to its scale and location, proposals for new development which demonstrate compliance with the following criteria will be supported:

- high quality design that respects the scale and character of existing and surrounding buildings;***
- achieve low carbon sustainable design and construction.;***
- respect established building set back and arrangements of front gardens, walls, railings or hedges;***
- relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street;***
- use good quality materials that complement the existing palette of materials;***
- ensure safe access and egress for pedestrians, cyclists and other road users;***
- meet the requirements of 'Secured by Design' to minimise the likelihood and fear of crime.***
- provide at least two parking spaces of sufficient size per unit plus additional visitors parking. This provision is encouraged due to the lack of public transport in most of the Plan Area and, therefore reliance on private cars, and limited road parking;***
- provide adequate refuse and recycling storage incorporated into the scheme to minimise visual impact;***

- *adopt the principles of sustainable urban drainage.*

Any new development within the Conservation Area, or adjoining the Area, should take account of those qualities which create the unique character and atmosphere of the Area.

UG13: Conservation Area

Any new development must demonstrate that it respects and positively responds to the conservation area and identified listed buildings (refer NPPF 137 and 138) and will be subject to the following criteria (see Conservation Area Character Appraisal and Management Plan, www.ugboroughplan.org):

- *maintenance of the overall symmetry of the Conservation Area with any development, as far as possible, radiating out from the central Square;*
- *development must not adversely impact on the dominant view of the Church;*
- *maintenance of the visual order and cohesiveness of the street scene, for example by ensuring roof ridges follow the line of the street so that eaves, rather than gables, face forward;*
- *street level boundaries in keeping with those of surrounding buildings, for example constructed from stone or hedging; roofing materials in keeping with that of surrounding buildings, for example natural or imitation slate;*
- *elevations of natural stone, slate hung or colour washed over a render coat;*
- *no additional signage, street markings or street lighting; and*
- *provision of at least two parking spaces of sufficient size per unit plus additional visitors parking where the development is more than one unit.*

Development in or around Ugborough village must protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.

Where development takes place beyond and separated from the links to the square it shall form its own focal point which is itself connected to a route to the square by pedestrian links.

COMMENT

Whilst the majority of this policy meets the Basic Conditions it is necessary to modify slightly some elements of the wording to ensure that the policy as a whole meets the Basic Conditions and is not overly restrictive.

The policy should be reworded as follows:

UG13: Conservation Area

Any new development should demonstrate how it respects and positively responds to the conservation area and identified designated and non designated heritage assets (refer NPPF 137 and 138) and will be subject to the following criteria (see Conservation Area Character Appraisal and Management Plan, www.ugboroughplan.org):

- *maintain the overall symmetry of the Conservation Area with any development, as far as possible, radiating out from the central Square;*
- *not adversely impact on the dominant view of the Church;*
- *maintain the visual order and cohesiveness of the street scene, for example by ensuring roof ridges follow the line of the street so that eaves, rather than gables, face forward;*
- *boundary treatment should be in keeping, for example constructed from stone or hedging; roofing materials in keeping with that of surrounding buildings, for example natural or imitation slate;*
- *elevations which reflect existing materials, where possible of natural stone, slate hung or colour washed render;*
- *provision of parking that meets adopted standards*

Development in or around Ugborough village should where possible protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.

Where possible development proposals separated from square should form its own focal point which connects by pedestrian link to the square.

UG14: Sustainability

Any proposals for new development will be subject to the following criteria:

- *development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and by applying the sequential test. Where development is necessary, making it safe without increasing flood risk elsewhere. (reference Environment Agency map, page 67 of this Plan and NPPF, paragraph 100 to 103);*
- *demonstration of how connection will be made to services including power, waste disposal, drainage and telecommunications as a minimum;*

- *protecting/enhancing the water environment throughout the Plan Area;*
- *consideration of access by demonstration that:*
- *there are no constraints to safe access for pedestrians, cyclists and motor vehicles and, as appropriate to its scale and location, proposals which enhance the attractiveness and maximise opportunities for walking and cycling;*
- *the increase in traffic in and around Ugborough village will not provide a constraint to safe and unimpeded access for motor vehicles, cyclists and walkers;*
- *consideration of parking by demonstration that:*
- *there will be no increased demand on public parking in the lanes and streets in and around Ugborough village as a result of the proposed development. This is due to the reliance on public parking by many of the current residents of the village who have no private parking;*
- *the availability of public parking within Ugborough village, i.e. in the square or surrounding streets, will not be reduced;*
- *there will be no requirements for parking restrictions in Ugborough; and*
- *consideration of the specific issues of living in a rural area and promotion of the health and well-being of all the residents regardless of age or ability by demonstrating:*
- *how the development will encourage and sustain an environment that contributes to the health and well-being of all residents;*
- *how the development will enhance and enable access to open spaces or the natural environment, green spaces and facilities that promote an active, healthy lifestyle for all ages and abilities. (see UG17)*

COMMENT

The policy as currently worded is confusing, Flood Risk is already dealt with through existing policy and does not need to be covered by detailed criteria which, are in this case not correct. Although the title of the policy is Sustainability this does not reflect the contents of the policy. In addition, as currently worded it is not proportionate to the scale of different proposals and therefore does not have due regard for the NPPF.

In order to meet the Basic Conditions, the policy should be reworded as follows:

UG14: Supporting sustainable development.

Development will be supported where it complies with existing Flood Risk policy. (reference Environment Agency map, page 67 of this Plan and NPPF, paragraph 100 to 103);and where achievable and appropriate to the scale of development it:

- *Provides safe access for pedestrians, cyclists and motor vehicles, maximising opportunities for walking and cycling;*
- *includes mitigation proposals to ensure that any increase in traffic in and around Ugborough village will not prejudice safe and unimpeded access for motor vehicles, cyclists and walkers;*
- *minimises the potential to increase demand on public parking in the lanes and streets in and around Ugborough village.*
- *retains the availability of public parking within Ugborough village, i.e. in the square or surrounding streets.*
- *includes measures to enhance and enable access to open spaces or the natural environment, green spaces and facilities that promote an active, healthy lifestyle for all ages and abilities. (see UG17)*
- *includes measures to protect/enhance the water environment (where relevant)*

ECONOMY

Objective

Support the continuation and development of small rural businesses employing local people as far as possible in order to provide opportunities for those living in the area. This includes enhancing the viability of farming and other land-based rural enterprises by supporting business diversification.

Promote Ugborough Village and the Plan Area as a base from which to explore Dartmoor and the coast.

UG15: Rural businesses

Planning proposals for the diversification of agriculturally based industries and other existing land based and rural businesses will be supported subject to the following criteria:

- ***any new building must conform to high quality design (see housing policy UG12);***
- ***the design and volume of any extension should be consistent with the historic development at that location and present a satisfactory composition;***
- ***the diversification must not compromise residential amenity as defined in SHDC policy, DP3 residential amenity, and road safety;***
- ***the diversification must not result in an isolated development in the open countryside; and***
- ***the development does not cause coalescence between adjacent businesses.***

Diversification and new business must conform to NPPF policies, SHDC policies and relevant Ugborough NDP policies and must not compromise the environment, landscape and overall rural character of the Area.

COMMENT

This policy refers to a housing design policy and makes a specific reference to a SHDC policy. I recommend the following rewording:

UG15: Rural businesses

Proposals which require planning permission for the diversification of agriculturally based industries and other existing land based and rural businesses will be supported subject to the following criteria:

- any new building should be of high quality design which responds to its context***
- protects the residential amenity of adjoining occupiers***
- the diversification does not result in an isolated development in the open countryside;***

Diversification and new business must conform to NPPF policies, current SHDC policies, any relevant future adopted policies and relevant Ugborough NDP policies and should not compromise the environment, landscape and overall rural character of the Area.

UG16: Visitors to the Plan Area

Any planning proposals for the development of facilities for visitors, relating to land both inside and outside settlement boundaries, will be supported providing they:

- demonstrate that the use proposed will not have an adverse impact on the rural landscape but will promote the unique characteristics of the area;***
- does not cause inappropriate development of smaller settlements; and***
- meet the relevant criteria in all other Plan policies.***

COMMENT

I have no comment on this policy

COMMUNITY WELLBIENG

Objective

Ensure Ugborough village continues to be an active, attractive and safe hub supporting the community, i.e. people within the Plan Area.

Maintain the physical and social linkages between the village and outlying areas. These are key aspects of the heritage of the Plan Area and appropriate infrastructure, such as road and footpaths links and community spaces and buildings, is necessary to maintaining an inclusive, vibrant, diverse and coherent community.

Encourage and facilitate a healthy lifestyle.

UG17: Community facilities (refer to map on page 54)

Ugborough Parish Council has an adopted Open Space Strategy which sits alongside this Plan and should be referenced in relation to this policy

SHDC Policy DP9:

In order to protect access to community services the change of use or redevelopment of a local facility will not be permitted unless:

- a. there is alternative local provision; and/or**
- b. there is proven absence of demand for the facility; and/or**
- c. it can be shown to be non-viable.**

Development that results in the loss of green amenity space or which results in any harm to their character, setting, accessibility or appearance, general quality or amenity value will only be supported if the community would gain equivalent benefit from provision of a suitable replacement.

New development that results in loss of part or all of a community facility or resource, either built or outside space, will only be supported if it results in a replacement facility providing an equivalent or better resource in a suitable location.

COMMENT

In order to avoid this policy becoming out of date upon adoption of the JLP the reference to policy DP9 should be removed and other supporting text revised

accordingly- with “and with any future adopted policy”

SECTION 5

Conclusion and Recommendations

1. *I find that the Ugborough Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. Although the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD), the preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of the emerging JLP this work and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.*
3. *The general text in the plan should be modified to conform with the policy modifications.*
4. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
5. *The Ugborough Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
6. *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*

7. *The policies and plans in the Ugborough Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD).*
8. *I therefore consider that the Ugborough Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

22nd January 2018

Report to: **Annual Council**
Date: **17 May 2018**
Title: **Annual Review of the Council's Constitution**
Portfolio Area: **Support Services (Legal and Democratic Services)**
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: **Immediately following this meeting.**

Author: **Darryl White** Role: **Senior Specialist – Democratic Services**

Contact: darryl.white@swdevon.gov.uk

RECOMMENDATION

That the Council RESOLVES that the amendments to Parts 1, 2 and 3 of the South Hams District Council Constitution (as summarised in paragraph 2.11 of the report) be approved and formally adopted.

1. Executive summary

- 1.1 The Council is required to formally adopt its Constitution at the Annual Meeting in May for the forthcoming Municipal Year;
- 1.2 This report seeks to ensure that the Constitution is amended to reflect the changes that have either occurred in the Council over the previous year, or to implement any necessary changes to ensure that it is up to date, lawful (i.e. to incorporate changes in Statutory Legislation); and reflects the Council's current practices and priorities.

2. Background

- 2.1 The Audit Committee is responsible for '*maintaining an overview of the Council's Constitution*' and for making any necessary recommendations to the Council;

2.2 The Audit Committee considered the latest Review at its meeting on 22 March 2018. Due to the length of the agenda, the Committee felt that it needed more time to consider the contents of the review before the document was then presented for approval to the Annual Council meeting (Minute A.47/17 refers). The Committee therefore **RESOLVED** that:-

'An informal Committee Workshop be convened in advance of the Annual Council meeting on 17 May 2018 to enable for more detailed consideration of the annual review of the Council Constitution.'

2.3 The informal Committee Workshop was subsequently held on Thursday, 3 May 2018 and was attended by Cllrs Pearce, Bramble and Brazil and Legal and Democratic Services Specialists;

2.4 In addition, a meeting has also taken place between Cllr Saltern (as a 'critical friend' on the Council Constitution) and lead officers;

2.5 At both of these meetings, Members made a series of recommendations that have been incorporated into the final draft version that Council is being asked to approve;

2.6 Due to the large size of the Constitution, it has not been circulated with the agenda, but is available upon request by contacting Member Services (member.services@swdevon.gov.uk);

2.7 Changes to the Constitution are made throughout the year by the Council and through its consideration of recommendations arising from Committee minutes, and are effective from the date of approval (unless otherwise agreed by Council). Examples over the past year include:

- Changes to the Delegation Scheme as a result of the recent review of duties amongst the Senior Leadership Team (e.g. the Group Manager: Commercial Services being appointed to the role of Returning Officer); and
- Removal of some Member Bodies, including the Beach Management Working Group and the Joint Staff Consultative Forum.

2.8 In addition, the Monitoring Officer has delegated authority to make minor (or legal) amendments to the Constitution during the course of the year. The changes that have been made under these powers this year mainly relate to officer job titles and evolving areas of responsibility following the recent review of duties amongst the Senior Leadership Team;

2.9 Members will note that the proposed changes are extensive and it is therefore suggested that the Review is divided into two parts. This part of the Review focuses on Part 1 (Summary and Explanation); Part 2 (Articles of the Constitution); Part 3 (Delegation Scheme) and Part 5 (Codes and Protocols) and the detailed recommended amendments are available upon request;

- 2.10 It is then suggested that the second part of the Review be considered within the next six months that focuses on Part 4 (Rules of Procedure). This will ensure that these Rules can be extensively reviewed before the May 2019 local elections;
- 2.11 The key proposed amendments to this Part of the Review are as follows:-
- A drive to remove duplication and attempt to make the Constitution a more concise document;
 - An additional requirement whereby a Chairman is required to have relevant experience (as determined by the Head of Paid Service) or undergo relevant Chairmanship training;
 - Removal of reference to thematic areas in the Overview and Scrutiny Panel section of the Delegation Scheme;
 - Removal of reference to Statute in the Delegation Scheme as it is no longer up to date;
 - A wish for the document to be cross referenced with the greater use of weblinks to ensure that it is more reader friendly electronically;
 - Removal of reference in the Delegation Scheme to the Audit Committee having its own standalone budget;
 - That the Planning Delegation Scheme be updated to reflect the 'Permission in Principle' applications;
 - To recognise that reference to 'Our Plan' should now be replaced with the term 'Corporate Strategy'; and
 - Inclusion of an additional definition relating to 'Working Groups'.
- 2.12 The Council will also be aware that the Political Structures Working Group is currently reviewing the merits of Public Questions at meetings of full Council and potential electronic voting solutions.

3. Outcomes/outputs

- 3.1 The Council is required to have an up to date Constitution which reflects the law, its working practices together with best practice to ensure that it delivers efficient services and lawful decisions. The Constitution is a living document and changes are made throughout the year when necessary.

4. Options available and consideration of risk

- 4.1 The options are limited as the Council has a statutory duty to adopt its Constitution annually and to review that document to ensure that it is fit for purpose and reflects both statutory requirements and the Council's working practices;
- 4.2 If the Council does not review the Constitution there is a risk that the Council may make unlawful decisions with a consequent risk of challenge;
- 4.3 Senior Officers have been consulted on the Constitution and any necessary amendments incorporated.

5. Proposed Way Forward

5.1 The Council is asked to approve the recommended amendments to the first part of the Constitution.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government Act 2000 requires the Council to have (and to maintain) a Constitution. The Monitoring Officer must review the Constitution annually and make recommendations to the Audit Committee, who in turn must recommend its adoption to full Council. Only the Council can approve and adopt the Council's Constitution.
Financial	N	There are no financial implications to this report
Risk	Y	<p>There is a risk arising from a failure to review the Constitution and approve the necessary changes because it may lead to unlawful decisions being taken by the Council.</p> <p>By undertaking an annual review of the Constitution the Council mitigates this risk by ensuring that the Constitution is up to date and reflects current practice and law.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		None arising from this report
Safeguarding		n/a
Community Safety, Crime and Disorder		n/a
Health, Safety and Wellbeing		n/a
Other implications		n/a

Supporting Information

Appendices:

None

Background Documents:

Working copies of the amendments to the draft Council Constitution 2018/19.

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 7 MARCH 2018

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	∅	Cllr J M Hodgson
*	Cllr J Brazil	∅	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
∅	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:

Cllr Baldry

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Specialists, Deputy Monitoring Officer, Solicitor and Specialist – Democratic Services

DM.47/17

MINUTES

The minutes of the meeting of the Committee held on 7 February 2018 were confirmed as a correct record and signed by the Chairman.

DM.48/17

DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- 3517/17/FUL** Change of use from an agricultural barn to events venue including addition of wood framed slate roofed porch at the entrance, new window, a doorway and closure of covered parking space (resubmission of 1425/17/FUL) - Lower Widdicombe Farm, Stokenham, TQ7 2EG
- 2833/17/VAR** Variation of condition numbers 2, 4 and 5 following grant of planning permission 2424/16/VAR - The Old Sail Loft, Newton Ferrers
- 3392/16/FUL** Retrospective application for change of use of agricultural land and building to marshalling yard, parking and materials storage to service building works, revised access and landscaping - The Cedar House, Moulton Hill, Salcombe

2929/17/VAR Variation of condition 2 following grant of planning permission 1372/16/FUL to allow for changes to plans of plots 1 and 2 - Land At The Fairway, Newton Ferrers

DM.49/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.50/17 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

3517/17/FUL **Lower Widdicombe Farm, Stokenham**

Parish: Stokenham

Change of use from an agricultural barn to events venue including addition of wood framed slate roofed porch at the entrance, new window, a doorway and closure of covered parking space (resubmission of 1425/17/FUL)

Case Officer Update: Additional letters of representation had been received, three of objection including a response from CPRE, and one letter of support.

Speakers included: Objector – Mr Graham Jupp: Supporter – Mr Ross Porter-West: Parish Council representative – Cllr Piers Spence; local Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions (summarised below):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall in all respects accord strictly with plans.
3. The building, parking areas and other spaces within the site boundary shall be used for private functions only and shall not be made available for general public admittance.

4. The building insulation measures described in the approved Design and Access Statement shall be fully implemented before the development is first brought into use and shall be retained thereafter.
5. Live music, amplified music or live entertainment shall only take place within the building and shall at no time take place in the outside areas.
6. Music shall not be audible beyond the site boundary at any lawfully existing residential property (except Lower Widdicombe Farm) between the hours of 23:00 and 08:00.
7. All event activities on the site shall cease by midnight and the site shall be cleared of all guests by 0030 hours.
8. There shall be no more than 20 events held in any calendar year.
9. The recommendations, mitigation and enhancement measures of the Ecological Report, by Simon Geary Ecological Services Ltd dated 8 September 2017, shall be fully implemented and adhered to at all times.
10. Prior to installation of any external lighting, full details of the location and specification including luminaire shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to commencement of the approved change of use the Planning Authority shall have received and approved a Construction Management Plan
12. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C
13. The proposed access, retaining walls, verges, embankments and visibility splays, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins
14. Prior to the commencement of the use hereby approved the parking areas numbered 1 and 2 as shown on the approved plans shall be provided for the use of the venue guests.

2833/17/VAR The Old Sail Loft, Newton Ferrers

Parish: Newton Ferrers

Variation of condition numbers 2, 4 and 5 following grant of planning permission 2424/16/VAR

Case Officer Update: N/A

Speakers included: Objector – Mrs Sian Robson (statement read):
 Supporter – Mr Michael James: local Ward
 Member – Cllr Baldry

Recommendation: Refusal

During discussion, Members considered in great detail the impact of the three conditions that were the subject of the application, including on the amenities of neighbouring occupiers (some of the Members having seen the site from both the applicant's and objector's properties at the recent Members' site inspection) and the expediency of taking enforcement action.

Following considerable debate it was agreed that Condition 2 could be varied so that the development was not in accordance with the plans originally submitted, that Condition 4 could be varied to allow for a 2 metre trellis fence (rather than a solid fence) from points A to B on the submitted plan, and no fence necessary from point B to the building return along the line of the existing hedge, and Condition 5 could be varied so that the identified bathroom window did not need to be obscure glazed, the eastern side return of the bay window should be temporarily obscure glazed for two years to enable planting to grow and protect privacy and prevent overlooking and the side lounge window already obscure glazed to remain so. The outstanding matters of the trellis fence and obscure glazing to the side bay to be addressed within a three month period.

Committee Decision: Conditional Approval

3392/16/FUL The Cedar House, Moulton Hill, Salcombe

Parish: Salcombe

Retrospective application for change of use of agricultural land and building to marshalling yard, parking and materials storage to service building works, revised access and landscaping

Case Officer Update: Following the site visit there are two updates; firstly amend condition three to an 8am start and secondly to amend the second condition to require Cedar House to be linked to the land

Speakers included: local Ward Members – Cllrs Wright (statement read) and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

- In accordance with plans
- Not separated from and managed by occupiers of the dwelling; revert to agricultural use
- Hours 8 – 5 Mon to Fri
- Landscaping
- Protection of trees/hedgerows
- No repairs/ maintenance of machinery of vehicles
- No external lighting unless approved;
- Storage height limit;
- No external storage beyond areas identified on approved plans and kept free for manoeuvring

- No long-term skips/waste storage;
- Within 3 months access for at least 10m into the site to be either concrete or tarmac and a lowered bullnose kerb installed
- Remove permitted development rights
- Restrict use rights

2929/17/VAR Land at the Fairway, Newton Ferrers

Parish: Newton Ferrers

Variation of condition 2 following grant of planning permission 1372/16/FUL to allow for changes to plans of plots 1 and 2

Case Officer Update: N/A

Speakers included: Supporter – Mr Craig Robinson: Parish Council representative – Cllr Caroline Adams: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

DM.51/17 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases and for 1532/17/PAT: Prior notification of proposed development by telecommunications code system operators for new 20m monopole – Land opposite Byter Down Kennels, Stoke Gabriel, Members agreed that officers should write to the Inspector to ask for a review of the decision as the appeal was upheld on a technicality but material planning matters were not taken into account.

DM.52/17 PLANNING PERFORMANCE INDICATORS

Members were presented with the revised set of Quarterly Performance Indicators and agreed that the information presented was helpful. The CoP Lead Development Management responded to queries raised.

(Meeting commenced at 2.00 pm and concluded at 5.45 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 7 March 2018

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3517/17/FUL	Lower Widdicombe Farm, Stokenham	Conditional Approval	Cllrs Brown, Rowe, Vint, Pearce, Bramble, Cuthbert, Steer, Foss (8)	Cllr Brazil (1)	(0)	Cllrs Holway, Hodgson, Hitchins (3)
2833/17/VAR	The Old Sail Loft, Newton Ferrers	Approval of the Variation	Cllrs Steer, Brown, Pearce, Vint, Bramble, Rowe (6)	Cllr Cuthbert (1)	Cllrs Brazil, Foss (2)	Cllrs Holway, Hodgson, Hitchins (3)
292/16/FUL	The Cedar House, Moulton Hill, Salcombe	Conditional Approval	Cllrs Rowe, Brown, Pearce, Vint, Steer, Cuthbert, Bramble, Foss, Brazil (9)	(0)	(0)	Cllrs Holway, Hodgson, Hitchins (3)
2929/17/VAR	Land at the Fairway, Newton Ferrers	Conditional Approval	Cllrs Rowe, Cuthbert, Pearce, Bramble, Steer (5)	Cllr Brazil (1)	Cllrs Vint, Brown, Foss (3)	Cllrs Holway, Hodgson, Hitchins (3)

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 22 MARCH 2018**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	∅	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
∅	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	*	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
∅	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
∅	Cllr M J Hicks		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, J M Hodgson, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Commercial Services; and Senior Specialist – Democratic Services
7	O&S.101/17	Group Manager – Support Services and Customer First
8	O&S.102/17	Divisional Business Manager – Fusion; and Assets Specialist
9	O&S.103/17	Community Of Practice Lead – Development Management
11(a)	O&S.105/17(a)	Specialist – Community Safety, Safeguarding and Partnerships

O&S.97/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 8 February 2018 were confirmed as a correct record and signed by the Chairman.

O&S.98/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

O&S.99/17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished to welcome the Group Manager – Commercial Services to her first Panel meeting since being appointed to the role of Scrutiny lead officer for the Council.

O&S.100/17 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, there were no issues received for consideration.

O&S.101/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In the ensuing discussion, reference was made to:

- (a) the Transformation Programme Closedown report. In light of some concerns that this item had seemingly been overlooked for initial consideration by the Panel, it was agreed that this report would, in the first instance, be presented to the Panel at its next meeting on 3 May 2018;
- (b) the General Data Protection Regulations / Data Protection Act 2018 Compliance agenda item. The Panel was reminded that a Member Briefing on the General Data Protection Regulations was scheduled to take place on 29 March 2018. When questioned, officers confirmed that a number of town and parish councils had been in contact to ask whether the Council could put in place a support package to ensure their compliance with the new Regulations. At this present time, officers had still to evaluate whether or not offering such a package would be cost effective for the Council;
- (c) the next Panel meeting agenda. In addition to the Transformation Programme Closedown report, the Panel also requested that it receive updates on the following future Executive agenda items:
 - Homelessness Strategy Year 2; and
 - IT Procurement.

Also, in respect of the 'Sherford Opportunities' future agenda item, the Panel asked that reference to this matter be included in the 'Update on the Urban Fringe Delivery Team and Sherford Strategic Review' item that was to be presented to the next Panel meeting on 3 May 2018.

O&S.102/17 FUSION ANNUAL REVIEW PRESENTATION: JANUARY TO DECEMBER 2017

The Chairman welcomed the Divisional Business Manager – Fusion to his first Panel meeting since the Leisure Contract had been awarded and invited him to introduce his annual review presentation. In so doing, the representative made the point that, since this was the first annual presentation, there were no comparative baseline figures. That being said, both total income and total participation were slightly behind initial projections. However, the organisation was confident that this position would be rectified before the end of the Year 3 Plan.

Upon the conclusion of the presentation, reference was made to:

- (a) the Quest accreditation. The Panel noted that the organisation was awaiting its Quest score for the Dartmouth Leisure Centre. In addition, it was anticipated that the Quest review at Totnes Pavilions would be undertaken during late June / early July;
- (b) the relationships with the local Clinical Commissioning Groups (CCGs). Whilst the need to focus on good working relationships with the CCGs was recognised, the representative informed that this would not be given too much emphasis until the staff training programme and the building renovations had been completed;
- (c) Youth Leisure Nights. The representative advised that grant funding reductions had resulted in the Youth Leisure Nights being unsustainable. Furthermore, until Fusion could source alternative funding streams, it would not be possible to provide the Leisure Nights. For clarity, officers confirmed that Fusion was not contractually obliged to provide any Youth Nights provision. A Member was of the view that there was likely to be more broader opportunities beyond the traditional Youth Nights provision that may now be more appropriate;
- (d) Leisure provision throughout the whole of the South Hams. A Member stated that the Leisure contract went beyond the four market towns and emphasised the need for focus to be given to the parishes in the district. In extending this point, the Panel requested that it give greater consideration to the Sports and Community Development Annual Report 2017 at a future meeting;
- (e) the future plans for Totnes Pavilions. With regard to the future plans, Members were informed that discussions were ongoing between Fusion and Tadpool and it was anticipated that a formal announcement would be made in this respect in the next few months. On this matter, the lead Executive Member felt the latest proposals to be an excellent way forward and would be to the benefit of Totnes and its rural hinterlands.

It was then:

RESOLVED

1. That the Annual Review Presentation be received and noted;
and
2. That the Panel give greater consideration to the Sports and Community Development Annual Report 2017 at a future meeting.

O&S.103/17 **DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE**

The Panel considered a report that presented a review of the planning pre-application process and a proposed draft procedure that was intended to be the subject of a public consultation exercise.

In discussion, reference was made to:-

- (a) the draft procedure being well received. A majority of Members welcomed the draft procedure and were of the view that it addressed both a number of concerns that had been previously raised and the importance of a pre-application gaining local community support. In addition, Members recognised that the intention of the procedure was to tighten the pre-application process;
- (b) suggested revisions to the draft process. The Panel requested that, prior to being published for draft consultation, the following revisions be made:
- With regard to the 'Stage two: Community Engagement Event' (page 49 of the presented agenda refers), it was requested that an addition be included:

'Whilst the exact format of the event will be left to the developer to agree with the Town or Parish Council in consultation with the local Ward Member(s) they will need to demonstrate that the community has been enabled to participate in the engagement process...'; and
 - In respect of paragraph 5.4 (page 47 of the presented agenda refers), the following additions be made:

'That an electronic copy of the pre-app submission will be provided to local Ward Members upon email request. In the event of a Member making a request to be kept informed of progress of a specific pre-app, the Case Officer will ensure that the Member is kept informed.'
- (c) comments that the Panel wished to be taken into account as part of the consultation exercise. The Panel was of the view that the following points should be considered upon the conclusion of the consultation process:
- That the pre-app application form be amended whereby the applicant must state a reason why the application should be kept confidential at this stage; and
 - That the weekly list circulated to Members include both the classification and an indicative timescale for the determination of each pre-app.

- (d) resource levels. A Member questioned whether the Council had sufficient resources in place to meet the proposed timescales. In reply, officers expressed their confidence that the additional resources that were being provided through the recent Council decision to increase its planning fees by 20% would ensure that these timescales were achievable;
- (e) pre-application fees. For clarity, it was agreed that officers would circulate the latest set of pre-application fees to all Members;
- (f) the proposed format for the consultation. In addition to publication on the Council website, officers confirmed the intention to send a link to the draft procedure to all Members, Town and Parish Council Clerks, all recognised Neighbourhood Planning Groups and Statutory Consultees.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** that the proposed pre-application process be approved for consultation, subject to inclusion of the points outlined at (b) in the detailed minutes above; and
2. That, as part of the consultation process, the views of the Panel at point (c) in the detailed minutes above be taken into account.

O&S.104/17 HEARING DECISION NOTICE ARISING FROM THE CODE OF CONDUCT SUB PANEL MEETING HELD ON 15 JANUARY 2018

The Panel was presented with a Decision Notice relating to allegations of a Breach of the Code of Conduct.

In discussion, a Member felt that it was unfortunate for the Notice to be considered in the public domain. In reply, the Chairman of the Panel informed that the Localism Act required for such matters to be publicly noted and this necessity was now felt to be the main deterrent for any Member who had potentially breached the Code.

It was then:

RESOLVED

That Members note the Decision Notice of the Hearing Panel Complaint Reference SH09 060516.

O&S.105/17 TASK AND FINISH GROUP UPDATES**(a) Drug and Alcohol Abuse**

As part of his update, the Chairman of the Task and Finish Group advised that:

- the Group had made good progress and had recently met on three separate occasions over the course of one week;
- the Group had also met with concerned residents. Whilst Totnes had been the focus of the review to date, the Group was aware of similar issues in other market towns in the South Hams;
- whilst in its infancy, the Group was exploring methods of closer working with Fusion Leisure;
- there were felt to be two different categories of drug use which could be simplified as being 'habitual' and 'recreational'. Furthermore, the Group had identified that, in general, there were variances between adult and young people's drug use and different approaches were therefore required;
- the Group was conscious of the need to focus its Review on those aspects over which the Council had a duty and/or responsibility (e.g. public conveniences); and
- it was intended that the findings of the Review would be reported to the Panel as soon as was practically possible.

O&S.106/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration. In so doing, officers confirmed that the requested training session for DWP representatives to demonstrate to Members how residents could sign up to Universal Credits would now take place on Wednesday, 25 April 2018.

O&S.107/17 DRAFT ANNUAL WORK PROGRAMME

In consideration of its Annual Work Programme, the following comments, additions and amendments were made by the Panel:-

- (a) The Panel was reminded that it had already requested updates on the following future Executive agenda items:
- Transformation Programme Closedown;
 - Homelessness Strategy Year 2; and
 - IT Procurement;
- (b) It was noted that the 'SHWD Sports and Community Development Annual Report 2017' would be added to the Work Programme for the Panel meeting on 2 August 2018.

(Meeting started at 10.00 am and concluded at 12.05 pm)

Chairman

**MINUTES OF A MEETING OF THE AUDIT COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 22 MARCH 2018**

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J A Pearce (Chairman)
∅	Cllr J Brazil	*	Cllr J T Pennington (Vice-Chairman)
*	Cllr T R Holway		

Members also in attendance:
Cllrs H D Bastone and S A E Wright

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Group Manager (Customer First and Support Services); Group Manager (Business Development); Finance Community Of Practice Lead; Case Management Manager; Internal Audit Manager; Senior Benefit Specialist; KPMG Director; Senior Specialist – Democratic Services; and Specialist – Democratic Services

A.34/17 MINUTES

The minutes of the meeting held on 25 January 2018 were confirmed as a correct record and signed by the Chairman.

A.35/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but none were made.

A.36/17 KPMG EXTERNAL AUDIT PLAN 2017/18

The Committee considered a report from KPMG that presented its External Audit Plan for the Council for 2017/18.

During his introduction, the KPMG Director acknowledged that some of the font was not easily readable and confirmed that the background colours of the document would be altered for future reports.

It was then:

RESOLVED

That the External Audit Plan be noted.

A.37/17 KPMG ANNUAL AUDIT FEE 2017/18 (ADDENDUM – CONFIRMATION OF CERTIFICATION FEES)

The KPMG Director presented the Addendum that confirmed the proposed Fee being recommended for the certification of the Housing Benefit grant claim for the 2017/18 Financial Year at the Council.

It was then:

RESOLVED

That the contents of the Addendum be noted.

A.38/17 KPMG INTERNAL AUDIT 2017/18 – PROGRESS UPDATE

The Committee was presented with a progress update from KPMG that confirmed that the organisation had completed its planning and interim audit work in line with the timetable set out in its detailed External Audit Plan 2017-18 dated January 2018.

In discussion, reference was made to:-

- (a) the risks in relation to faster closedown of the financial year end process. Having attended a number of team meetings, the lead Executive Member for Support Services expressed his confidence that the required faster closedown would be achieved;
- (b) the reconciliation of National Non-Domestic Rates cash and refunds to the General Ledger. The KPMG Director confirmed that the organisation was satisfied that the Council now had adequate processes in place to ensure that items would be reconciled before year end.

It was then:

RESOLVED

That the Committee note the contents of the progress update.

A.39/17 2018/19 TREASURY MANAGEMENT STRATEGY

The Committee considered a report that sought to recommend that the Council approve the proposed Treasury Management and Investment Strategies together with their associated prudential indicators.

In his introduction, the lead Executive Member for Support Services informed that he had asked that the draft Strategy be presented to this

Committee meeting prior to its consideration at the Special Council meeting on 29 March 2018. Furthermore, the Committee was reminded that the draft Strategy had also been considered by the Executive at its meeting on 15 March 2018 (Minute E.72/18 refers).

In discussion, reference was made to:-

- (a) external investment advice. A Member expressed his surprise and disappointment that the external investment advice obtained had not been put in writing. In reply, the Section 151 Officer informed that Link Asset Services (the Council's External Treasury Management advisors) would only highlight to the Council the range of products that were available and would then leave it to the Council to make the final decision on Treasury Management matters;
- (b) the proposal to invest £1.5 million in CCLA. With regard to recommendation 5, it was confirmed that the intention would be to invest these monies in one lump sum since there was no benefit in investing this money in instalments;
- (c) the Icelandic Bank Investments. Since the investment position had been stable for a number of years and 98% had already been repaid to the Council, the Committee requested that this paragraph now be removed from future reports. However, should the position change in this respect, then the Committee was also of the view that a short sentence should be added to the next report thereafter;
- (d) the risks associated with investing £1.5 million in CCLA Funds. A Member highlighted those risks outlined in Appendix D of the presented agenda report and he considered these to be a cause for concern. In reply, officers stated that they had spoken to a number of other local authorities who had invested in CCLA Funds and were satisfied that they had undertaken as much due diligence as was practically possible. Nonetheless, the Member advised that his concerns were such that he would be unable to support the report recommendations. The remaining Committee Members did recognise that there were associated risks, but did not feel them to be so significant that they could not support the recommendations and an addition was **PROPOSED** and **SECONDED** to recommendation 5 as follows:

'That the Committee support the proposal to invest £500,000 into CCLA Local Authority Property Fund (LAPF) and £1 million into the CCLA Diversified Income Fund (as per Appendix H of the presented agenda report). Nevertheless, the Committee does acknowledge that this proposal is not without risk.

When put to the vote, this addition was declared **CARRIED**.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to approve:

1. the prudential indicators and limits for 2018/19 to 2020/21 (as outlined within Appendix A of the presented agenda report);
2. the Minimum Revenue Position (MRP) statement contained within Appendix A of the presented agenda report (NB. This sets out the Council's Policy on MRP);
3. the Treasury Management Strategy 2018/19 and the treasury prudential indicators 2018/19 to 2020/21 (as outlined within Appendix B of the presented agenda report);
4. the Investment Strategy 2018/19 (as outlined at Appendix C of the presented agenda report) and the detailed criteria included in Appendix D of the presented agenda report and the counter party list (as detailed at Appendix E of the presented agenda report); and
5. the proposal to invest £500,000 into CCLA Local Authority Property Fund (LAPF) and £1 million into the CCLA Diversified Income Fund (as per Appendix H of the presented agenda report). Nevertheless, the Committee does acknowledge that this proposal is not without risk.

(NOTE: in accordance with Council Procedure Rule 15.6: '*Right to Require Individual Vote to be recorded*', Cllr J T Pennington asked for his vote against this recommendation to be formally recorded).

A.40/17

BUDGET BOOK 2018/19

The Committee considered a report that presented the contents of the draft Budget Book for 2018/19.

In discussion, the following points were raised:-

- (a) Whilst acknowledging that the format of the draft Budget Book had reflected the outcome of a Member Review Group, a Member was nonetheless still of the view that it did not contain a sufficient amount of detail;
- (b) The Committee commended the work of those officers in the Finance Community Of Practice who had delivered the draft Budget Book two months' earlier than in previous years;
- (c) In the future, it was requested that the Budget Book should include the name of the lead Executive Member in addition to the name of the officer Budget holder.

It was then:

RESOLVED

That the contents of the Budget Book for 2018/19 be noted.

A.41/17

SHARED SERVICES METHODOLOGY 2017/18

The Committee considered the annual report that set out the methodology and mechanisms that were being used to calculate the cost allocations between the Council and West Devon Borough Council.

In discussion, the Committee felt the report to be a very strong reference document that could be used as the basis for the upcoming review to be undertaken by KPMG.

It was then:

RESOLVED

That the methodology of the shared services apportionment of costs between South Hams District Council and West Devon Borough Council (as outlined at Appendix A of the presented agenda report) be noted.

A.42/17

SUNDRY DEBT

The Committee considered a report that informed Members of the process adopted by the Council to recover outstanding Sundry Debt. Furthermore, the report also sought to provide an update on the position of Sundry Debt Recovery since the creation of the Debt Recovery Unit on 1 October 2017.

In discussion, the Committee congratulated the Case Management Manager for the excellent work being undertaken in this respect and emphasised the importance of the Debt Recovery Unit maintaining the momentum that it had now gained.

Such was felt to be the importance of this issue, that an addition to the recommendation was **PROPOSED** and **SECONDED** whereby the Committee be in receipt of a further review in six months' time. When put to the vote, this addition was declared **CARRIED**.

It was then:

RESOLVED

1. That the progress made in monitoring and administering Sundry Debt Collection be noted; and
2. That the Committee receive a further update report in six months' time.

A.43/17 HOUSING BENEFIT OVERPAYMENT PROCESS AND RECOVERY

A report was considered that sought to explain how Housing Benefit overpayments arose and the processes undertaken to recover the debts before they were presented for formal Write-Off. The report also outlined the subsequent financial impact on the Council.

During discussion, the following points were raised:-

- (a) Officers assured the Committee that the Council did still pursue those debts that had been subject of formal Write-Off;
- (b) When questioned, officers advised that the Council made very few 'official errors' that resulted in Housing Benefit overpayments being unrecoverable;
- (c) It was acknowledged that Housing Benefit was an incredibly difficult and complex subject matter that involved significant sums of money.

In conclusion, the Committee thanked the Senior Benefit Specialist for her report and requested a further progress update at an appropriate time in the future.

It was then:

RESOLVED

1. That the processes outlining how a Housing Benefit overpayment arises be noted;
2. That the steps being taken to recover overpayments be noted; and
3. That the current Housing Benefit overpayment recovery performance be noted.

A.44/17 2018/19 INTERNAL AUDIT PLAN

A report was considered that provided Members with the opportunity to review and comment upon the proposed Internal Audit Plan for 2018/19.

In discussion, the following points were raised:-

- (a) The Committee noted that one of the Council's Internal Audit Officers had recently suffered a serious accident and Members proceeded to ask that their best wishes be passed on for a speedy recovery. The Internal Audit Manager advised Members that the Devon Audit Partnership was currently looking at methods of potentially backfilling the service during this period of absence;

- (b) As a living document, it was confirmed that the Plan was constantly under review and updated, revised and amended if deemed appropriate;
- (c) The Committee was informed that the Plan was due to be credited by 15-20 days in light of the work undertaken on the LEAF and LAG Grants;

It was then:

RESOLVED

1. That the report be approved; and
2. That the proposed Internal Audit Plan for 2018/19 (as outlined at Appendix A of the presented agenda report) be approved.

A.45/17 STRATEGIC RISK ASSESSMENT – REGULAR UPDATE

The Committee considered a report that presented an updated assessment of the Council's strategic risks.

In discussion, reference was made to:-

- (a) the risk associated with the delivery of the Local Plan. Following its previously raised concerns, the Committee welcomed the increased risk score applied to the delivery of the Local Plan;
- (b) the merits of including an additional risk related to investments and income generation. Whilst the report currently included this risk under the wider umbrella of the Medium Term Financial Strategy, the Committee asked that the Senior Leadership Team give consideration to the merits of 'investments and income generation' being allocated its own standalone Risk Title.

It was then:

RESOLVED

1. That the Committee has reviewed the strategic risks and has made comments (as detailed in the minutes above); and
2. That the Senior Leadership Team give consideration to the merits of 'investments and income generation' being allocated its own standalone Risk Title.

A.46/17 GENERAL DATA PROTECTION REGULATION – READINESS AND IMPACT

A report was considered that provided an overview of the key arrangements of the General Data Protection Regulation (GDPR). In addition, the report also outlined the approach that the Council was implementing in order to achieve compliance and the tasks that lay ahead.

In discussion, reference was made to:-

- (a) a future Member Briefing. The Committee was reminded that a Member Briefing on the GDPR had been arranged to be held on 29 March 2018;
- (b) minimising the amount of information held. In addition to minimising the amount held, officers also stated that all Members would need to bear in mind that, as soon as there was no longer a need to hold on to information, then that material should be disposed of by appropriate means.

It was then:

RESOLVED

That the impact be noted and the approach to General Data Protection Regulation readiness ahead of its implementation in May 2018 be supported.

A.47/17

ANNUAL REVIEW OF THE COUNCIL CONSTITUTION

The Committee considered a report that presented the annual review of the Council Constitution.

Members felt that they needed more time to consider the contents of the review before the document was presented for approval to the Annual Council meeting on 17 May 2018 and it was therefore **PROPOSED** and **SECONDED** that:

'An informal Committee Workshop be convened in advance of the Annual Council meeting on 17 May 2018 to enable for more detailed consideration of the annual review of the Council Constitution.'

When put to the vote, this proposal was declared **CARRIED**.

It was then:

RESOLVED

That an informal Committee Workshop be convened in advance of the Annual Council meeting on 17 May 2018 to enable for more detailed consideration of the annual review of the Council Constitution.

(Meeting commenced at 2.00 pm and finished at 3.50 pm)

Chairman

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
4 APRIL 2018**

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
∅	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:
Cllrs Baldry, Huntley, Bastone, Tucker and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Specialist, Deputy Monitoring Officer, Specialist – Democratic Services

DM.53/17 MINUTES

The minutes of the meeting of the Committee held on 7 March 2018 were confirmed as a correct record and signed by the Chairman.

DM.54/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr K Cuthbert declared a personal interest in application 3807/17/HHO: Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space – 8 Waltacre, Yealmpton, by virtue of the agent being known to her and she remained in the meeting and took part in the debate and vote thereon;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- 4416/17/FUL** Erect replacement dwelling (re-submission of 1621/16/FUL) – Waves Edge, Road to Highfield, Challaborough
- 3807/17/HHO** Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space – 8 Waltacre, Yealampton.

DM.55/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.56/17 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

4416/17/FUL **Waves Edge, Road to Highfield, Challaborough**

Parish: Bigbury

Erect replacement dwelling (re-submission of 1621/16/FUL)

Case Officer Update: Verbal confirmation of no objection from the AONB Unit and updated comments from the drainage engineers with two conditions suggested

Speakers included: Objector – Mr John Simes: Supporter – Mr Steve Tapscott: Parish Council representative – Cllr Bryan Carson; local Ward Member – Cllr Huntley

Recommendation: Conditional Approval

Committee Decision: Conditional Approval, subject to receipt of revised plans reducing the ridge height by 29cm

During debate, Members recalled the previous application which was later dismissed at appeal and the importance of the ridge height of the dwelling in those discussions. The Parish Council representative and Ward Member both outlined the importance of not increasing the ridge height of the proposed dwelling. This application was an improvement on the previous application, but still did not reduce the height of the proposed dwelling enough, considering the importance of the position of the dwelling on the SW coast path. Members therefore approved the proposal subject to receipt of revised plans that would further reduce the ridge height by 29cm.

Conditions (summarised below):

1. Time limit
2. Approved Plan
3. Landscaping scheme submitted prior to commencement
4. Full details of external materials
5. Unsuspected contamination
6. Removal of permitted development rights
7. Written permission from South West Water for connection to mains foul drainage
8. Details of surface water drainage
9. Details ground level changes prior to commencement
10. Provision of onsite parking prior to occupation
11. Construction management plan

3807/17/HHO 8 Waltacre, Yealmpton

Parish: Yealmpton

Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space

Case Officer Update: Additional condition will be required to request schedule of works

Speakers included: Objector – Mr Julian Stapley: Supporter – Mr D Snelgrove: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval

During discussion, Members asked that an additional condition be included to request a landscaping scheme, particularly to include the wall to the rear of the car parking space with the steps up to the property, as they felt this would help to soften the appearance of the hard landscaping seen on the site visit.

Committee Decision: Conditional Approval

Conditions:

- i. Accord with plans
- ii. Stonework details/sample prior to installation
- iii. Render colour/details prior to installation
- iv. Schedule of works to be submitted
- v. Landscaping scheme to be submitted

DM.57/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases. Members then discussed how a revised NPPF could impact on the Joint Local Plan, depending on the timing of each.

Finally, in response to a request for updated enforcement information, the COP Lead Development Management agreed that a report could be presented to the next meeting of the Development Management Committee.

(Meeting commenced at 2.00 pm and concluded at 3.55 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 4 April 2018

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
4416/17/FUL	Waves Edge, Road to Highfield, Challaborough	Conditional Approval, subject to receipt of revised plans	Cllrs Brown, Vint, Holway, Pearce, Bramble, Cuthbert, Foss (7)	Cllrs Steer, Rowe, Hodgson (3)	Cllr Brazil (1)	Cllr Hitchins (1)
3807/17/HHO	8 Waltacre, Yealmpton	Conditional Approval	Cllrs Steer, Brown, Pearce, Vint, Bramble, Rowe, Foss, Brazil, Hodgson, Cuthbert, (10)	Cllr Holway (1)	(0)	Cllr Hitchins (1)

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY 26 APRIL 2018**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr H D Bastone	*	Cllr R J Tucker (Chairman)
*	Cllr R D Gilbert	*	Cllr S A E Wright (Vice Chairman)
*	Cllr N A Hopwood	*	Cllr K R H Wingate

Also in attendance and participating		
Item 6	E.81/17	Cllr Pearce
Item 7	E.82/17	Cllrs Baldry and Pennington
Item 8	E.83/17	Cllrs Pearce, Pennington and Saltern
Item 9	E.84/17	Cllrs Brazil and Pearce
Item 10	E.85/17	Cllrs Brazil, Cuthbert and Pearce
Item 11	E.86/17	Cllr Brazil
Item 12	E.87/17	Cllrs Brazil and Cuthbert
Item 13	E.88/17	Cllrs Baldry, Bramble and Cuthbert
Also in attendance and not participating		
Cllrs Blackler and Vint		

Officers in attendance and participating		
All items		Group Manager Customer First and Support Services and Specialist – Democratic Services
Item 6	E.81/17	Commissioning Manager
Item 7	E.82/17	Commissioning Manager
Item 8	E.83/17	Senior Specialist Environmental Health; Specialist Manager
Item 9	E.84/17	Operational Manager Environment Services
Item 10	E.85/17	Senior Specialist Environment Services; COP Lead Assets
Item 11	E.86/17	Group Manager Commercial Services
Item 12	E.87/17	Senior Specialist Assets
Item 13	E.88/17	COP Lead Development Management

E.77/17 MINUTES

The minutes of the Executive meeting held on 15 March 2018 were confirmed as a true and correct record and signed off by the Chairman.

E.78/17 URGENT BUSINESS

The Chairman allowed one item of urgent business that was deemed urgent because it required a response to a consultation and the deadline for that response was 4 May 2018.

He outlined to Members that the Department for Transport was currently consulting on changes to legislation that would adversely impact community transport organisations in that they would no longer have a dispensation in respect of particular sections of the regulations that applied to commercial transport operators. The consultation had arisen as a result of some community transport organisations taking business from commercial operators. However, the impact on rural community transport organisations could be significant.

Members agreed that a letter be sent in response to the consultation that supported the view taken by Devon County Council, and also that Members should lobby their local MPs.

E.79/17 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and the following were made:

Cllr Hopwood declared a disclosable pecuniary interest in Item 8: Devon Wide Housing Assistance Policy and left the meeting for the duration of the debate and vote on this item;

Cllr Gilbert declared a disclosable pecuniary interest in Item 10: Procurement of Pay on Entry Equipment for Public Toilets/Disposal of Toilets, should the Ferry Steps at East Portlemouth become the subject of debate. At the appropriate time, he left the room and did not take part in the debate and did not vote on the related recommendation;

In respect of Item 10: Procurement of Pay on Entry Equipment for Public Toilets/Disposal of Toilets, the Deputy Monitoring Officer had granted a dispensation to enable those Members of the Executive whose Wards were included within the report, to be able to take part and vote on the recommendations. Without the dispensation, the meeting would have been inquorate for this item in accordance with Executive Procedure Rule 1.9.4.

E.80/17 PUBLIC QUESTION TIME

It was noted that no public questions had been received for consideration at this meeting.

E.81/17 CORPORATE STRATEGY REVIEW

Members were presented with a report that introduced a new, refreshed and more focused five year Corporate Strategy, for recommendation to Council.

The Leader introduced the report and responded to questions and Members discussed the importance of the delivery plans that would underpin the strategy.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to adopt and publish the South Hams Corporate Strategy.

E.82/17 ANNUAL REPORT 2017/18

Members were presented with a report that sought recommendation to Council for approval of the Annual Report. The Report reviewed the Council's progress over the last financial year and also set the scene for the upcoming year ahead.

The Leader introduced the report and responded to a number of questions of clarity. He noted that the report set out how much work had been undertaken and the opportunities going forward.

It was then:

RESOLVED

- 1) That the progress and achievements made by the Council be noted; and
- 2) That Council be **RECOMMENDED** to adopt and publish the South Hams Annual Report (as presented at Appendix A) for the financial year 2017/18.

E.83/17 DEVON WIDE HOUSING ASSISTANCE POLICY

Members were presented with a report that set out how Disabled Facilities Grant (DFG) funding had increased and outlined the proposals to utilise the increased funding with the aim of ensuring that vulnerable individuals could remain safe and healthy in their own home.

The Lead Member for Customer First introduced the report. During discussion, Members sought clarity on the funding. One Member asked whether Housing Associations were approached for assistance, but in response another Member noted that Housing Associations had no obligation to do so. The Senior Specialist Environmental Health outlined how officers were working together with Occupational Therapists to enable a better understanding of the issues for all parties.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the existing Homes Assistance Policy be updated and then adopted in line with the Devon Housing Assistance Policy.

E.84/17 PARKING REVIEW

Members were presented with a report that requested a recommendation to Council in respect of changes to the Pay and Display charges as set out in presented Appendix 1. The report also sought approval to include the newly created reserved parking bays at Batson Creek, Salcombe to the Parking Order.

The Lead Member for Commercial Services introduced the report. In responding to questions he confirmed that annual permits for the reserved bays at Batson Creek, Salcombe were only annual permits and did not establish ongoing rights to the spaces.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the following amendments are made to the South Hams Off-Street Parking Places Order:

1. Pay & Display charges be amended in accordance with Appendix 1, following consultation with local communities; and
2. Newly created reserved parking bays at Batson Creek, Salcombe, as shown on Appendix 2, are incorporated.

E.85/17 PROCUREMENT OF PAY ON ENTRY EQUIPMENT – PUBLIC TOILETS/DISPOSAL OF TOILETS

Members were presented with a report that addressed three unrelated issues to do with public toilets owned by the Council, and dealt with each issue separately. Those issues were the procurement of pay on entry equipment for installation in selected toilets, the closure of selected toilets and the disposal or transfer of selected toilets.

The Lead Member for Commercial Services introduced the report and the Senior Specialist Environment Services responded to questions of clarity. The Leader then requested an additional recommendation that the public conveniences at Ferry Steps, East Portlemouth be included for pay on entry on a seasonal basis. This additional recommendation was agreed.

During discussion, one Member asked that the toilets at Hope Cove be considered for pay on entry. Officers agreed to consider this proposal.

Another Member stated that he did not agree with pay on entry public toilets and was concerned that there was no business case to consider. In response, the Group Manager Commercial Services advised that indications were that there would be a two year payback period on the investment, which could be lower for those toilets with greater use.

The Deputy Leader then proposed an amendment to the published recommendation that deleted the last two lines of recommendation 4 and replaced with 'any final toilet closure proposals should be brought back to the Executive'. This amendment was agreed.

One Member sought an assurance that pay on entry toilets would be maintained at a good clean standard as there were examples of areas where this had not been the case. The Lead Member accepted that this was a fair point.

Finally there were discussion on the different methods of payment and Members were assured that all options would be included in the procurement documentation.

It was then

RESOLVED

That approval be given to:

1. procurement to deliver the pay on entry equipment to the public conveniences at Bigbury, Whitestrand, Creek, North Sands, South Sands, Coronation Road, Steamer Quay, Civic Hall, Fore Street, Slapton Line, Glanvilles Mill, Wembury, Mill Bay and Dittisham be commenced;
2.
 - a) Mill Bay toilets having pay on entry installed;
 - b) Ferry Steps, East Portlemouth toilets having pay on entry installed;
3. Slapton Memorial toilets no longer having the pay on entry system installed and the toilet is closed as a result of storm damage;
4. Authority for:
 - a) the sale of sites for which transfer has not been successful and the sites subsequently closed; and
 - b) the sale of sites where usage is low and site value high, which have previously been approved by Members for transfer or closure, would be the subject of a report to the Executive prior to any final toilet closure proposals.

E.86/17 **DARTMOUTH LOWER FERRY – CAPITAL REPAIRS PROGRAMME**

Members were presented with a report that sought Council approval for a spend from the Dartmouth Lower Ferry Earmarked Reserve in order to bring the existing fleet of vessels up to the required Maritime and Coastal Agency (MCA) standards. This included work to ensure that, subject to regular inspection and maintenance on the tugs, they would continue to be seaworthy and compliant.

The Lead Member for Commercial Services introduced the report. Members had a number of questions regarding the changes requested by the MCA that had resulted in an increased inspection regime, and the Group Manager Commercial Services agreed to circulate further details to Members. Members also raised concerns regarding the ongoing ability of the Lower Ferry service to withstand the additional costs associated with the increased inspections.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to approve the capital spend outlined in Section 2.5 of the presented report from the Dartmouth Lower Ferry Earmarked Reserve, in order to ensure that the ferry vessels, (both tugs and floats) are compliant and seaworthy in line with Maritime and Coastal Agency requirements.

(NOTE: In accordance with Executive Procedure Rule 1.9.4, Cllr Bastone abstained from the vote on this item by virtue of being a local ward Member).

E.87/17 **BATSON QUAY AND SHADYCOMBE PROJECT, SALCOMBE**

Members were presented with a report that identified the key aims and objectives of the project and highlighted the potential benefits and associated risks.

The Leader introduced the report, and drew Members attention to the formation of a project group to move the project forward. In response to a question regarding lessons learned from previous projects, the Senior Specialist Assets confirmed that lessons had been learned and then outlined the holistic approach being taken with this project. He also provided Members with clarity in respect of funding opportunities.

During discussion, Members reiterated the importance of retaining units for marine use and the need for the Council to do what it could to protect the coastal community.

It was then:

RESOLVED:

1. That progress made to date on the Batson and Shadycombe Masterplan be reviewed;
2. That proposals to develop a new Harbour Depot at the head of the public slipway be approved in principle;
3. That improvement works to the commercial Fish Quay be undertaken subject to funding from capital funding bids currently being sought through European Maritime and Fisheries Fund (EMFF) and Coastal and Communities Fund (CCF) be agreed; and
4. That an undertaking to give priority to local marine businesses as part of the Coastal and Communities (CCF) funding application for the development of industrial units at Batson Quay be endorsed.

(NOTE: In accordance with Executive Procedure Rule 1.9.4, Cllr Wright abstained from the vote on this item by virtue of being a local ward Member).

E.88/17 REPORTS OF OTHER BODIES

(a) Overview and Scrutiny Panel – 22 March 2018

O&S.103/17 Development Management Pre Application Advice

The Chairman of the Overview and Scrutiny Panel asked that the Executive give consideration to inclusion of Permission in Principle applications to the Pre-Application process, following a recent Member training event whereby Members were advised of the responsibilities of the Council under forthcoming Permission in Principle legislation. The Leader proposed an amendment of the recommendation accordingly.

It was then:

RESOLVED

1. That the proposed pre-application process be approved for consultation, subject to inclusion of the points outlined at (b) in the detailed minutes, and inclusion of Permission in Principle applications; and
2. That as part of the consultation process, the views of the Panel as set out in para (c) of the presented Overview and Scrutiny Panel minutes be taken into account.

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.81/17, E.82/17, E.83/17, E.84/17 AND E.86/17, WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 17 MAY 2018, WILL BECOME EFFECTIVE FROM 5.00PM ON TUESDAY 8 MAY 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.50 am)

Chairman