

West Devon Hub Committee



West Devon
Borough
Council

Title:	Agenda
Date:	Tuesday, 22nd September, 2015
Time:	2.00 pm
Venue:	Chamber - Kilworthy Park
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Baldwin</p> <p><i>Members:</i> Cllr Benson Cllr Parker Cllr Cann OBE Cllr Sampson Cllr Moody Cllr Samuel Cllr Oxborough</p>
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. Apologies for absence

2. 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.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any)

4. Confirmation of Minutes

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Minutes of meeting held 14 July 2015

5. Our Plan

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Report of Lead Specialist – Place and Strategy

6. Business Development - Discretionary Rate Relief

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Report of Group Manager – Business Development

7. Council Tax Discretionary Discount and Reduction Policy

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Report of COP Lead – Housing, Revenue and Benefits

8. Devon Home Choice & Local Allocations Policy Review

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Report of COP Lead – Housing, Revenue and Benefits

9. Planning Obligations Report

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Report of Place and Strategy Specialist

10. Health and Safety

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Report of Environmental Health Specialist

11. Data Protection Policy

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Report of COP Lead Specialist - Legal

12. Write Off Report

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Report of s151 Officer and Case Management Manager

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Agenda Item 4

At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 14th day of **JULY 2015** at **2.00pm**

Present:

	Cllr P R Sanders – Chairman
	Cllr R E Baldwin – Vice-Chairman
Cllr M J R Benson	Cllr W G Cann OBE
Cllr J Moody	Cllr R Oxborough
Cllr G Parker	Cllr R F D Sampson
Cllr L Samuel	

In attendance:

- Executive Director (Strategy and Commissioning)
- Executive Director (Service Delivery and Commercial Development)
- COP Lead Specialist – Place and Strategy
- S151 Officer
- Senior Case Manager

Other Members in attendance:

Cllr R Cheadle; Cllr C Edmonds; Cllr J Evans; Cllr J Hockridge; Cllr T Leech; Cllr J McInnes; Cllr D Moyse; Cllr R Musgrave; Cllr J Sheldon and Cllr J Yelland

***HC 6 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed but none were made.

***HC 7 LEISURE SERVICES PROCUREMENT**

The Portfolio Holder for Commercial Services introduced the presented report which sought to approve the award criteria for the joint leisure service procurement project for West Devon Borough Council and South Hams District Council, along with the supplementary report that sought to nominate West Devon Borough Council as the lead for the purposes of the joint procurement for leisure services. The supplementary paper also asked that Members adopt the Memorandum of Understanding which set out the principles of collaboration and joint procurement.

The Portfolio Holder responded to minor queries regarding the presented papers, and confirmed that within the Project Board, there would be capacity for nomination of a Chairman amongst the elected Members and that a Chairman's casting vote would apply. The Portfolio Holder also advised that the Overview and Scrutiny (External) Committee had expressed views on the percentage allocation for Level 1 criteria, however, the Joint Leisure Board had concluded that, providing the contract was properly drawn and enforceable, there would be no need to

change the proposed allocation split and the present allocation as per the presented report should stand.

The Executive Director (Service Delivery and Commercial Development) (SD&CD) responded to a query on financial matters by confirming that an affordability level will be set out in the procurement documentation and bidders will be scored on the amount the bid either meets or is under the affordability level.

The COP Lead Place and Strategy explained the role of each of the named officers on the Project Team.

It was then **RESOLVED** that:

1. The award criteria for the joint leisure service procurement project for West Devon Borough Council and South Hams District Council, as set out in para 3 of the presented agenda report, be approved;
2. In accordance with para 11 of the Joint Collaboration Agreement, West Devon Borough Council be nominated as Lead Council for the purposes of the joint procurement for leisure services; and
3. The Memorandum of Understanding which sets out the principles of collaboration and joint procurement (subject to any final wording amendments being delegated to Lead Specialist – Place and Strategy in agreement with the portfolio holder) be adopted.

***HC 8 COUNCIL TAX DISCRETIONARY DISCOUNT AND REDUCTION POLICY**

The Chairman advised that this item had been withdrawn from the agenda and deferred to a later meeting.

***HC 9 T18 BUDGET MONITORING REPORT – Q4 2014/15**

The Chairman presented a report that asked Members to note the progress to date on the T18 Transformation Programme. He advised that he had requested that future monitoring reports include financial detail of the whole programme across both Councils. He then responded to questions relating to the W2 software system and also drew Members attention to the redundancy and pension strain costs which, whilst being significant figures, were acceptable and expected for any organisation undergoing such transformational change.

The Executive Director (SD&CD) and the Group Manager Customer First, responded to specific questions related to the planning service.

It was then **RESOLVED** that progress to date on the T18 Transformation Programme be noted.

***HC 10**

WRITE OFF REPORT

The Portfolio Holder for Health and Wellbeing introduced a report that informed Members of the debt written off for revenue streams within the Revenue and Benefits service. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

In respect of the debts with a value of more than £5,000, Members were advised of how they had arisen. Members then had a detailed discussion on the different types of debt, the excellent track record of the Council in collecting revenue, increasing numbers of debts having to be written off being an indication of the economic climate and how even a debt written off could still be collected at a later date if circumstances allowed.

To conclude this item, the s151 Officer agreed to distribute the Debt Recovery Policy for Members information.

It was then **RESOLVED** that:

1. The write off by the s151 Officer of individual West Devon Borough Council debts totalling £39,381.74, as detailed in Tables 1 and 2 of the presented report, be noted; and
2. The write off of individual debts in excess of £5,000 as detailed in Table 3 of the presented report be approved.

(The Meeting terminated at 3.05 pm)

Dated this

Chairman

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Our Plan Update

Report to: **Hub**

Date: **22nd September 2015**

Title: **Our Plan Update**

Portfolio Area: **Strategic Planning and Housing**

Wards Affected: **All**

Relevant Scrutiny Committee: **Both**

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

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision) **Council**

Author: **Ross Kennerley** Role: **Lead Specialist – Place and Strategy**

Contact: **1379 ross.kennerley@swdevon.gov.uk**

Recommendations: That Hub Committee recommends to Council that

1. Option 2 for progression of Our Plan, as set out at paragraph 4, be pursued recognising that this will need an extended plan period to 2032 or 2033
2. A detailed Duty to Co-operate protocol, or similar agreement, be established with neighbouring planning authorities within the Housing Market Area. This would address joint approaches to strategic planning relating to timetable, evidence, policies, strategic allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure amongst other matters
3. The Local Development Scheme be reviewed and re-issued in line with recommendation 1
4. That further evidence work (joint or specific) be procured as required
5. That a budget provision for 2016/17 of £75,000 is made for Our Plan, which will be a cost pressure built into the Council's Medium Term Financial Plan for 2016/17 onwards.
6. That a Settlement Boundary Policy be considered for incorporation in future versions of Our Plan and necessary preparatory work be undertaken to allow for this option

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7. That it be agreed that a World Heritage Site Supplementary Planning Document (SPD) be pursued in line with existing and proposed development plan policies
8. That a further "Call for Sites" be initiated
9. That site OP16 at Brook Lane, Tavistock be agreed to be deleted from future versions of Our Plan
10. That Guidance for Neighbourhood Plan Groups be issued to inform their work as it relates to Our Plan
11. That a refreshed Our Plan Engagement Strategy be issued
12. That regular Member update sessions be timetabled
13. That a further report be submitted to Hub Committee and Council making specific proposals for future consultation, consideration and submission of Our Plan
14. Those specific details to be agreed under recommendations 2,3,4,5,6,7,8,9,10 and 11 are delegated to the Lead Specialist – Place and Strategy in consultation with Portfolio Holder and Leader.

1. Executive summary

This report updates members on the status of *Our Plan* and makes recommendations for next steps. It highlights responses to the *Our Plan* public consultation that took place in the spring and sets these in a regional and national context of significant change over the last 6 months.

The cumulative impact of national and local issues is such that Officers are recommending an amended approach to progressing *Our Plan*. This approach gives an opportunity to take stock of the range of issues, and allows time to review and progress these clearly within the requirement to work alongside neighbouring authorities under the "Duty to co-operate". This will require an amendment to the *Local Development Scheme* (LDS) which is the document that establishes the timescale for *Our Plan*.

As well as the national changes in planning, there are a number of local issues which require further consideration before we submit Our Plan. These include:

- Potential withdrawal of the Site OP16 'Land at Brook Farm, Tavistock',
- The potential re-introduction of settlement boundaries ,
- The inclusion of more detail and clarity for the World Heritage Site, and
- Further consideration of Policies and Strategic Allocations generally

Each of these will require further detailed work including the need to look for alternative development sites through additional work on the SHLAA (Strategic Housing Land Availability Assessment).

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Officers are mindful of the interest in Our Plan – ranging from individuals, Town and Parish Councils, Neighbourhood Plan groups through to landowners, developers and agents. To ensure strong communication it is recommended that the Engagement Strategy be updated (and thereafter delivered), and in particular detailed and specific guidance be issued for Neighbourhood Plan Groups to support them in their continued work.

Irrespective of any amendments to the approach to Our Plan there is a need to establish a budget for delivery of the plan to cover evidence gathering, examination, additional staffing and legal representation (if required). Officers will look for opportunities through the Duty to Co-operate approach to share and minimise costs.

The details of the further work proposed in this item will be reported back to members both informally through briefings and through formal items to Hub and Council as, and when, required.

The other elements of Our Plan, in particular the Annual Delivery Plan, will be picked up in subsequent items.

2. Background

The Council already has an adopted Core Strategy to 2026 which contains policies and housing & employment allocations. Work started last year to prepare a new plan for the Borough – *Our Plan* - following the introduction of the National Planning Policy Framework (NPPF) and the need for a 15 year horizon for development plans. *Our Plan* will be the single strategic plan that sets out the vision, objectives and activities of West Devon Borough Council. It brings together all strategies and plans and sets out a comprehensive story of what the Council wants to achieve. Central to *Our Plan* is the statutory development plan that establishes policies and land allocations for development and this is the focus of this item.

Our Plan has evolved following extensive community, stakeholder and member consultation and follows a *Local Development Scheme* timescale established with government. Progress of *Our Plan* reached a significant formal stage with the publication of the *Regulation 19 Publication Version (Reg. 19)* issued in February 2015 alongside an extensive range of supporting evidence. This *Reg 19 version* set a clear tone for development and in particular, a strong approach to support the local appetite for neighbourhood planning. It established the social, economic and environmental objectives the council wanted to be addressed along with policies, land allocations and processes to deliver the required outcomes. Details are set out in

- the *Reg 19 version* at www.westdevon.gov.uk/ourplan
- and 20th January Council item at <http://www.westdevon.gov.uk/article/8508/Tuesday-20th-January-2015>

The *Reg. 19 version* was issued on a six week consultation to allow any interested party to make representations. The LDS had set the date for submission for examination to be August 2015, however this was based on there being no significant representations to the document. Officers advised Members that it was highly likely that some further consultation would be required but that the scale of

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this would depend on the representations made. Clearly this timescale has not been achieved as hoped for two principal reasons.

First, the Council received representations from 164 people and organisations. These highlighted and challenged a wide range of issues and officers have been analysing and considering these representations – as reported further in this item.

Secondly the Government has made a range of announcements relating to development plans alongside which a number of appeal decisions and court cases have emerged which impact on consideration of the next steps.

Responses to the Public Consultation – The Local Context

The public consultation ran from 26th February to 13th April. Responses were received from total of 164 people and organisations. These ranged from site specific concerns through to detailed analysis of policies and evidence. These responses have been grouped and summarised and are circulated as appendix A. The key issues to arise that need to be considered include the following:

Issue	Implications
Has the Council correctly identified the extent of the Housing Market Area (HMA)?	Our evidence base assumed a defined HMA covering Cornwall, Plymouth, West Devon, South Hams and Dartmoor. This area isn't clearly justified in light of NPPF advice and is being reviewed
Has the Objectively Assessed Need for housing been properly assessed?	Generates a need to review and ensure that the work done so far is compliant with government guidance – which has been further updated in July 2015.
Has the Affordable Housing backlog been fully assessed?	Requires a recalculation to ensure figures are up to date.
Is there an over-reliance on windfall sites?	Updated delivery rates will be needed to support the current approach to using windfall as part of supply. Relaxation of government development policy may have unpredictable impact on windfall rates.
Has the Council demonstrated the Duty to Co-operate?	Work to date has been in collaboration with neighbouring LPAs – but government guidance is tightening the requirement to demonstrate this and deliver joint outcomes. Further discussions and agreement are needed with neighbours.
What is the relationship of Our Plan and Neighbourhood Plans?	The concern is that Neighbourhood Plans may, for a time, be left without the context of a Development Plan which brings uncertainty.
Managing development	Further consideration required around the role of settlement boundaries in managing development.
The strategy for development in Okehampton including the removal of Parcel 4 from the strategic allocation to the east of the town	A key issue of interest given the previous allocation in the Core Strategy.

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(OP7/SP22A)	
Objections to the minimum planned requirements for places such as Milton Abbot, Exbourne and Hatherleigh	Will need to be considered, evidenced and reviewed
The allocation of land at Brook Farm, Tavistock (OP16)	Withdrawing this allocation and looking for alternative sites, needs to be considered in light of recent decision on planning application
The allocation of land at Yelverton Business Park, Crapstone for employment uses (OP19)	Evidence of need and alternative locations needs to be considered
The evidence to support a new community	Queries over level of certainty and confidence need to be considered so that the development strategy is robust.

Regional and National Context

By any measure, it has been a frenetic period of change to planning since the *Reg 19* draft of Our Plan was published. Guidance, case law and development plan examinations have all produced outcomes relevant to consideration of the next steps for *Our Plan*. A significant number of issues have emerged in the Government's *Fixing the Foundations* paper (July 2015) and the more recently published *Towards a One Nation Economy: A 10 point plan for boosting productivity in rural areas* (August 2015). The issues with greatest potential impact are summarised in the table below. Some of these have clear links to the local issues raised above.

Issue	Implications
Self and Custom Build – New policy	Requirement to maintain a register of those interested in self/custom build and prepare policy. Possible funding implications. Details TBC
Rent control for Registered Providers of Social Housing – New policy	Disruption to RP business planning and capacity. Details TBC
Right to Buy for RPs – New Policy	Disruption to RP business planning and capacity. Details TBC
Starter Home provision – New Policy	Will front load starter homes to sites and preclude other types of AH. Details TBC
Brownfield land release – New Policy	Requires identification and release of brownfield land for housing, including maintaining a register of such land. Details TBC but indication that there will be legislation to grant automatic permission in principle on brownfield sites on the register, subject to the approval of a limited number of technical details.
Local plan requirement – New Policy	Requires plans to be in place by start of 2017. WD already has adopted Core Strategy so implications unclear. Also proposals to streamline length and

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	process for preparing plans. Details TBC
Neighbourhood Plans – New Policy	New policy to help villages to thrive by making it easier for them to establish a neighbourhood plan and allocate land for new homes, including through the use of rural exception sites to deliver Starter Homes. Details TBC
Conversion of Agricultural Buildings to residential – New Policy	Review the current threshold for agricultural buildings to convert to residential buildings. Details TBC
Wind Energy Development – New policy	Ministerial statement on 18 th June setting out updated criteria and increased role for identified areas suitable for wind energy.
Neighbourhood Plan - examinations	NPs being approved both ahead of Local Plans and being held back. Need to be able to give clear and consistent advice to groups.
Duty to co-operate – examinations and further government guidance	Failure to comply with the Duty to Cooperate is one of the commonest reasons for Plans being found 'unsound'. It is imperative to demonstrate collaboration and support of neighbouring planning authorities on cross-boundary issues. Councils can't advance alone. Details TBC
Housing Market Area – Case law	HMA is the primary area for assessing need and should be addressed comprehensively. This covers Cornwall, West Devon, South Hams, Plymouth and Dartmoor. Evidence completed in 2013 but may not now be NPPF compliant.
Affordable housing requirement – Case law	AH requirements must be calculated accurately and allocated collaboratively across the Housing Market Area, including consideration of existing backlog and newly arising need. This could impact on the number of both Affordable and market homes required.
Site thresholds – case law	Government introduction of 10/5 threshold precluding AH now overturned.

3. Outcomes/outputs

The main requirement for the Council is to progress *Our Plan* to submission in a manner that will maximise the chances of it being found sound at Examination. A measured review to take stock will be more expedient than progressing with the current range of uncertainties.

The Council is under pressure to progress, with the Government threatening to intervene where Councils don't have plans in place by 2017, however quite what this means and how it applies is unclear until further guidance is published. However it must be remembered that West Devon already has an adopted Core

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Strategy and a range of allocated and consented sites in place, and has taken positive steps to move forward with the Regulation 19 consultation.

4. Options available and consideration of risk

The combined impacts of issues generated from the consultation and the regional & national changes are significant and need to be carefully considered as we decide how to move forward with the Plan. The *Our Plan* process is started and it is not a question of whether or not we continue, that is in no doubt given the Government's establishment of targets and "league" tables for development plans. The main decisions are over timing and the extent to which *Our Plan* complies with our Duty to Co-operate and reflects wider geographic issues within the HMA. Essentially, there are two main options.

<p>Option 1</p> <p>Continue with West Devon standalone approach with a refreshed timetable that brings in additional Member decision making and formal consultation.</p> <p><i>Potential timescale</i></p> <p>Nov 2015 Refreshed evidence Issues review</p> <p>Feb 2016 Further consultation Duty to Co-operate agreed and signed up by all authorities</p> <p>(N.B May need more time to demonstrate we have undertaken our Duty to Co-operate with Plymouth, South Hams, Dartmoor National Park and Cornwall)</p> <p>April 2016 Representation review</p> <p>Summer/Autumn 2016 Submission</p>	<p>Pro's</p> <ul style="list-style-type: none"> • If found sound, the Plan could be in place sooner providing an up to date NPPF compliant development plan. • Should meet with the DCLGs cut off point of plan making progress by 2017 • Pushing on with the timetable would provide Neighbourhood Plan Groups with a steer for planned requirement. <p>Cons</p> <ul style="list-style-type: none"> • The timetable is challenging and we would need to ensure that evidence to support the strategy is robust or the plan could fail at examination. Any delay at Examination would set process back significantly • Need to ensure adequate time to provide robust evidence to show that we are able to deal with all of our housing requirements • Need to revise SHMA whatever happens. This requires adequate time to consider the wider HMA • Resource implications to address all of the outstanding issues in a short space of time • Submission with 2031 horizon could cause issues with the 15 year supply • Additional consultation will still be required to address issues raised in section 3 to avoid further criticism from those who have made representations to the plan. • May not provide adequate time to deal with all the policy issues raised particularly the review of development boundaries
<p>Option 2</p> <p>Work with the other authorities within the HMA</p>	<p>Pro's</p> <ul style="list-style-type: none"> • Enable the plan to meet the requirements to show a full 15 year supply • Ensure evidence is robust and up to date

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<p>to demonstrate conclusively that all have complied with the Duty to Co-operate. This may require revising the timetable for the Plan and roll the Plan forward (say by one or two years) to achieve a demonstrable 15 year horizon</p> <p><i>Potential timescale</i></p> <p>Nov 2015 Refreshed evidence Issues review</p> <p>Feb 2016 Duty to Co-operate principles agreed</p> <p>April 2016 Duty to Co-operate agreed and signed up by all authorities</p> <p>July 2016 Further consultation</p> <p>Autumn/Winter 2016 Submission</p>	<ul style="list-style-type: none"> • Link effectively to sub-regional HMA work (PBA Study) • Provide adequate time to work with neighbouring authorities • More efficient distribution of resources across specialist pool within the Council • Fulfil our Duty to Co-operate and enable a common approach across the HMA which would make the plan more robust • More robust plan with longer life • Opportunity for further meaningful consultation with our town and parish councils and local communities • Provide adequate time to ensure work is undertaken to deal with local policy issues such as the review of development boundaries. • There will be opportunities for resource efficiencies through joint working <p>Cons</p> <ul style="list-style-type: none"> • Perception of delay for NP groups who are awaiting their planned requirements (although we could give an indication of what we expect planned requirements to be.) • Lack of certainty for development • Lack of certainty for new employment allocations • Potential delay in getting plan in place • Need to carefully consider presentation to achieve co-operation without losing identity. • The timetable is still ambitious and we need to ensure adequate resources are in place to deliver the document to this timetable
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On balance Officers recommend Option 2 noting that this will require an extended Plan period through to 2032 or 2033 to ensure a clear 15 year horizon beyond adoption.

In promoting option 2 officers have identified a range of pieces of work for consideration as follows:

Process and Timing

There will be a need to further develop the existing Devon Wide Duty to Co-operate protocol to establish more detailed working arrangements with our neighbouring planning authorities in the Housing Market Area, primarily Plymouth City Council, Dartmoor National Park Authority, South Hams District Council, Cornwall Council and Devon County Council. This will need to adhere to Government guidance (with nationally recognised templates available) and , amongst other issues, will need to address joint approaches to strategic planning relating to timing, evidence, policies,

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allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure.

There will need to be liaison with PINs and the Local Development Scheme will need to be reviewed and re-issued in line with Option 2, if agreed by Members.

Evidence

Further evidence work (joint or specific) will be needed to ensure the supporting information, particularly around housing numbers, is sound. Work is already underway in conjunction with neighbouring LPAs, but agreement to option 2 will allow this to progress on a common footing with partner LPAs – in particular to refine the work on the Housing Market Area and the objectively assessed need as it relates to both Affordable and Market Housing. It will be this work that refines the housing numbers required within the Borough.

Alongside this there is a need to work closely with Dartmoor National Park Authority (DNPA) regarding how we interpret the evidence of household and population growth for the whole of the Borough. Whilst DNPA is a Planning Authority and has its own Local Plan to write, WDBC is the Housing Authority and needs to ensure that the proposed development strategy can be delivered in across both WD and DNPA in a co-ordinated manner.

Budget

Our Plan budget provision will be made for the current financial year and a budget will need to be established for 2016/17 as part of the budget setting process. Initial costs highlighted in the January item anticipated future costs of c £60,000. Figures will need to be reviewed– but based on recent examples from PINs (where examination costs alone have been well in excess of £60,000) it would appear the January costs are conservative – and that once evidence, accommodation, legal and other costs are incorporated the figure may be somewhat higher. It is recommended that a budget provision for 2016/17 of £75,000 is made for Our Plan, which will be a cost pressure built into the Council's Medium Term Financial Plan for 2016/17 onwards. This is a one-off cost for 2016/17.

Officers will look to secure whatever efficiencies can be achieved through joint working under the duty to cooperate approach.

Policies

A number of the policies within the Reg 19 document will need amending in light of the consultations, Government guidance and further planned work. Ahead of this officers are seeking member consideration of two specific issues

- That in order to more clearly manage development and draw distinctions between development within settlements and in countryside that the current approach of having settlement boundaries for Main Towns, Local Centres and Main Villages be maintained within the new Local Plan. This would respond to concerns that have been raised and allow work to be undertaken to allow a review of current settlement boundaries and consider and develop appropriate policies. Further work will need to include settlement specific analysis and it is hoped parish and town councils, along with Neighbourhood Plan groups, could contribute to this work.
- That there is a need to consider working with Cornwall Council and Devon County Council to provide additional evidence for management of development in and around the World Heritage Site. This will address

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concerns raised by UNESCO relating to the West Devon and Cornish World Heritage Site and will clearly demonstrate the commitment of the LPAs to management of the WHS. Member agreement is sought to progressing Supplementary Planning Guidance under the emerging policy OP45 relating to Heritage. Formal details will be brought back to members for consideration.

Sites and allocations

There are a range of sites and allocation issues that will need to be reviewed and addressed through the additional work contemplated under Option 2. These will need to run their course and come back to members in due course – however two specific matters are brought forward with recommendations at this stage.

- That there is anecdotal evidence of additional sites being available, over and above those identified in the published SHLAA work. It would be helpful to identify and assess these sites through some form of additional call for sites. This will need to be time limited and proportionate – but in particular ensure Parish and Town Councils, along with Neighbourhood Plan groups, have opportunity to input into this process.
- That site OP16, Brook Lane, Tavistock, be withdrawn at this stage from further consideration bearing in mind the Council decision to refuse planning permission for this site. The Council is at liberty to remove consideration of this site but needs to be mindful that it may add pressure for housing allocations elsewhere.

Further work will also need to review allocations generally to take account of any refinement of housing numbers and trajectory alongside any updated SHLAA work covering any additional potential sites.

Neighbourhood Plans

At a national level there is some confusion over how Neighbourhood Plans advance where a development plan is emerging. Plans are being both approved and delayed where they are emerging alongside development plans. In West Devon Neighbourhood Plans have the context of the adopted Core Strategy and the emerging Our Plan. There is a clear risk to the momentum and confidence in the Neighbourhood Plan process and it is recommended that specific guidance and support is provided for Neighbourhood Plan Groups to ensure continuity as Our Plan moves to next steps.

Publicity and consultation

Clarifying the approach to progressing Our Plan is important in keeping the wide range of stakeholders engaged. Over and above the specific work targeted at Neighbourhood Plan Groups it is proposed that the Our Plan Engagement Strategy be refreshed and delivered. In addition further member information sessions will be timetabled alongside any formal requirements to bring substantive documents back to Hub Committee and Council

Risk Management

The following key risks have been identified and measures to manage them are highlighted

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Area of risk or opportunity	Details	Level of risk	Mesures
Establish Strategic Direction	Our Plan provides comprehensive strategic direction for the future of the Borough and organisation	High if uncoordinated Plans and priorities don't meet local needs comprehensively.	One overarching plan bringing together corporate plan, local plan and financial plan giving clearer strategic direction Effective engagement and consultation with Members, partners, community and stakeholders Regular review and updating.
Establish level and location of development through Planning Policy and Housing and Employment Growth	Planning policies that comply with the NPPF and meet the needs of the Borough A housing target that meets the Objectively Assessed Need in the Borough An authority that is "open for business" and encouraging economic growth	High if Our Plan doesn't progress appropriately or is found unsound – leading to speculative development that doesn't meet local needs and weakened planning decisions and loss at appeal	Local Plan integral part of "Our Plan" Policies developed in line with principles of NPPF and local need Sites identified with potential for future development and a readily available supply of sites for next five years with sufficient longer term supply identified, reviewed and updated annually Review of evidence base, policies and allocations to meet national guidance. Effective engagement and consultation with Members, partners, community and stakeholders
Community Engagement	Effectively engage communities in developing plans for their locality to meet local needs	Local People need to be able to influence and shape plans	Refresh engagement strategy and updated advice to Neighbourhood Plan groups. One corporate annual engagement timetable Role of Members and towns/parishes as community representatives Use of a variety of engagement tools including social media and website. Support to Neighbourhood Planning
Economic Conditions and	Difficult economic	Potentially High - Unable to deliver	Financial strategy integral part of "Our Plan" with

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Funding	conditions and reducing funding could impact on delivery	outcomes to meet local needs	resources identified during development stages of the plan Commissioning cycle used to identify most efficient methods of delivery Regular monitoring and updating to identify and address emerging issues
New Government Policy	Actions need to be in conformity with Government legislation	Medium - Actions don't deliver outcomes in line with Government policy	Maintaining understanding of Government legislation Working closely with stakeholders, partners and community to develop action plans that reflect Government policy and meet local need
Partnership approach	Need to progress in conformity with Duty to Co-operate	Requires partner LPAs to align their approaches	Pursue duty to co-operate protocol and build in appropriate checks and balances to ensure WDBC can progress unhindered.
Resources	Require adequate financial and staff capacity and capability	Low if adequate resources are identified.	Ensure the resources and expertise required to take Our Plan forward are in place. Seek duty to cooperate efficiencies

5. Proposed Way Forward

The Government has expressed its determination that all local planning authorities will make significant progress on Local Plans by 2017. In respect of *Our Plan*, this item, and the attached consultation responses, have set out the background of national changes to the planning process and the need to reconsider evidence locally – particularly housing numbers.

This item sets out the two options for moving forward:

- Option 1 - proceeding at the fastest possible pace based on update of current evidence
- Option 2- proceeding in co-operation with neighbouring authorities based on update of current evidence.

Option 1 would enable fastest progress with a perception of greater speed – but with a greater risk that *Our Plan* would be found unsound because of a failure to comply with the Duty to Co-operate.

Option 2 would take somewhat longer but would provide an opportunity to take a collaborative leading role within the sub-region and to develop a long-term comprehensive approach with neighbouring authorities. This would establish a clear

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policy picture within the Housing Market Area of Plymouth as a confident and growing city, a hinterland of resilient and thriving towns and villages in West Devon and a backdrop of carefully controlled development within the National Park and AONB.

It is considered that the most expedient manner in which to advance is to

- Progress with Option 2 allied to a refreshed approach to Duty to Co-operate with neighbouring LPAS and a renewed Local Development Scheme
- Undertake a proportionate and focussed update of evidence where required
- Identify an allocated budget to support the work
- Make some specific policy amendments at this stage to carry into the next steps
- Make some site specific amendments at this stage to carry into the next steps
- Introduce targeted support to Neighbourhood Plan groups
- Introduce a refreshed approach to consultation and publicity
- Implement a programme of further consultation with members

These are summarised in section 4 and in the recommendations. There are clear risks attached to the options but on balance a measured review, taking into account of the range of local and national issues, as presented in option 2, is considered most appropriate.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework 2012 The Planning and Compulsory Purchase Act (2004) Environmental Assessment of Plans and Programmes Regulations 2004
Financial		The item highlights the need for revenue budgets to be identified to support this work Costs have been incurred in collating and commissioning evidence to support the plan. These costs total are estimated £44,500 to date. The cost of the Examination in Public (EIP) required for the Local Plan following submission will be in the region of £60,000 plus costs for further evidence gathering, examination, additional staffing and legal representation (if required). Any further expenditure in 2015/16 will need to be met from reserves or other suitable revenue budgets. A budget bid will need to be prepared for

Our Plan Update

		2016/17 for consideration as part of the budget setting process in the autumn.
Risk		See risk assessment in section 4.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no direct implications relating to this report on equality and human rights. However, these issues will be considered as the plan is developed
Safeguarding		There are no direct implications relating to this report on safeguarding
Community Safety, Crime and Disorder		Policies will include positive measures to address Community safety, crime and disorder
Health and Wellbeing		Policies will include positive measures to address Health and wellbeing
Other implications		None identified

Supporting Information

Appendices:

Appendix A. Our Plan Consultation Response Summary. (Available online only or by request to Democratic Services)

Background Papers:

National Planning Policy Framework

National Planning Policy Guidance

Fixing the Foundations(July 2015)

Towards a one nation economy: A 10 point plan for boosting productivity in rural areas (August 2015)

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	No

Our Plan Update

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West Devon
Borough
Council

West Devon Borough Council

Summary of Consultation Responses (Regulation 19 Publication Version)

August 2015

The following table sets out the respondent number, name and organisation for all of the responses received.

1	Maureen Bridge	
2	Mrs A Hopwood	
3	Hilary Boot-Hanford	
4	Nikki Griffiths	
5	Janice Alexander	Devon Rural Housing Partnership
6	Mr Julian Pressey	
7	Mr Dave James	
8	Jeremy Davies	
9	Mr Clive Coles	
10	Sabine Romero	
11	Mr Robert Mountjoy	
12	Mrs Mary Grafton	
13	Graeme McGregor	
14	Nicola Dickson	
15	John Streeter	
16	Dr R.M and Mrs P.S.Hodgson	
17	Dr Martin Walker	
18	Barbara Hobbs	
19	Gerald Hobbs	
20	Ian Vincent	
21	Neil Price	
22	Nigel Twinn	
23	Malcolm Pollock	
24	Ken Darby	
25	Michael Davies	
26	Dr Michael Ireland	
27	Roger Downing	
28	George	
29	Dr Rebecca Anaspure	
30	Dr David Benzie	

31	Mrs M Pegg	
32	Mrs G Doble	
33	A M Spry	
34	Mr and Mrs Smart	
35	Clive Collier	
36	Mr and Mrs Jackson	
37	Howard Asbridge	Milton Abbot PC
38	Denise Head - Parish Clerk	Sydenham Damerel PC
39	Sarah & Jonathan Unsworth-White	
40	Sandra Tweedie	
41	Livia Germano	
42	David Incoll	
43	Debbie Ashton - Parish Clerk	Buckland Monachorum PC
44	Sue Eberle	
45	John Bromhead	
46	Justin Milward	The Woodland Trust
47	Mrs P M Taylor	Bere Ferrers PC
48	Mrs Chris Blood	
49	Mr Steve Blood	
50	Mr & Mrs Durham	
51	Name unreadable	
52	Mr Glen Wise	
53	Mr D Sharp & Ms D Stratton-Smith	
54	Mr & Mrs M & K Smith	
55	J Hall	
56	R. A. Lock	Hatherleigh PC
57	Clare Tyson	
58	Michael & Lisa Wood	
59	Michael Calder	National Trust
60	Mr & Mrs Hughes	
61	Mr & Mrs D Mahoney	

62	Mrs Marilyn Weeks	Exbourne & Jacobstowe Parish Council
63	Capt & Mrs P Boundy	
64	Peter Creber	
65	Ms W Curry	
66	Mrs Elsie Jenkin	
67	Mr & Mrs Woock	
68	Mr & Mrs Friend	
69	Mrs Bidy Grey & Mr Richard Newbold	
70	Major General N Vaux	
71	David Pickles	
72	Sarah-Jane Barr	Devon and Cornwall Police
73	N J Walker	
74	Ian & Kathryn McClumpha	
75	Elliot Jones	Boyer Planning
76	Mike Phelan	
77	Hilary Winter	Devon Countryside Access Forum
78	Jacquelyn Fee	Mobile Operators Association
79	David Marshall	
80	Paul Vachon	
81	Gaynor Gallacher	Highways England
82	Craig Barnes	Gladman
83	Gary Parsons	Sport England
84	Gillian Hiles	
85	John Brodribb	
86	W Lewis	
87	Dave Martin	
88	Aaron Smith	Fowler Architecture & Planning
89	Simon Russell	Amethyst Planning
90	Amy Roberts	Bell Cornwell
91	Joe Keech	Devon County Council
92	Ken Farnham	

93	Ross Anthony	The Theatres Trust
94	James Cox	
95	Alison Clish-Green	
96	Sue Eberle	Sourton Parish Council
97	Tetlow King Planning	South West HARP Planning Consortium
98	John Gozzard	
99	Dorothy Gennard	
100	J & R English	
101	Chris Miller	
102	Sheila Smith	
103	Mrs Laura Horner	Natural England
104	Robin Musgrave	
105	Robin & Annette Carr	
106	Mark Sawyer	
107	Brian & Diane Biggadike	
108	June Marshall	
109	Lorraine Burrell	
110	Paul Saunders	
111	Gill Saunders	
112	Mr Andrew Elliott	
113	Simon Jackson	
114	Bob Rush	
115	Andrew & Nicolette Overy	
116	Mrs Valerie Cushing	
117	Mr P & Mrs S Challiss	
118	Beryl Holley	
119	John Taylor	Kelly College
120	Dr John Ellis	
121	CSJ Planning Consultants	Renewable Energy Systems Limited
122	Paul Snell	Okehampton Town Council
123	WYG	Linden Homes
124	Graham Parker	

125	Adam & Marisa Hedley	
126	Jane Gillard	Okehampton Hamlets Parish Council
127	Mr & Mrs D M Latham	
128	PCL Planning	Barratt Homes (South West) Ltd
129	NUMBER NOT USED	
130	Mike Palmer	
131	Sue Green	Home Builders Federation
132	Christine Harbottle	
133	Paul Bamford	
134	Sue Mackenzie-Philps	
135	Michael Symons	
136	R I Stewart	
137	C Brady	
138	Ian Jewson Planning Ltd	Bovis Homes Ltd
139	Alison Wright	
140	Hoddell Associates	On behalf of Mr D Luxton
141	Chris Beasley	
142	Hoddell Associates	On behalf of W J Avery Will Trust & Mr S & Miss J Shobbrook
143	Robert Flexman	
144	Planware Ltd	
145	WYG	On behalf of Hannard Developments
146	Miss Lily Holt-Martyn	
147	Andrew McNaughton	On behalf of Paul Hunt Developments (Devon) Ltd
148	Ed Persse	EJFP Planning Ltd
149	Nick Holt-Martyn	
150	Dan Janota	Dartmoor National Park
151	Devon Archaeological Society	
152	Bob Cocker	
153	Ross Simmonds	Historic England
154	Brian Moore	Lifton Parish Council
155	Paul Brimble	

156	Kate Royston	Transition Tavistock & SW Devon Community Energy Partnership
157	Smiths Gore	On behalf of the Hardicott Estate
158	Iain Grant	
159	Richard Goodfellow	
160	Dave Weeks	
161	Ros Rice	North Tawton Town Council
162	Steve Adams	
163	Leigh Hackel	
164	Marcus Salmon	Environment Agency

Introduction

Policy/Para/Section	Rep no.	Key Issue(s)
Page 3	150	Dartmoor National Park Authority suggests it should be made clearer that whilst there are objectives that may apply borough wide, essentially Our Plan is a development plan. On this basis, the diagram on page 3 should more clearly exclude the National Park.
Introduction Para 1.7	151	Devon Archaeological Society notes that Our Plan refers to Natural Environment as an Objective but this is limited to the natural environment (biodiversity/flora & fauna).It should also refer to the historic environment. Most people see the environment in its broader sense as both places and landscape.

Our Partners

Policy/Para/Section	Rep no.	Key Issue(s)
Our Partners	47	Bere Ferrers Parish Council suggest including a comment on the re-opening of the rail line providing an alternative to road travel where it references the A386.
Our Partners/Statement of Consultation	88	Section does not mention the DTC, its relevance to plan-making or how it has been fulfilled. Statement of Consultation does not confirm that no other body cannot wholly meet their development needs in their own area or that West Devon have discussed their inability to meet its own need in full with a neighbouring authority. In particular Dartmoor Core Strategy for DNPA shows a shortfall in delivery for this area. Should not proceed to submission in the absence of evidence that DTC has been met.
Our Partners	89	WDBC has failed to satisfy the Duty to Co-operate and the need for cross-boundary strategies. The Council should have waited until publication of the commissioned cross-boundary study before publication.
Our Partners Para 2.2	150	Dartmoor National Park Authority request minor amendments to the paragraph to remove the words ‘board of the National Park’ and instead refer to the “Dartmoor National Park Authority”.
Paragraph 2.4	150	Dartmoor National Park Authority request that the reference to the Devon-wide protocol should refer to ‘Local Authorities’ and not ‘Councils’.
Larger than Local Issues Page 29	131	Relationship between authorities should be taken into account when setting OAN. Cross-boundary study won’t be published until later in 2015. Concerns that other adjoining authorities will be unable to meet their OAN which will have implications on WD. A Duty to Co-operate Statement should be prepared setting out the Council’s compliance with the legal requirements of DTC and outcomes of collaborative working.
Larger than Local Issues	150	Dartmoor National Park Authority suggest that given the discussions DNPA and WDBC has had, and will continue to have around development in the Borough Council plan area in the context of the National Park, that the conservation and special qualities of the National Park, and its setting, should be a larger than local issue.
Strategic Housing Requirements	150	Dartmoor National Park Authority welcome discussion to date and acknowledge need for further discussion through the Duty to Cooperate, involving Members if required. Consistent approach is needed to the two plan areas and agreement can be reached regarding cross-boundary housing numbers

Our Vision and objectives

Policy/Para/Section	Rep no.	Key Issue(s)
Our Vision and Objectives	47	Bere Ferrers Parish Council suggest adding the following to the third bullet of Our Infrastructure objectives <i>“..., with controls on HGV routes in rural areas”</i>
Our Heritage Objectives	91	Devon County Council support the broad objectives under S. 9 Our Environment (covers aspects of the historic environment) and S.10 Our Heritage and OP 45 also reflects broad range of heritage assets in the Borough and gives due weight to internationally designated assets as well as undesignated but locally significant historic sites and buildings.
Our Vision and Objectives	81	Highways England supports the vision and objectives and in particular support the requirement to provide appropriate infrastructure alongside development so that communities are supported by access to key services and facilities as well as improving provision and access to transport services.
Our Environment Objectives	103	Natural England welcomes the environmental objectives of the Plan.
Objectives, p.14	124	General support for objectives. Suggest add in “in appropriate and sustainable locations” after “range of housing”
Objectives	122	Okehampton Town Council considers the objectives to be aspirational and as such there is an agreement in principle. Specific comments on objectives set out below. It was noted that an Executive Summary would have aided accessibility.
Our Communities - Objectives	122	Okehampton Town Council consider that the focus of the third objective should be on employment rather than homes for the sake of housing numbers. The objective would therefore be better adjusted to <i>“To enable communities to have a safe, secure and healthy environment where homes employment is supported by employment homes, infrastructure...”</i> . Further, the figures quoted for the growth of jobs does not appear to justify the evidence for general housing need.
Our Homes - Objectives	122	Okehampton Town Council considers objective 1 is too general and would benefit from being tighter in expression to be meaningful.
Our Homes - Objectives	122	Okehampton Town Council considers objective 2 feel the statement could be strengthened and suggest <i>“To ensure that the current housing stock is healthy, safe, secure <u>and conforming to current building regulations</u>, supporting independent living and reducing fuel poverty.”</i>
Our Economy - Objectives	122	Okehampton Town Council notes that the emphasis appears to be focussed on new businesses, but there should also be support for existing business. Suggest amending objective 3 to <i>“To support <u>existing as well as new businesses</u> and promote the role of town centres by...”</i> .
Our Heritage - Objectives	122	Okehampton Town Council feels that Our Plan acknowledges the heritage assets but does not identify the employment opportunity associated with such assets. As such, recommend the inclusion of a second objective: <ul style="list-style-type: none"> <i>“To promote heritage tourism for employment opportunities.”</i>
Vision and Objectives	132	Considers there is scope for greater emphasis on the interdependency of the objectives. The statement in the vision <i>“...places where businesses can develop and grow”</i> seems to restrict the aim to private sector

organisations. Suggests there could be a better solution that could include public and third sector organisations.

Welcome the intention to make a 'positive contribution to the equality, fairness and spiritual wellbeing of our communities' but is unclear on the difference between 'equality' and 'fairness' in this context and what 'of our communities' adds.

Our Wellbeing objectives
The ';' suggests that only activities improve and promote. All the features listed should do this e.g. some forms of housing and employment damage wellbeing.

Our Communities objectives
Addresses the point above. Welcomes the specific inclusion of the future impact of actions.

Our Homes objectives
Welcomes the point about current housing stock but disappointed that there is no ambition for new homes to support other objectives e.g. through energy efficiency

Our Economy objectives
Would like to see encouragement of local purchasing/trading included

Our Infrastructure objectives
Would like to see specific mention of walking and cycling within transport.

Our Environment objectives
Support.

Our Heritage objectives
Agree but questions why this is not included as part of Our Infrastructure.

Our Resources objectives
Welcome the commitment to low carbon design and renewable energy but disappointed that "significant" is not expanded in the relevant section.

Our Wellbeing

Policy/Para/Section	Rep no.	Key Issue(s)
Our Wellbeing Para 4.8	44	Considers this paragraph can be strengthened by adding a statement that developing a 'sense of place' is an important part of any development and contributes to the wellbeing of residents.
Our Wellbeing	91	Devon County Council note that the themes and objectives are fine in broad terms but do not dovetail with the priorities set out in the Devon Joint Health and Wellbeing Strategy which is adopted by DCC and the Health and Wellbeing Board.
Our Wellbeing	104	Considers that the phrase "reducing health inequalities" is inappropriate in that the emphasis should be on raising/improving the relevant factors rather than simply evening out the inequalities.
Our Wellbeing Para 4.8	157	This is unsound supporting text as it does not demonstrate the underlying aims of framework. All three dimensions of sustainable development – economic, social and environmental have a direct influence on health and wellbeing. This point should be clarified.
OP1	42	The respondent suggests inserting the following wording into criteria (c) " <i>Promoting walking and cycling by improving existing infrastructure or providing <u>continuous, convenient and safe</u> new walking and cycling links</i> ".
OP1	44	Suggests there should be reference to a Design Guide in OP1 and there should also be a reference to the density of new development. The importance of a 'sense of place' should also be included. Considers criteria (j) is not in the gift of WDBC to deliver.
OP1 Wellbeing and SA/SEA – Our Well being – Population & Human Health SA5 &	72	Devon and Cornwall Police Authority questions whether development improves a number of factors around well being, and these include <ul style="list-style-type: none"> Promote a safe environment, through designing out <u>opportunities</u> for crime and the fear of crime, <u>antisocial behaviour and conflict could occur</u> Seek to include text in red and point out there is no further mention of designing out opportunities for crime, fear of crime, antisocial behaviour and conflict which can have an impact on Wellbeing. Recommended this is included in OP1: Wellbeing. Within this section also refer to the role of the Police Architectural Liaison Officer
OP1 & OP43	83	Sport England believes that being active should be an intrinsic part of everyone's life pattern. The master planning of new housing proposal has a vital role in providing easy access to a choice of opportunities for sport and physical activity to suit all age groups for making new communities more active and healthy. Sport England commissioned David Lock & Associates to investigate the contribution that masterplanning can make to create new environments that maximise opportunities for participation in sport and physical activity. This work including a developer's checklist has been completed and can be accessed via http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/

		<p>Through an analysis of the current health agenda and urban design principles and good practice, the term ACTIVE DESIGN has been adopted to describe ways in which master planning can promote healthy environments through creating healthy environments through creating conditions for participation in sport and physical activity and the use of active travel modes (walking and cycling). Three overlapping Active Design objectives have been identified that should be promoted by master plans: improving accessibility; enhancing amenity and increasing awareness.</p> <p>Sport England would encourage new development be designed in line with the Active Design principles to secure sustainable design.</p>
OP1	89	This policy is too ambiguous, particularly as regards housing delivery
OP1	91	Devon County Council suggests this policy could usefully include reference to supporting development which contributes appropriately to education and other community facilities/services (e.g. children's centres). This links to a number of objectives in the Marmot review.
OP1	103	We welcome the recognition that Green Infrastructure makes to improved wellbeing. This should include natural green space as well as formal spaces.
OP1	104	'reducing health inequalities' is inappropriate in that the emphasis should be on raising/improving the relevant factors rather than simply evening out the inequalities.
OP1	104	Feels that criteria (f) and (k) requires clarification. Criteria (o) should state 'need' rather than 'use' of the private car. (p) covers two distinct and unrelated issues – health and wellbeing and crime and as such should be specified separately. (r) requires clarification.
OP1	124	Support general thrust of policy but consider its intention is insufficiently positive and clear. Suggest amendments as follows: <i>"The Council will support new development <u>that demonstrates that it contributes to reducing health inequalities by:...</u>"</i> Add final sentence <i>"<u>Conversely, the Council will resist development that does not demonstrate the above.</u>"</i>
OP1	132	Support particularly criteria (b) (c) (d) and (f). Suggest clause (c) should say 'and' and not 'or'. Clause (j) – increasing average income is vague and suggest this could be done by importing wealthy pensioners which may not be the intention.
OP1	164 LATE	The Environment Agency supports this policy.

Our Communities

Policy/Para/Section	Rep no.	Key Issue(s)
OP2 (Sustainable Development)	37	Milton Abbot Grouped Parish Council accepts that 'sustainable' development is an essential and desirable aim and there is no uniform test for sustainability. The PC acknowledge the efforts of the Borough Council to adopt a tiered approach to what constitutes an appropriate level of development in communities outside of the main towns and local centres.
OP2	37	Milton Abbot Grouped Parish Council considers the wording of OP2 suggests a "fast track" approach to approving applications. If this is the case, the process should be made clear. If there is no separate process then the third paragraph is unnecessary and misleading as there should be no unavoidable day in the consideration of any planning application, whether sustainable or not.
OP2	44	Questions what the NPPF definition of sustainable development is. Suggests adding to the opening sentence on page 21 <i>"For the purposes of clarity, in this document, 'sustainable development' is defined as indicated below in points (a) to (s)."</i> There needs to be a definition provided to clarify the 3 rd para of OP2 about what constitutes a material consideration. Clause (i) – add in the word 'appropriate' in front of 'renewable resources' Clause (n) – add the words 'identified as a need' in front of 'all types of housing'. Clause (o) – this is not deliverable by WDBC
OP2	47	Bere Ferrers Parish Council suggest adding reference to the World Heritage Site in clause (g).
OP2	72	Devon and Cornwall Police Authority suggest adding text in red to 'improves health and well being by encouraging healthy lifestyles and environments which are free from crime, the fear of crime, <u>antisocial behaviour and conflict</u> ' Reducing opportunities for antisocial behaviour and conflict through the design process has a significant impact on creating sustainable and cohesive communities. Poor design can lead to run down town centres and poor quality housing where crime and antisocial behaviour reduce the sustainability of communities which can become problem areas and experience conflict.
OP2	81	Highways England supports the measures of the policy which seek to minimise the use of the private car where appropriate, and importantly providing the necessary infrastructure requirements to serve development so that it does not negatively impact on the surrounding area, taking account of the cumulative impact of development. HE assume that this also applies to the SRN.
OP2	82	Criteria d) does not comply with NPPF, now no preference towards use of previously developed land, instead should be a cost-benefit approach. Quote a judgement and decision. Suggest should be reworded to encourage re-use of brownfield sites rather than favour.
OP2	90	Criteria (s) should be deleted as NP's can be used by locals to frustrate development.
OP2 & OP45	91	Devon County Council suggest that to better achieve sustainable development, it is recommended that there should be

		<p>cross referencing of OP45 to other areas of Our Plan</p> <ul style="list-style-type: none"> • Refer to WHS in 'Our Nationally Important Landscapes' (S. 9.5 – 9.10) & OP37 as it is a landscape designation with a countryside and natural environment component (landscape character, geodiversity, mine-related flora) • 'Our Green Infrastructure' (s.9.16 – 9.16) refer to cultural heritage and build in how GI can support a positive strategy for objectives for the historic environment.
OP2	103	<p>Natural England advise that this policy could be improved by the inclusion of the following where these are not included in policy elsewhere in the plan.</p> <p>Criteria (d) should recognise that previously developed land can be of environmental value.</p> <p>Criteria (e) should include</p> <ul style="list-style-type: none"> - Habitats as well as species including irreplaceable habitats such as ancient woodland. - Geodiversity sites including those associated with the World Heritage Site. - Wildlife corridors, stepping stones and important hedgerows. - Undesignated sites including County Wildlife Sites <p>Notwithstanding criteria (e), criteria (g) should also include Sites of Special Scientific Interest as the NPPF states that development likely to have an adverse effect on these should normally be refused.</p> <p>Suggest criteria (i) could be improved by the addition of wording to protect public access to significant greenspace.</p>
OP2	104	<p>Clauses f, k and r require clarification. Clause o should state 'need' rather than 'use' of the private car. Clause p covers two distinct and unrelated issues - health & wellbeing and crime. These should be specified separately.</p>
OP2	124	<p>Support the principles behind the policy but questions whether 4th para fully accords with the NPPF in so much as the presumption in favour of sustainable development is absolute and not to be weighed in the balance against other factors as OP2 suggests.</p> <p>Suggest policy should be re-worded as follows:</p> <p><i>“Our Plan will take a positive approach that <u>applies</u> the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications for <u>sustainable development</u> that accord...”</i></p> <p><i>“<u>The Council</u> will work with applicants and stakeholders....approved wherever possible, and to secure <u>sustainable development</u> that <u>performs</u> the economic, social and environmental <u>roles set out in the NPPF.</u>”</i></p> <p><i>“The Council will support development that make a positive contribution to sustainable development <u>and will take the following factors into account:</u>”</i></p>
OP2	132	<p>Support the policy assuming that the criteria are not in priority order, particularly clauses (e) (h) (i) (l) (o) and (p).</p>
OP2	150	<p>Dartmoor National Park Authority suggest that criteria (g) should refer to <i>“the great weight given to <u>the conservation of AONBs, National Parks...</u>”</i>.</p>
OP2 &	153	<p>Historic England encourages a holistic approach to sustainable development and encourage heritage issues are reflected in</p>

General approach		all facets of the plan. HE are unsure that all site allocations are informed by a positive and proactive response to the historic environment and there is a lack of any real evidence base that assesses the impact of development proposals and sites on the historic environment. Suggestions below are made to help achieve a sound plan.
OP2	164 LATE	The Environment Agency support this policy and note that for development to be sustainable, criteria (q) may need to include flood defence and drainage (both foul and surface water) infrastructure.
Meeting our Future Development Needs Para 5.15	91	Devon County Council suggest that the relationship between WDBC and the wider Plymouth Housing Market Area should be recognised. The West Devon housing number sits within the context and is related to the wider HMA.
Para 5.16 & 5.17	89	Objections to para 5.16, 5.17 and OAN, particularly how figure is assessed and discounting of job led projections. Council's preferred evidence and approach has led to inadequate provision being made. Failure to significantly boost supply.
OP3 (Meeting our Future Development Needs) Page 36	75	The respondent considers that OP3 is unsound. Issues: <ol style="list-style-type: none"> 1. Demographic trend based projections underestimate housing need 2. Projections should align to highest rates set out in SHMNA, which are employment led assessments providing objective evidence that housing requirement needs to be increased to meet economic growth and disregarding these reinforces recession lower growth rates. Approach contrary to NPPF guidance to plan positively to meet sustainable economic growth, should plan for more positive growth and higher housing projection 3. Significant increase in allocated housing supply required to bridge affordable housing gap and plan positively for mixed housing provision to meet need 4. Non implementation of a rate of 15% from sites with planning permission overestimates provision from this source 5. Over-reliance on windfall and a shortfall in allocated sites results in vulnerable 5 year housing land supply As a result of above points consider there is a need for additional allocations to meet need.
OP3	82	Assessment of OAN does not include latest demographic projections. Quotes figure of 284 from these. Target also does not boost supply or provide "aspirational but realistic planning" and will constrain growth. There has been insufficient regard to affordability problems and potential economic growth.
OP3	88	The target is too low to meet OAN. Does not take into account whether a higher housing target is required to meet DNPA OAN. Should not have dismissed employment led scenarios when assessing OAN and does not significantly boost housing supply. SA should be updated to fully appraise the sustainability to alternative approaches to housing delivery and housing scenarios. Target does not meet net annual affordable housing need of 140 per annum. SHMNA and topic paper fail to consider whether plan should meet OAN in full for affordable housing. Suggests starting point for OAN should be 290.
OP3	90	Concerns that plan will not meet future needs and targets are too low, OAN should be reconsidered or at least altered to state "at least" 216 homes per year.... to make it clear that this is a starting point not a "ceiling" figure.
OP3	97	Do not believe SHMNA robust (previous representations) but even so OAN figure does not accord with SHMNA figure of between 268 and 453 dwellings, including 199 affordable. Target is too low, does not significantly boost housing supply. Topic Paper whilst seeking to use more up to date projections is not an adequate evidence base and does not cover HMA area. New or significantly updated robust SHMNA is required. Affordable housing need is not adequately considered as

		NPPF states that Local Plan must meet the needs for market and “affordable” housing.
OP3	99	The respondent notes that the increase in jobs does not take into account failure of SME’s and home businesses or availability of expertise.
OP3	128	Proposed level of housing will not deliver a significant proportion of housing need, it is suggested that the Council should consider an increase to its housing target to help deliver its affordable housing need.
OP3	131	Don’t agree that OAN should be based solely on demographic trend-based projections. A figure of 264 homes per annum is required from 2012 household projections. Furthermore this are just a starting point and should be adjusted upwards to meet real need. Total affordable housing need should be considered and an estimate made of those without their own homes or living in unsuitable accommodation. Conclusion that housing target is too low. Council should re-consider its OAN.
OP3	138	The housing requirement should be based on one of the employment led scenarios in the SHMNA, target will not significantly boost supply as lower than previous annual target. Suggest WDBC should review its approach and base housing requirement on one of the higher employment-led models and Tavistock is the logical place to accommodate additional growth.
OP3	144	Final line of policy is not sound and contradicts the NPPF aims of promoting sustainable development as it will restrict growth being overly protective and not justified or positive, contrary to paragraph 14 of NPPF and inconsistent with paragraphs 19 and 21 with emphasis to support economic growth and not over-burden investment. No consideration is given to the viability of existing community facility nor whether it is economically sustainable. Would like last line removed.
OP3	147	The Council is not seeking to significantly boost its supply of housing and is relying too heavily on Plymouth, which is constrained on all sides and indeed West Devon should take some of the pressure off Plymouth.
OP3	157	Housing target should state “at least” 216 homes per year to allow for flexibility. Insufficient consideration of the link between homes and jobs although accepts rationale not to uplift provided that in-migration provides sufficiently skilled workforce and does not promote unsustainable out-commuting.
Para 5.23	47	Bere Ferrers Parish Council question whether the reinstatement date for the railway is correct as dialogue with DCC suggested it will be open in 2021.
Distributing Development throughout the Borough Para 5.24	91	Devon County Council suggest amendment to the wording of the paragraph as follows: <i>“...in the east of the town, aiding delivery of helping to deliver the aspiration for daily regular-passenger services between the town and Exeter using the existing railway line.”</i>
Settlement Classification Para 5.29	156	Transition Tavistock and SW Devon Community Energy Partnership considers that the lack of inclusion of population centres which are part of DNPA in the listing of local centres does not make sense. Suggest the WDBC and DNPA need to come together to ensure that Our Plan is inclusive rather than a misleading representation of the Borough. Consider this is a weakness of the plan.
OP4 (Borough Wide Development Strategy)	41	The maximum numbers suggested for medium and small scale developments ie up to 100 in main villages and 15 in small villages are too high an would not be easily accommodated into existing settlements. Also question the use of 15 homes as the lower end of the scale. Question whether it relates to just allocations.
OP4	44	Suggest adding the word ‘only’ before ‘...be supported in exceptional circumstances’

OP4	81	Highways England supports the strategy to support development across the Borough where it is appropriate for the role and function of the settlement. The HA agree with the spatial distribution of development.
OP4	88	Artificial range of housing numbers 15-100 should be removed re small to medium scale development to have regard to NPPF and Local Centres and Main Villages should be separated out to make it clearer that Local Centres are the most sustainable locations to meet rural development needs.
OP4	97	The last paragraph, concern over use of word “exceptional” – state this refers to the exceptional circumstances test in the Green Belt which doesn’t apply in WD and is inappropriate and will restrict growth.
OP4	103	<p>Natural England support the policy wording which states that the majority of new development will be focussed in the Main Towns. This policy is linked to the table with paragraph 5.29 which designates Bere Alston as a local centre and Buckland Monachorum and Crapstone as main villages. This has consequences for the remainder of the policy.</p> <p>Given the further Table 2 accompanying OP5 regarding minimum development and policy OP19, it is clear that this policy is not sufficiently clear and could be open to interpretation that is not in accordance with the NPPF nor other Plan policies.</p> <p>Whilst 15 houses may be appropriate in some villages, that number could be significant in other more sensitive settlements. NE Advise that attributing a scale of development in smaller settlements should be supported by a robust evidence base or removed.</p> <p>Therefore, the present policy is imprecise to be effective and is not sound. It could be made sound by specifying wording in regard to development within or in the setting of protected landscapes, which is in accordance with the NPPF.</p>
OP4	124	<p>Supports the principle of the policy.</p> <p>Questions how 100 homes can be considered ‘medium scale’ development. The level appears out of scale for smaller villages and implies encouragement for even greater scales of development in the main towns.</p> <p>Suggest the plan could usefully take on the definition of ‘major development’ set out in the 2010 Development Management Order. Small in the context of Our Plan should be defined as less than Question whether the “medium” definition is needed and instead OP4 could:</p> <ul style="list-style-type: none"> • Encourage the majority of development (of all scales) in the Main Towns on sites identified in Our Plan; • In Local Centres and Main Villages encourage development on sites of appropriate scale identified in Our Plan, SPDs or Neighbourhood Plans; • In smaller villages, permit, exceptionally, development of up to 10 dwellings along the lines set out in OP4.
OP4	124	This would result in a strategy based on a range of sites that provide the flexibility to achieve a rolling 5 year supply of land.
OP4 Table 1	124	<p>Table 1 assumes that the Housing Demand/Supply equation should be reset to zero in 2011. If there has been a shortfall in previous years, this should be carried forward and appear in Table 1. Likewise, if there has been a surplus prior to 2011, this should also be factored in to the table.</p> <p>Support the inclusion of windfalls but questions why there is a need to distinguish between “windfall” and “other unplanned</p>

		development”.
OP4	128	OP4, 5.31 and 5.32 – most development should be concentrated in Tavistock and Okehampton and references to not simply focusing on larger settlements and stating that it is too simplistic to identify suitable locations for development on the basis of physical presence of facilities and infrastructure.
Table 1	128	Figures in table 1 do not match the Development Strategy topic paper para. 2.40
OP4 and OP32	141	Consider that more emphasis should be given to the scale and size of housing developments and infrastructure requirements within the context of existing villages and towns that make up the character of West Devon. Respondent wishes to reiterate that building large housing developments in small market towns with few employment opportunities is the way forward. Large scale housing development above and beyond that set in the Core Strategy cannot be sustained until there is a balance of meeting other considerations (environment, infrastructure, heritage etc). There is concern at new development has to be realised outside of the settlement boundary (e.g. Brook Farm).
OP4	157	This policy is too prescriptive re smaller scale development re 15 unit upper limit and equally larger settlements would benefit from smaller infill plots. Supporting text unclear as to what classification settlements fall into – table could be provided
Our Communities	80	Notes that the SHMNA formula for calculating the number of new homes required is at odds with the annual new job requirement. However in Okehampton there is an expectation that new homes will be built year on year which far outstrips the job increase. This cannot be described as sustainable. Also raises concerns that job prospects in rural towns such as Okehampton will not command a sufficiently high enough salary that will enable younger people to buy a home. Concerned at the wording of the affordable housing requirement of ‘up to 30%’ and feels this is a get out clause for developers. Questions why a minimum figure was not included.
OP4	163 LATE	The respondent is concerned by the continuing expansion of Tavistock and suggests focusing more development in Okehampton to help both regenerate this community and support the Exeter economy and distributing planned homes more widely so as to sustain smaller communities whose infrastructure (schools, doctors and local shops) are in jeopardy unless there is further growth; creation of a new community/town in a location that is of less scenic value. Objects to options 5, 6 and 7 set out in the Dec/January consultation for development in Tavistock on the basis of the landscape constraints and AONB designation. Considers that Whitchurch is a separate community with a distinctive village character and as such a clear separation with Tavistock is required to maintain the integrity of the village. Also notes that the road infrastructure is not capable of accommodating further development. Suggests that any future development in Tavistock is focused in the north west and north east of the town.
OP5 (Minimum Planned Requirements)	37	Milton Abbot Grouped PC consider the minimum planned requirement for Milton Abbot for 20 dwellings does not achieve the right balance between making the necessary contribution to local housing needs and meeting criteria (a) and (b) of OP3, given the lack of local facilities in Milton Abbot, the size of the village and the impact that 20 new homes would have on the historic setting of the village. The Parish Council therefore suggests OP5 is amended to set a minimum target of 15 houses

		in Milton Abbot.
OP5	47	Bere Ferrers Parish Council is concerned that the windfall allowance won't be realised and result in a considerable increase for towns and parishes. Consider this allowance should be allocated for the 15 year period and take into consideration OP4.
OP5	56	Hatherleigh Town Council strongly objects to 35 new homes in the town. The Town Council notes its status as a local centre but questions how further development can be considered sustainable when the topography of the town and flood zones limit development opportunity, the proximity to Hatherleigh Moor and the small town centre within a Conservation Area. Future development is therefore likely beyond the edges of town and new residents will likely be car dependent due to the distance from the town centre and ability to access its services and facilities. Further concerns about parking provision in the town centre.
OP5	62	Exbourne PC accepts that some development has to take place but would prefer smaller schemes that form natural infill and blend in with the Village. There are concerns around narrow streets, infrastructure, employment opportunities and rural isolation and deprivation
OP5	81	Highways England do not wish to comment on the development requirements of the Borough but note that the majority of development is already committed. That said, there is development planned in locations and/or at levels that could potentially adversely affect the operation of the A30, namely Okehampton, Tavistock and Lifton based on the levels set out in Table 2. HE note that it is important that the impact of development on the SRN is considered.
OP5	82	Do not consider application of a phased approach to identifying sites as sound and if applied rigorously risks ensuring that housing needs are met in full, Policy too reactive. Table 2 should be deleted or expressed as indicative.
OP5	88	Minimum level of housing based on arbitrary ceiling on development in Local Centres. Comments that Lifton is capable of supporting higher growth. Welcomes NP designation but NP should not be subject to any "justifiable reason" exception to preclude delivery of development within first 5 years. Also wants Land at North Road included as an allocation in Our Plan.
OP5	89	The Council has failed to identify sufficient sites, table 2 is flawed, some smaller commitments are part of windfall target and there is an over-reliance on windfall.
OP5	90	The policy should state " <i>at least</i> " the minimum planned requirements. Plan must allow flexibility to allow sensible and sustainable schemes to come forward straightaway so as not to artificially hold back housing delivery. Concerns that identified existing commitments in North Tawton will actually be delivered coupled with proportionally low numbers assigned for 6-20 year period will result in needs not being met. The plan should identify specific sites for 6 years plus to comply with paragraph 47, bullet point 3 of NPPF, this has only been done for Tavistock. Concerns that waiting for NPs and delaying allocations could hold back housing delivery to meet needs. Sites should be allocated for North Tawton, including a site at Devonshire Gardens, have expert advice that despite concerns raised by LAA panel a modest development is achievable. Higher numbers should also be allocated to Local Centres than have been to help support regeneration, and distribution revised - North Tawton should have a higher figure than Lifton which is smaller. Wording changed proposed for OP5, first sentence 1.50 <i>"In Main Towns, Local Centres and Main Villages, at least the minimum planned requirements will be delivered on allocated sites identified in Our Plan, a future Allocations Development Plan Document (DPD) and/or on previously developed land that is physically well related to the nearest settlement and where the development is appropriate in scale for the role and function of that settlement."</i>
OP5	91	Devon County Council suggest the use of the Allocations DPD could usefully be clarified in its context with the Local Plan

		and Neighbourhood Plans.
OP5	99	The respondent considers that development in Exbourne is not needed, there is no demand from local people, ageing population will release homes, insufficient employment, potential flooding, heritage and habitats. None of these issues recognised in Our Plan. Any Neighbourhood Plan needs to explore and recognise these aspects and cultural heritage.
OP5	103	<p>Natural England advise that the policy and Table 2 is not yet justified, particularly with regard to development in or in the setting of Protected Landscapes. It is also noted that these are <i>minimum</i> planned requirements whereas the landscape assessment has stated that these should be regarded as maximum numbers.</p> <p>Development in towns, local centres and main villages within protected landscapes needs to be shown as deliverable. For example, the evidence base so far presented shows the development of 60 homes in Bere Alston may be difficult to deliver having regard to the LAA and the Landscape Appraisal of proposed development in the AONB.</p> <p>Further, given the significant allocations in Okehampton, an additional 250 homes may be difficult to allocate without harm to significant landscape assets including the National Park.</p> <p>Therefore, Natural England consider the risk to delivery of the Spatial Distribution is high and that evidence is needed to show how it will all be deliverable through Neighbourhood Planning. It is suggested that further landscape assessment evidence is needed for other main villages within or in the setting of Protected Landscapes.</p>
OP5	132	Pleased to see criteria (d) as a mandatory requirement but questions whether there is a clear test of what it means?
OP5	124	Considers table 2 is unnecessarily confusing and there is no need to distinguish between existing and planned development. Phasing is uncertain and is not strictly necessary. Suggest it would be better to allocate a level of development to a settlement and to manage development so as to achieve a 5 year supply of deliverable land.
OP5	128	It is not clear how the Council has arrived at the minimum planned requirements for each settlement. Not set out in Development Strategy topic paper.
OP5	128	Windfall should not been included and deducting this leaves the Council with a housing shortfall of 1,767 dwellings. The Council does not provide compelling evidence that this will continue to provide a reliable source of supply, especially as rates have fallen since 2011. NPPF should not just rely on historic rates but also expected trends and have regard to the LAA, this is not fully explained in the 5 year land supply document.
OP5	137	<p>Small developments of smaller homes in Exbourne would support local facilities, homes need to be of high quality design. Substantial development not appropriate due to traffic and other infrastructure.</p> <p>The capacity of Exbourne school should not be a constraint as currently a high proportion of pupils come from outside and spaces should be allocated to local children in preference.</p> <p>Representation goes on to make comments on land brought forward in the SHLAA.</p> <p>Land already with planning permission north of Exbourne Cross Garage not identified in the LAA.</p>
OP5, OP6 and OP7	137	The Okehampton area has seen an unprecedented amount of development which has caused traffic problems, increased crime and increased social deprivation arising largely from lack of employment opportunities

OP5	138	The conditions applied are too restrictive and will not allow sufficient flexibility to react to changing or unforeseen circumstances. Some of the criteria are ambiguous and could lead to delays, criteria b in particular.
OP5	147	Given the acceptance in the plan that there is a shortfall of 150 homes in Okehampton the Council should consider allocation of more sustainable sites put forward in the LAA to the South of Exeter Road.
OP5	154	Lifton Parish Council wish to note that the 11 dwellings mentioned as 'existing commitments' refers to land on which outline permission has lapsed. Also question the phasing of the development and whether the early phase will bear a disproportionately high percentage of the infrastructure costs which could deter potential developers.
OP5	157	Lack of inclusion of rural locations within policy when a 5 year land supply shortfall occurs as these have the potential to meet undersupply. Para 54 of NPPF supports this. Wish to ensure sites brought forward for Milton Abbot and assessed as suitable in LAA are included in any emerging site allocations documents.
Existing Allocations Para 5.37	138	5.37 – states which allocations will be saved or replaced but nothing about which other policies from the adopted Core Strategy are to be saved
Existing Allocations Para 5.37	142	The Agent acting for some of the landowners of H3 Wonnacotts thinks site should continue to be allocated notwithstanding difficulties and delays experienced
OP6 para 5.42 (East of Okehampton Strategic Employment Site)	81	Highways England are concerned with the text in paragraph 5.42 which encourages businesses which ' <i>require and/or generate significant lorry/HGV movements</i> ' as this is likely to significantly impact on the junctions of the A30. It appears that this statement is not based on anything other than its proximity to the SRN.
OP6 & OP7	81	Highways England still has concerns about the impact of these developments on the A30 due to their location. New development should provide the additional infrastructure made necessary by the development if there is an adverse impact on the operation of the SRN. The HE will require a robust transport evidence base and mitigation proposals in order to comment further.
OP6 & OP7	94	Concerns at the level of development taking place in the town and a lack of meaningful provision to the local community or vision of sustainability and what is best for the town. Strongly objects to all future development work in Okehampton until the Neighbourhood Planning Committee has been formed and consulted.

		<p>Considers that the principle of sustainable infrastructure has been neglected by WDBC.</p> <p>Considers consultation events are advertised poorly and are unsatisfactory and not a sufficient or adequate form of liaison.</p> <p>Feels the views of the people of Okehampton have not been taken into account.</p>
OP6	91	Devon County Council suggests that criteria (c) should state that there will be a pedestrian/cycle link between the site and Hameldown Road across the railway, rather than a vehicle link.
OP6 & Para 5.42	91	Devon County Council are keen to discuss coach parking facilities mentioned in the paragraph to understand if this is an aspiration and how funding/maintenance will be secured.
OP6	140	The inclusion of 30% for other uses seems to be arbitrary and potentially over-prescriptive and should not be included. Proposals should be justified on their merits.
OP6	145	This allocation should not be treated as a housing allocation as only supports provision of housing to facilitate employment uses. A number of high profile enquiries received by DCC for employment uses on site suggesting a need for employment land and with no other sites provided would create a shortfall in provision. Premature to suggest housing is required to enable employment uses.
5.46	91	Devon County Council notes that the date of the Masterplan is incorrect and should be 2014.
OP6 – OP17 and Proposals Map	164 LATE	<p>The Environment Agency does not raise any particular environmental issues for the proposed allocations (OP6 – OP17). However, there are some sites where land contamination may be an issue (e.g. sites with previous commercial uses) and some sites which are constrained by fluvial and surface water flood risks.</p> <p>It would therefore be useful for the Proposals Map to include information from the Flood Map to make sure it is clearer which sites are constrained by flood risk.</p>
OP7 (East of Okehampton Strategic Housing Site)	52	Supports the inclusion of Parcel 4 as set out in the adopted East of Okehampton Masterplan SPD. Before any further building takes place, the link road should be completed.
OP7	81	Highways England note that criteria (q) includes reference to strategic transport requirements but the wording would suggest this does not relate to the SRN.
OP7 and OP9	82	The plan needs to be flexible to enable full housing needs to be met and take into account delays in delivery and the Council should seek to identify further sites to ensure a rolling 5 year supply. Does consider approach to reduce capacity on strategic sites and re-distribute elsewhere addresses this in part.
OP7	91	<p>Devon County Council make a number of comments on different criteria as follows:</p> <p>Criteria (c) should also recognise that DCC have provided forward funding to secure a primary school site in the expectation of proportionate reimbursement from developers.</p>

		<p>Criteria (k) – permeable access within the allocation as well as to the rest of town would be supported.</p> <p>With regards to criteria (m) it is noted that GI could also offer pedestrian/cycle benefits.</p> <p>Criteria (q) – it would be clearer to state that development should contribute (rather than deliver) the town centre access road.</p>
OP7	91	<p>Devon County Council suggests that OP45 needs to be applied more clearly to OP7 as follows: There should be a specific reference in paragraphs 5.45 – 5.48 and OP 7 to the Scheduled Ancient Monument fort, its setting and the undesignated but significant Roman Road within the allocation area to help deliver appropriate development within the heritage context. It refers to integration and mitigation in respect of the natural environment and should do the same for the historic environment.</p>
OP7 & OP9	91	<p>Devon County Council suggests that the content of OP45 needs to be applied more clearly to 2 specific major developments OP7 & OP9 Part (h)</p>
OP7 (m)	91	<p>Devon County Council suggest that the Roman Fort and Roman Road should be incorporated into GI network referred to in OP7 (m)</p>
OP7	145	<p>The removal of parcel 4 from previous SP22A strategic allocation. Absence of supporting evidence to substantiate de-allocation and there is an existing adopted masterplan that includes provision for 150 dwellings on this parcel. Will also not realise full range of community and site wide benefits associated with overall development of the eastern extension.</p> <p>No suitable alternative site has therefore been identified to replace parcel 4 leaving proposed housing allocation in Okehampton deficient by around 300 dwellings. Lack of evidence that other sites brought forward in the LAA are deliverable and no Neighbourhood Plan area yet approved, all leading to vulnerability around land supply.</p>
OP7	151	<p>Devon Archaeological Society suggests that there should be reference to integrating development with statutorily designated Roman Fort and its setting, Roman road and associated archaeology rather than just the natural environment.</p>
OP7	153	<p>Historic England considers this policy is unsound. Lack of reference to scheduled Roman Fort and its setting. Need evidence to provide clear understanding of its significance so that any proposals avoid or minimise harm and this should inform design options (PPG para 019) looking for more sensitive solutions which deliver public benefits. These should be applied to the site to consider if it is appropriate for development and if so set out clearly how the scheduled monument and its setting might be safeguarded. Supports a design led approach and a policy which sets out ways to mitigate against harm. The masterplan gives little thought to designated assets and fails to guide developers. Design principles should refer to need to safeguard character and setting of this building. Recommends additional development guidance: “(s) An archaeological evaluation will be required” “(t) Development proposals should safeguard the character and setting of this scheduled monument.”</p>
OP7	164 LATE	<p>The Environment Agency notes the flood risk constraints in the Stockley Valley which bounds the eastern edge of the site as well as drainage issues elsewhere on site. The EA support the site specific development principles regarding the provision</p>

		of multifunctional strategic green infrastructure, and a sustainable water strategy.
OP8 (Area of Employment Opportunity – Land at Plymouth Road, Tavistock)	81	Highways England has no objection in principle to other uses being acceptable where they enable the delivery of serviced employment land. A robust transport evidence base will be required to support any application and mitigation proposals implemented as necessary to ensure there is no adverse impact on the SRN. Mixed use development is encouraged to reduce the need to travel by private car.
OP8	91	Devon County Council suggest criteria (d) is amended to: <i>“Support and Do not prejudice the delivery of a road or highway...”</i>
OP8	115	SP23B/OP8 Boundaries should not be extended. This representation relates to two references. A – The S and SW of Tavistock Masterplan B – Considering Sites for Development in Tavistock Parish Site Information Pack – Dec 2014 The representation sets out that the boundaries of OP8 should not be extended to include land put forward through the LAA process.
OP8	124	This policy is generally acceptable but suggest it would be helpful if “higher value enabling uses” was defined. In addition, criterion (f) does not appear to be based on evidence.
OP8	138	Not clear how policies will deliver previously planned infrastructure i.e. in OP8 no recognition that contributions required for rail re-instatement.
OP8 & OP9	84	The Core Strategy decided against dispersing development around the town in favour of Callington Road proposal. Now in the Our Plan land has been proposed at Brook Farm, Mount Kelly and New Launceston Road. Where will it all end? Will there be enough employment suitable infrastructure in place to support the new housing. Can increased traffic going to Plymouth be accommodated? A major concern is the way in which plans can altered for example Callington Road was allocated for 750 but can only deliver 635 and therefore the shortfall in housing needs to be accommodated elsewhere in Tavistock. OP8 is now suggested to accommodate 115 dwellings to make up for the shortfall. This could have impacts on the AONB, DNP and increase traffic on A386
OP9 (Land at Callington Road Strategic Housing Site) Consultation arrangements	28	Concerned that due to the presentation of the maps on the exhibition boards the respondent was unable to make an informed assessment of the proposal. Preferred approach would be to see development dispersed across the villages and using local builders. Considers the development of OP9 is too big and too localised and will significantly intrude on the hill/skyline whereas Tavistock currently lies unobtrusively in a valley. It is not a reasonable trade off for a railway link.
OP9	75	Further detail should be added as regards infrastructure requirements, in particular clarity on how the proposed development will deliver the re-instatement of the railway.

OP9	81	Highways England continues to have issues with the development of the site given the revised wording and the potential for impacts on the SRN that development may have without any form of mitigation. However, HE do support the principles of the policy to increase travel choices for people to reduce reliance on the private car.
OP9	91	Devon County Council make a number of comments on different criteria as follows: Criteria (k) – permeable access within the allocation as well as to the rest of town would be supported. With regards to criteria (m) it is noted that GI could also offer pedestrian/cycle benefits. Criteria (r) – suggest the text is amended to: <i>“The development should support and not prejudice the delivery of a road or highway....”</i>
OP9	103	Natural England note that this allocation was brought forward from the previous local plan. As that plan was pre-NPPF, Natural England feel it is appropriate to consider whether the policy for this allocation is in line with the NPPF. The wording in relation to the AONB is not considered to be sufficiently robust and compliant with the NPPF. Natural England advise that the policy should state that the development must <i>“must conserve the landscape and scenic beauty”</i> of the Tamar Valley AONB. Additional evidence is required at the project stage to show that this will be the case.
OP9	138	Object to reduction in likely housing yield to 635 dwellings. There is evidence to support yield remaining at 750
OP9	151	Devon Archaeological Society feel there is a need to protect international designations (Tamar Valley AONB), WHS, DNP) with more than have ‘regard for’ the historic environment. Need protection, enhancement and maximisation of opportunities for access, enjoyment and interpretation (as NPPF states).
OP9	153	Historic England considers this policy is unsound. Previous HE comments on masterplan do not appear to have been taken into account and has limited reference to heritage, and does not identify how the significance of the heritage assets should inform the detailed design coding and layout. The masterplan does little more than highlight access to the WHS and how applications demonstrate impacts on various heritage assets. Given reference to WHS Management plan and consultation with appropriate heritage expertise, surprising SPD does not contain more specific reference to WHS and how its setting, and that of CA, have informed proposed layout. Need evidence on significance of key designated heritage assets to help provide clarity about what is expected in development of site. Debatable if SPD conforms with NPPF or extant Core Strategy policy. Lack of evidence indicating an understanding of heritage and its setting to inform appropriateness of site for development and design options.
OP9	164 LATE	The Environment Agency support the site specific development principles for OP9 regarding the provision of multifunctional strategic green infrastructure, and a sustainable water strategy.
Para 5.68 – 5.70	124	If New Launceston Road is suitable and the Council considers there is reasonable chance that the site is needed in order to maintain a 5 year supply then it is appropriate to allocate it. It is not included as a reserve site. Considers there is no need for a narrative of the site options to be included within the plan and should be more appropriately set out in the evidence base.
OP11 (Area of	47	Bere Ferrers Parish Council suggest there could be scope within policy OP11 to investigate installation of cycle track/pedestrian way now subject to preliminary discussions at County and local level.

Employment Opportunity – The Station, Bere Alston)		
OP11 Sustainability Appraisal	130	Employment allocation at The Station, Bere Alston is unsustainable and scope inappropriately broadened. West Devon ELR did not support the site and the site has not been properly evaluated in the SA with the HRA assertion that the existing allocation is being carried forward misleading due the change in scope.
OP12 (Area of Employment Opportunity – Hatchmoor, Hatherleigh)	56	Hatherleigh Town Council understands the ownership of this land has changed and seeks clarification regarding its inclusion in the plan.
OP13 (Mixed Use Regeneration Site, Hatherleigh Market)	99	The respondent notes that the use of the Hatherleigh market site for much needed parking would be productive. Also raises concerns that the town should not become an urban conurbation and development causing drainage issues.
OP13	153	<p>Historic England consider this policy is unsound. Development guidelines do not sufficiently safeguard the Conservation Area and listed building as is required in the 1990 Act (add title) by 'special regard'.</p> <p>Suggested changes: add additional criterion as follows</p> <p><i>“(f) Positively enhance the setting of Hatherleigh Conservation Area.”</i></p> <p><i>“(g) Preserve the character and setting of the listed buildings.”</i></p>
OP13	103	Natural England accepts that this policy has been brought forward from previous plans. The allocation map shows that an area of priority habitat (woodland) is incorporated into the allocation. In addition the southern boundary adjoins additional priority habitat. Natural England advise that these should be protected and enhanced through the allocation and this should be in the policy.
OP13	164 LATE	<p>The Environment Agency note that the policy and its supporting text fails to acknowledge that a small part of the site lies within the high risk Flood Zone 3 whilst more of the site lies within the medium risk Flood Zone 2. The policy should acknowledge these risks and require future development to adopt a sequential approach to its layout and design.</p> <p>The allocation should be supported by a Strategic Flood Risk Assessment (SFRA) Level 2.</p>

		In addition, previous uses mean that a Contaminated Land Assessment would be required to ensure that redevelopment does not cause pollution.
OP14 (Mixed Use Regeneration Site, Woollen Mill, North Tawton)	90	Questions the deliverability of the Woollen Mill and proposes the allocation of Devonshire Gardens for 15 dwellings as an option to deliver housing.
OP14	153	<p>Historic England welcome the intention to bring back the site into use. While the text views the Grade II westernmost warehouse at the Wool Grading Centre as a constraint, neither the policy or text make any attempt to properly consider how the historic asset can inform the design and reuse of the site while safeguarding the asset and its setting.</p> <p>There is a requirement in the 1990 Act that “<i>special regard</i>” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. Consequently, the need to ensure that those elements which contribute to the significance of this building are not harmed should be referred to in development guidelines.</p> <p>Suggest an additional clause is added to the policy as follows:</p> <p><i>“(f) Development proposals should safeguard the character and setting of the Grade II Listed Building to westernmost warehouse at the Wool Grading Centre as a constraint.”</i></p>
OP14	164 LATE	<p>The Environment Agency notes that the supporting text acknowledges the flood risk constraint, but the policy itself does not. The EA recommend that the policy should require future development to adopt a sequential approach to its layout and design so that the highest vulnerability uses are directed to the lowest risk parts of the site.</p> <p>The allocation should be supported by a Strategic Flood Risk Assessment (SFRA) Level 2.</p>
OP15 (Land at Mount Kelly)	33	Accept that new housing is required but would like to see limits put in place. Would not wish to see the proposed boundaries of OP15 extended.
OP15	81	Highways England does not have any objection in principle to the small scale development of the site. However, there are concerns with the wording of the policy and the impacts that could be experienced on the SRN as a result of cumulative development impacts and lack of mitigation. The wording requires the provision of, or contributions to, on site or off site infrastructure requirements associated with the development as set out in the IDP or Neighbourhood Plan. This would lead no mechanism for pooling of contributions for any infrastructure, including those relating to the SRN.
OP15	91	Devon County Council suggest that criteria (g) that GI could also offer pedestrian/cycle benefits.
OP15	119	Mount Kelly would also like Council to consider allocation of land at Old Exeter Road to augment housing delivery and provide a resource to help bring the Olympic legacy pool to the town.
OP15	148	Considers site in Whitchurch, LAA WD_45_52_08/13 was overly criticised in LAA assessment and should be allocated instead of the Mount Kelly site. A number of reasons are proposed for this.

		Note – wishes to attend EiP
OP15	151	Devon Archaeological Society suggest consideration of the following: <ul style="list-style-type: none"> • Designs should include preservation of heritage significance. • Welcome intention to protect setting of WHS & Scheduled Monument.
OP15	164 LATE	The Environment Agency supports the site specific development principles.
OP15, 16 and 17	138	It is not clear on how these allocations/policies will support “key infrastructure projects” – requires clarification
5.68-5.70	124	Reiterates views on ‘reserve sites’ made in January consultation. If New Launceston Road is an appropriate site and key part of 5 year land supply, it should be allocated, discussion around ‘reserve’ site is unnecessary. Similarly discussion around alternative should not be in the plan, but should be removed and put in the evidence base.
Table 3 Tavistock Site Selection Process Summary	91	Devon County Council note that previous traffic assessments have concluded that 750 dwellings could be accommodated on the local highway network with improvements to local junctions. DCC would support the extension of the Callington Road development site to facilitate the delivery of improved infrastructure.
OP16 (Land at Brook Farm)	81	Highways England does not have any objection in principle to the small scale development of the site. However, there are concerns with the wording of the policy and the impacts that could be experienced on the SRN as a result of cumulative development impacts and lack of mitigation. The wording requires the provision of, or contributions to, on site or off site infrastructure requirements associated with the development as set out in the IDP or Neighbourhood Plan. This would lead no mechanism for pooling of contributions for any infrastructure, including those relating to the SRN.
OP16	8,23, 29, 35, 50, 53, 54, 55, 73, 74, 79, 100, 101, 105, 108, 109 146, 149,	Objection to the allocation of the site for the following reasons: <ul style="list-style-type: none"> • Difficulty in achieving safe access • Farm vehicles etc blocking access to the site • Single track lane • Lack of road markings • Narrow Bridge • Lack of safe footpaths • Lack of streetlighting • Increase in traffic • Impact on roundabout with Business Park • Impact on leisure activity eg cycling, walking, riding • Impact on landscape • Lack of natural boundaries • Excessive in size • No need for additional housing in Tavistock • Lack of employment opportunities • Loss of privacy

		<ul style="list-style-type: none"> • Change in character of the area • Mineshafts • Loss of views • Loss of Greenbelt • Groundworks already begun on site • Application in before the plan is in place
OP16	103	Natural England advise that the location of the site to the AONB and the need to retain significant veteran trees at the site should be reflected in the policy.
OP16	164 LATE	The Environment Agency supports the site specific development principles.
OP17 (Land at New Launceston Road)	75	Support for Launceston Road site allocation as the most suitable, deliverable and sustainable site in Tavistock, but considers that it should be brought forward to earlier in the plan to provide a truly plan-led approach to meet Tavistock's housing need addressing the vulnerability in supply, including mitigating delays in the delivery of the strategic site at Callington Road, and that this approach accords with NPPF paragraph 182.
OP17	81	Highways England does not have any objection in principle to the small scale development of the site. However, there are concerns with the wording of the policy and the impacts that could be experienced on the SRN as a result of cumulative development impacts and lack of mitigation. The wording requires the provision of, or contributions to, on site or off site infrastructure requirements associated with the development as set out in the IDP or Neighbourhood Plan. This would lead no mechanism for pooling of contributions for any infrastructure, including those relating to the SRN.
Page 50 OP17	22, 30, 120, 133	<p>Objection to the allocation of the site for the following reasons:</p> <ul style="list-style-type: none"> • Development of Greenfield site • Lack of infrastructure • Traffic problems caused by new pavement • Redevelop Harewood house • Future use of the cattle market should also be looked at • Re-use small brownfield sites instead • Isolated from town • Lack of local facilities • Difficult to create links to railway station • Not in walking distance to schools • Impact on hospital
OP17	128	Suggestion that around 200 homes could be accommodated in Tavistock incorrect and insufficient sites being allocated in Tavistock to meet needs, there are a number of further developable sites in the medium term, with a potential yield of 553 dwellings, including Violet Lane/ Green. The Town is also yet to be allocated as a Neighbourhood Plan area to make up any shortfall through a Neighbourhood Plan. Land at Violet Lane/ Green Lane should be allocated in the plan as it would make a positive contribution to the Town, meet recognised need and is suitable, available and achievable.
OP17	138	Objection to New Launceston Road as a new large allocation as there are reasonable alternatives including land at Callington Road South. Disagree with WDBC assessment for latter site and that sustainability credentials seem to have been downgraded since Dec 2014 draft SA. Raise a number of matters in support of site and suggest amendments to SA.

OP18 (Area of Employment Opportunity – Strawberry Farm Fields, Lifton)	37	<p>Milton Abbot Grouped Parish Council note that the development of facilities that increase employment opportunities outside main centres is generally welcomed, providing that there are appropriate safeguards against any adverse effects of such development on surrounding areas. Chillaton (and Lifton) are increasingly affected by HGVs with both villages having inadequate means of providing pedestrian safety or dealing with traffic conflicts and the unclassified road network between the two is unable to accommodate these vehicles safely at all points. The Parish Council consider that the availability of a trunk road with connections to major distributor roads, immediately adjacent to the site at Strawberry Fields, creates a viable alternative for HGVs that might otherwise use unsuitable routes.</p> <p>The Parish Council request that the Borough Council explore the potential for imposing a condition on any planning permission granted for the use of the site, or through any agreement made in connection with its development, requiring HGVs servicing premises therein to transit via the A30 trunk road.</p>
OP18	81	Highways England note that there is potential for development in this location to adversely impact on the SRN. There is a lack of transport evidence to support new allocations and therefore no identification of infrastructure or capacity enhancement which is of a concern to HE and is not in conformity with Circular 02/2013 paragraph 18. HE are happy to work with WDBC and developers to assist in establishing potential impacts on SRN.
OP18	154	Lifton Parish Council welcomes the opportunity to secure additional employment land but is concerned at the potential for an increase in heavy goods traffic through the village, although it is acknowledged that the location of the site close to the A30 goes some way towards minimising this issue.
OP19 (Area of Employment Opportunity – Yelverton Business Park, Crapstone)	43	Buckland Monachorum Parish Council is concerned by the statement that land at Crapstone is “allocated for the expansion of the existing industrial estate” given the comments regarding the relationship between Our Plan and Neighbourhood Plans. The NP is gathering evidence to understand whether there is justification for the expansion of the current business park. This evidence could conclude that such an expansion is either unwarranted or better placed elsewhere. Our Plan fails to explain how such variance will be managed.
OP19	11	<p>Support the proposal:</p> <ul style="list-style-type: none"> • Creation of employment opportunities • No impact in terms of noise, pollution or excessive increase in traffic <p>However, the access road is narrow across moorland and this could pose problems for heavy traffic</p>
OP19	9, 10,12, 13, 14, 15,16,17, 18,19, 20, 24, 25, 34, 36, 39, 40,41,51,60, 61, 63, 64, 65, 66, 67, 68, 69, 70,	<p>Objections to the proposed expansion to Yelverton Business Park for the following reasons:</p> <ul style="list-style-type: none"> • Detriment to the well being of the community • Unnecessary development • Business park not fully occupied • Additional traffic • Impact of design of business units of the countryside • Change in character of the local area which is predominantly residential • Noise pollution • Impact on the DNP and tourism • Contrary to P110 of NPPF in terms of it increasing traffic, pollution, and impacting on peace and tranquillity

	71, 76, 85, 87, 92, 98, 110, 111, 113, 117, 127, 134, 135, 152, 155, 158, 159, 151,	<ul style="list-style-type: none"> • Disruption to day to day life from activities such as deliveries, refuse collection, loading and unloading of vehicles and HGVs • Impact on wildlife • Protect greenfields especially when close to DNP • Other vacant units at Dousland and Leg o Mutton • Impact on AONB and DNP • Poor public transport • Loss of agricultural land • Potential loss of hedgerows • Safety of children on the roads • Increase in possible accidents involving animals etc • Loss of local amenity • Lack of need and should use brownfield sites before greenfields • Lack of pavements • Impact of the character of Crapstone • Jobs are not for local people • At odds with the RSS • Over development, overcrowding • Development is classed as major development as set out in Stat Instrument 2010 No 2184 Town and Country Planning , England and therefore the sequential test should be applied to the proposal. • Previous applications were refused 00396/2010/TAV • Current uses have switched to retail uses • Links to Neighbourhood Plan • Possible future conversion of employment land to residential
OP19 Landscape Assessment	103	<p>Natural England consider this is a major application to which paragraph 116 of the NPPF applies.</p> <p>The policy wording around the intended uses is not precise enough to ensure that the character of the area is not adversely harmed, and could still lead to development which is not of a size appropriate to development in a Protected Landscape.</p> <p>It is noted that the Landscape Assessment omits to state that the site is within the AONB. Whilst this assessment has considered the visibility, it has not considered the character of the area and how that might change if the industrial estate were to double in size particularly regarding increased traffic.</p> <p>Natural England advise that the evidence base to justify the allocation of additional employment is not yet sufficiently robust to be compliant with the NPPF. The need for additional employment land has not been justified nor why it needs to be within a Protected Landscape. This is a significant omission in the Sustainability Appraisal (SA) which did not consider alternative sites.</p>

		<p>WDBC will also need to show the exceptional circumstances and public interest as to why this allocation is justified in this location to show that the NPPF paragraph 116 is being complied with.</p> <p>Natural England advise that whilst a small extension of the site may be capable of justification, the present allocation will require additional evidence for it to be justified and has a high risk of delivery and therefore advise that the current policy is unsound.</p>
Managing Development Without Boundaries Para 5.78	44	Suggests a caveat needs to be added to the wording to say that WDBC will be mindful about the possible accumulative effect which will be resisted and that development will not be supported where this effect is/or may become apparent. This is made clear in para 9.14 under Our Local Landscapes but should be repeated here.
Managing Development Without Boundaries Para 5.80	43	Buckland Monachorum Parish Council is concerned that the proposal as set out in para 5.80 is too ambiguous. An alternative approach could be to retain Settlement Boundaries but extend them in a properly considered manner, to prevent such ambiguity and would allow local services to be developed alongside managed expansion.
OP20 Page 53	41	<p>The policy should</p> <ul style="list-style-type: none"> • Specify which requirements have to be met in a clear and unambiguous way • Set clear limitations on allowable number of units under this policy • Specify that development proposals must be in line with any Neighbourhood Plan <p>Question how will cumulative impact be measured Clarity required around the relationship to proposals in Neighbourhood Plans Greater emphasis should be placed on the re-use of previously developed land</p>
OP20 & OP21	37	Milton Abbot Grouped Parish Council supports the policies as practical measures to enable local needs to be met within a framework that provides suitable safeguards against unwarranted development.
OP20	82	It is unnecessary to cap at 2 dwellings, conflicts with presumption in favour of sustainable development. Cap should be deleted.
OP20 & OP21	89	No allowance for increased quantities of housing that will be needed.
OP20	90	A number of criteria over-prescriptive and limits opportunities to bring forward sensible development. Blanket threshold of 2 too restrictive and a higher limit should be applied to Main Towns and Local Centres (15 would be a suitable limit for Local Centres); the requirement for a site to be bound on at least one side by development should be removed, requiring proposals to be for gypsy and traveller sites should be deleted and other criteria should not instantly limit opportunities; word "exceptional" should be removed from second paragraph to enable sensible schemes to come forward.
OP20 & OP21	91	Devon County Council note that the modelled need for gypsy and traveller accommodation in West Devon is 5 pitches. With reference to criteria (m) in OP20 and criteria (k) in OP21, DCC question what would make suitable accommodation within that area. It is noted that there is no definition for travellers to use when they are looking for such sites and it also assumes travellers have the means to provide the pitches themselves.

		<p>OP20 also applies a 2 unit threshold. DCC question whether this would be classes as two sites providing x number of pitches or does 2 units mean two pitches? Clarification is requested.</p> <p>DCC suggest that a deliverable approach could include the delivery of these five pitches as part of the affordable housing contribution to residential development sites.</p>
OP20	97	Application of threshold of 2 dwellings will not allow for affordable housing contributions under new guidelines and should be increased to 6 in main villages and 11 in Tavistock and Okehampton. Criteria f is unworkable and criteria j is poorly worded giving the impression that CIL is discretionary.
OP20	97	Wording should more robustly express that requirements of care homes demands standalone developments that are adjacent to, but not in development boundaries. OP21 goes someway towards this for smaller villages only and OP20 only refers to small housing development.
OP20	103	Natural England supports opportunities for appropriate, small scale, organic growth in settlements of all scales. It is noted that this policy is generally only concerned with very small development. However, this policy in association with OP5 could allow development of up to 15 houses in settlements in “exceptional circumstances”. The definition of exceptional circumstances, also used in other policies, which refers to the protection and enhancement of protected landscapes and other designations. There is therefore the opportunity for mis-interpretation of Plan Policy and National Policy. Case law has considered ‘exceptional circumstances’. Based on recent case law in Solihull, the principle that exceptional circumstances always require more than general planning consideration needs to be considered more fully. As such, NE advise that the test of “exceptional circumstances” as defined in the Plan does not appear to be compatible with the test for exceptional circumstances in paragraph 116 of the NPPF. The policy is therefore not in accordance with national policy and not presently sound.
OP20	128	Unclear why threshold of only 2 units is proposed for all small scale development well related to settlements. Should be proportionate to size, role and function of settlement.
OP20	157	Inconsistent with aims of NPPF, not clear what development is supported and numerical restriction inappropriate and could lead to a shortfall in supply, also at odds with OP4 which mentions under 15 for smaller settlements, also contrary to NPPG as restricting housing development which should be avoided. Not clear if “units” relates to housing or other types of development.
OP21 (Managing Development in Smaller Villages, Hamlets and the Open Countryside)	38	Sydenham Damerel PC welcomes Policy OP21. The current restrictive policies often prevent the sustainability of rural areas and offer little flexibility for small scale development. It is hoped that this policy will enable small scale development that will allow communities to prosper, encourage young people to reside, encouraging a more balanced community for the future.
OP21	44	Clause (a) contradicts the statement in OP4 where (sustainable) development will only be supported in exceptional circumstances. Suggest clause (a) is deleted.

		Clause (f) – add ‘of the settlement’ after the word ‘tenure’.
OP21	50	If settlement boundaries are to be removed, the Council must be very strict on the 2 dwelling threshold. Concerned about the level of housing development being dictated by central government to rural areas.
OP21	96	Sourton Parish Council considers the policy needs amending to add clarity. Suggest deleting clause (a) and instead insert “Development of up to 2 units will be supported where....” (as in OP20). Without this change, the Parish Council would not support the proposal to allow development outside of the settlement boundaries.
OP21	97	Does not make allowances for cross-subsidy to secure affordable housing. Current Affordable Housing Code redundant in view of recent changes to thresholds. Questions how criteria c in respect of reducing use of private car will be assessed/demonstrated.
OP21	103	Natural England note that in conjunction with OP31, the policy could permit a minimum of 6 houses in sites outside allocations to support affordable housing needs. The wording of the policy does not include the relevant wording to prevent harm to designated sites commensurate with their weighting. This policy could be made sound by the addition of reference to revised policies OP37 and OP40.
OP21	104	Policy OP21 has restricting criteria which will reassure many local residents but disagrees that the criteria should apply. Considers that the standard criteria that applies to all development across the Borough is sufficient for hamlets and villages and that additional specified criteria is not required.
OP21	154	Lifton Parish Council asks whether it would be reasonable to include reference to the re-use of redundant agricultural buildings where farms diversify into tourism. Suggest that sometimes the interpretation of sustainability frustrates such development.
OP21	157	Should not restrict rural development to being bounded on one side by development as could prevent site just metres away from existing development from coming forward, contrary to para 54 and 55 of NPPF.
OP21 & OP24	157	OP21 and OP24 touch on the re-use of redundant and rural buildings but the policies fail to set out acceptable parameters for undertaking conversions. Could also be included in “Our Heritage”
Neighbourhood Planning Para 5.84	47	Bere Ferrers Parish Council suggest the wording regarding the fact that neighbourhood plans need to be in conformity with policies of Our Plan could lead some to think preparing one is a waste of time – suggest wording changed to promote as partnership working.
Neighbourhood Planning	128	The Council should look to identify sufficient sites in the plan rather than rely on Neighbourhood Plans and site allocations documents. Planning Practice Guidance is clear that the Government’s preferred approach is for a single plan and there should be clear justification for additional documents.
OP22 (Neighbourhood Planning)	47	Bere Ferrers Parish Council note that OP22 makes no mention of the role of Town and Parish Councils in setting up NP area and Group.
OP22 & OP23	96	Sourton Parish Council is delighted to see a good supportive section with regards to Neighbourhood Plans.
OP22 & OP23	82	OP22 and OP23 should: <ul style="list-style-type: none"> • Set out a list of policies it considers relevant and strategic to NP to minimise conflict (as per East Staffordshire) • Clearly define what is meant by “no clear intention of progressing Neighbourhood Development Plans” • Apply a, b and c within areas of emerging Neighbourhood Plans to ensure housing growth in interim.
OP22 & OP23	103	Natural England note that the HRA highlighted the potential Likely Significant Effect of recreational disturbance to the Tamar Estuary SPA and mitigation measures. Under the 2012 Neighbourhood Plan regulations, Neighbourhood Plans must be

		able to rule out any Likely Significant Effect and any mitigation measures needed to reduce the effects to insignificant on European sites must be undertaken by the Local Plan and not the Neighbourhood Plan. Therefore the mitigation measures proposed in the HRA must be incorporated into Our Plan and not deferred to the Neighbourhood Plan. At this stage it is not clear whether development outside of the Bere Peninsula can rule out likely significant effects. Additional evidence will be needed to assess whether this is the case.
OP22	124	Admires the intention to support the preparation on Neighbourhood Plans for every settlement but questions whether the Local Authority has the resource to support to achieve this. Suggest a means of prioritisation is introduced or additional resources identified.
OP22	112	Fully supports the concept of Our Plan incorporating Neighbourhood Planning and looks forward to the opportunity of contributing to the Okehampton Town and Hamlets plan.
OP23 (Neighbourhood Planning – Meeting Planned Requirements)	43	Buckland Monachorum Parish Council note that it is not clear on the relationship between Our Plan and Neighbourhood Plans being prepared, particularly if there are occasions where policies in Neighbourhood Plans contradict Our Plan.
OP23 Page 56	90	OP23 – Timescales could artificially hold back development. Policy needs to provide more flexibility to bring forward sensible housing schemes straightaway. An additional paragraph is suggested: <i>“Prior to the adoption of Neighbourhood Plans, sustainable housing development that complies with the unit thresholds set out in OP20 will be supported where:</i> <ul style="list-style-type: none"> • <i>It is physically well related to the nearest settlement;</i> • <i>It is appropriate in scale for the role and function of the settlement;</i> • <i>It uses land efficiently, including the reuse of previously developed land.”</i>
OP23	128	Council placing significant reliance on developments coming forward from Neighbourhood Plans which is unlikely to be achieved and should also not be setting timescales for these as they are not compulsory.
Future Development Options Para 5.90-5.91	128	Do not consider potential new settlement as a strategically sound option. The Main towns should continue to remain the focus of development.

Our Economy

Policy/Para/Section	Rep no.	Key Issue(s)
Our Economy	156	Transition Tavistock and SW Devon Community Energy Partnership considers that the importance of key local sectors such as agriculture, food, energy and housing seems to be underplayed. New technologies and importantly development of local supply chains can have a major impact on strengthening this sector. There is also a need for solid employment for those who are manually gifted as well as those gifted in other ways, such as engineers and academics. There is a need, generally, to work on strengthening local supply chains, local resilience and improving the local multiplier.
Para 6.13	156	Transition Tavistock and SW Devon Community Energy Partnership consider that this paragraph could mention initiatives such as Tavistock and District Local Enterprise Blueprint which will be complete in June.
Town Centres para 6.18 and 6.20	162	Considers it inappropriate for Waitrose to be singled out as an important retailer.
Para 6.25	156	Transition Tavistock and SW Devon Community Energy Partnership considers that an important aspect of the local economy is the ownership of local retail premises and whether they are independent. Considers that a large retail chain will not put so much back into the local economy through the multiplier, although there may be external footfall generated.
Para 6.34	156	Transition Tavistock and SW Devon Community Energy Partnership note that there does not seem to be any definition of A1 etc and considers this unhelpful.
OP24 (Supporting West Devon's Economy)	132	Notes that there is no cross reference in this to supporting other objectives (e.g. health, community resilience, accessibility) and considers this is a missed opportunity.
OP24	157	Lack of clarity and emphasis on point e relating to rural economy. Policy not sufficiently clear and places no emphasis on rural economy, in particular supporting rural tourism and scope for holiday accommodation or guidance when such use is no longer required, and facilitating remote working in recognition of home working and live/work units.
OP26 (Promoting Competitive Town Centres)	132	Would like to see specific reference to promoting access to local food within the policy.
OP29 (Neighbourhood and Village shopping)	37	Milton Abbot Grouped Parish Council note that there is no point in forcing redundant business premises to remain in limbo, when it is clear that it cannot be sold to another operator. However, the Parish Council do consider that there should be a more objective test of future viability that 'no reasonable prospect' and suggests the following words be added <u>"...business continuing as evidenced by the failure of the owner to achieve a sale of the premises for the business use concerned at or below the market value, for a period of 12 months, despite the professional marketing of the property throughout that period."</u>
OP29	156	Transition Tavistock and SW Devon Community Energy Partnership considers that a community should be given the chance to deliver a community based initiative.

Hatherleigh	56	Hatherleigh Town Council notes that employment opportunities are lacking and building housing with no prospect of local employment further exacerbates a commuter culture. This type of development puts pressure on community services without benefitting local shops.
Okehampton	118	Questions where new residents in the town will find employment and raises concerns about commuting to other places of work (e.g Exeter, Launceston, Plymouth). Concerns around infrastructure improvements to accommodate new development.

Our Homes

Policy/Para/Section	Rep no.	Key Issue(s)
General	7	Reasonable sized single occupancy houses should be encouraged to free up family sized housing to allow for downsizing.
Our Homes	5	The Devon Rural Housing Partnership raise concerns that only 16 settlements where development is expected, leaving many settlements where development will be discouraged and planning permission granted in exceptional circumstances due to perceived unsustainability. If this is the case, then evidence of housing need is vital to support development on exception sites. It is crucial that smaller rural settlements are not judged as unsustainable and written off for future development purely because of the lack of local facilities.
Page 66 (Our Homes)	162	Housing policies should show a prioritisation for 1 and 2 bedroom properties to avoid the weaknesses of the bedroom tax. Suggest that market forces always priorities 3 bed properties.
OP30 (Inclusive Communities)	37	Milton Abbot Grouped Parish Council welcomes this policy as a practical reflection of the variety of local housing need likely to be found in rural parishes.
OP30	104	Supports the policy and would oppose any changes.
OP30	131	Reference to Lifetime Homes not compliant with Ministerial Statement 25 th March 2015 concerning zero carbon homes and housing standards.
OP30	132	Agree with all of the points.
OP30	156	Transition Tavistock and SW Devon Community Energy Partnership suggest that self-build and the development of other housing types based around the community, co-operative and land trust concepts should be both supported and encouraged.
OP30	157	Bullet point b should be revised to remove reference to 1,2 and 3 bedrooms as larger homes will be required.
Empty Homes Para 7.8	47	Bere Ferrers Parish Council suggest query the ability of the Borough Council to bring homes into use given experience of one property in Bere Alston
OP31 (Affordable Housing)	75	Viability report suggests 30% unviable in Tavistock and that 20% is deliverable, the policy should be altered to a requirement of 20% as this is more realistic and allows for higher community fund providing benefits to the wider community.
OP31	82	The affordable housing thresholds need to comply with recent guidance. Policy should reflect this.
OP31	89	Incongruous to reduce affordable housing target when Council failing to deliver anywhere near target.
OP31	91	Devon County Council suggest that the interaction between affordable housing and infrastructure requirements should be acknowledged in the policy context of development viability. Affordable housing should not compromise the critical infrastructure necessary to support sustainable development.
OP31	96	Sourton Parish Council is pleased to see policy OP31 that will require developments of 6 or more will need to provide affordable housing.
OP31	97	An absolute target is preferred to an “up to” as provides too much scope to offer less. The Viability assessment does not conclude that 40% target is unviable , rather that it would preclude the Council asking for a community fund. It appears that 30% has been selected to maximise other funding at the expense of affordable housing provision. It also factors in Code for Sustainable Homes

		which has been replaced with National Space Standards. Do not agree with this balance and highlight criticism of charging schedules that have used this approach.
OP31	124	You do not need to state 'subject to viability' as this is stated in national policy and regulations.
OP31	124	The respondent suggests that the plan should not use the phrase 'up to 30%'. 5, 10, 15 or 20% would accord with this policy. The policy should read "30%".
OP31	128	Agree need for development to make appropriate provision for affordable housing but also needs to be viable. Specific reference should be made for the need for an element of negotiation.
OP31	131	Policy requires 30% contribution which is not viable as per viability assessment – Council is being too ambitious and will result in delayed development. Not compliant with Para 173 and 174 whereby development should not be subject to a scale of burdens that threatens viability. Target should be revised.
OP31	131	Policy should specify that financial contributions on 6-10 units are deferred payments to be paid on completion.
OP31	157	Policy could go further in encouraging an imaginative range of affordable tenures (relates to OP30)

Our Infrastructure

Policy/Para/Section	Rep no.	Key Issue(s)
General <i>Bere Alston</i>	3	Infrastructure constraints are the main concern with Our Plan. Comments relate specifically to Bere Alston. Concerned about pedestrian safety due to lack of pavements and limited ability to add due to narrow roads. Need radical changes i.e. limit parking on some roads, one way system. Concern over decrease in doctor's surgery facilities and ability to influence the running of the surgery
General <i>Bere Alston</i>	4	Concerned about the capacity of the primary school and its ability to accommodate additional development. Also raises concerns about the impact of any development in Bere Alston on AONB.
General <i>Bere Alston</i>	6	Suggests that before any more development takes place in Bere Alston, there should be improvements to Denham Bridge which is difficult to negotiate due to increased traffic.
General <i>Okehampton</i>	26	Encourages the Council to ensure that Okehampton Town Council via Destination Okehampton is fully represented on the DCC Peninsula Rail Task Force. Railway provision and services in Okehampton will help to revive the economy of Okehampton and its hinterland.
General	44	WDBC must make it a priority to enforce s106 agreements to ensure the delivery of Our Plan objectives.
General	45	Considers that the plan pays lip service to definitive infrastructure developments in Tavistock and concerns that new development will lead to increased traffic congestion. There are no concrete plans for new medical provision. Concerns at knock on impact of A&E department at Derriford if people cannot see their GP.
General	51	Suggest that the plan should safeguard the railway route between Okehampton and Exeter.
General	96	Sourton Parish Council considers that if we want to reduce carbon emissions we should be increasing public transport provision and not reducing it. A better two way communication with DCC is required.
General <i>Okehampton</i>	99	The respondent considers that in Okehampton there needs to be an increase public transport in outlying areas to access facilities and when/if train line reinstated to encourage usage.
General	112	Raises concerns about previous developments in Okehampton and resulting issues (around adoption of highways) at a cost to local residents. Based on these previous issues, there are concerns about how WDBC and DCC will manage future development accordingly, particularly around section 38, 104 and 106 agreements.
General	114	Considers that Okehampton has been failed by development in the town, with new development not making any visible improvements to infrastructure or jobs. Considers that the WDBC strategy should only allow housing development once new business development has progressed sufficiently to provide at least 400 jobs. Feels that the 900 homes should not be built until the Business Park is completed and the primary school provided.
General	116	Wishes to see infrastructure being put in place before the development of new homes.
General	120	Rail links Support proposals to reinstate the railway line between Bere Alston and Tavistock. However the location of the station seems a bit short sighted given national plans to find an alternative route for the Dawlish line.

		<p>Should use the existing North Station as the new Tavistock station. This would mean resiting homes and the Council Offices but would provide better located rail station.</p> <p>Hospital Lack of plans for a new update hospital for Tavistock which would provide better services for the community. Improving local services will take pressure off Derriford. For Tavistock to remain and excellent town it should have excellent road and rail links and a fully functional capable hospital.</p>
General	156	Transition Tavistock and SW Devon Community Energy Partnership consider that the references to viability offer developers a 'get out of jail free' card. Within reason anything can be designed to be viable.
General Infrastructure Para 8.3	91	<p>Devon County Council suggests that libraries and social care provision are added to the list of infrastructure.</p> <p>DCC also note that affordable housing is already covered by specific policies in the plan and does not need to appear in the list.</p>
Our Infrastructure Para 8.3	164 LATE	The Environment Agency suggests that flood management and surface water infrastructure are added to the list of infrastructure at paragraph 8.3.
OP32 (Infrastructure Provision)	75	Position with regard to whether WDBC intends to implement a CIL or continue with S106 requires clarification.
OP32	75	Difficult to deliver new/improved infrastructure in phase with or in advance of the development due to funding models (developers need an element of income to provide the infrastructure).
OP32	81	Highways England support this policy but note the lack of reference in the IDP to works to the A30/SRN.
OP32	91	Devon County Council suggest instead of 'subject to viability' at the end of paragraph 1, it should read <i>"having regard to viability."</i>
OP32	132	Notes that the effectiveness of the policy depends on how it is implemented.
OP7, OP9, OP32, OP35	83	<p>Sport England supports use of planning obligations (s106)/community infrastructure levy (CIL) as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development. This does need to be based on a robust NPPF evidence base (as set out above in comment no.1). This includes indoor sports facilities (swimming pools, sports halls, etc) as well as playing fields and multi use games courts.</p> <p>All new dwellings in West Devon in the plan period should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing.</p> <p>'Sporting and recreation facilities' are included within the definition of Community Infrastructure Levy (CIL) infrastructure in the 2008 Planning Act (section 216) which means money raised can be used to fund new or enhanced sports facilities.</p> <p>For sport and recreation, Sport England would advise that generally it may be more effective if the contributions are sought through planning obligations rather than CIL, unless there is a specific project identified. If such a project is deliverable, then it may be more appropriate to fund through CIL and consequentially should on the Regulation 123 List.</p> <p>In removing 'playing fields' from the Regulation 123 List and focussing on the use of Section 106 Agreements the Council should be aware that after April 2015, no more than five planning obligations can be used to pool funds for any one piece of</p>

		<p>infrastructure/project. Therefore the Council will need to think quite strategically and plan effectively for sports infrastructure delivery in the future linking development sites with specific projects to meet identified sporting needs. This will enable the Council to take a proactive approach and ensure the most effective use of planning obligations and CIL together to help deliver this/meet the needs of the population.</p> <p>Any planning obligations must also pass the following tests as set out in paragraph 204 of the NPPF:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development
OP32	164 LATE	The Environment Agency support the policy. In light of the partnership funding approach to providing and upgrading flood defence infrastructure, it will be important that this policy helps to support the establishment of funding strategies to determine levels of contribution where multiple benefits would benefit from various infrastructure projects. The EA would welcome early discussions regarding the formulation of such strategies.
Communications Technology Para 8.10	44	Does not accept the statement that “The Council is mindful not to raise the hope of all residents for providing such provision” and considers that WDBC should be lobbying government for the provision of broadband and electronic communication to rural areas where provision has no economic benefits and there is no prospect of companies delivering such a service.
Communications Technology Para 8.10	96	Sourton Parish Council does not accept the statement that “The Council is mindful not to raise the hope of all residents for providing such provision” and considers that WDBC should be applying pressure to government for the provision of broadband and electronic communication to rural areas where provision has no economic benefits and there is no prospect of companies delivering such a service.
OP33 (Communications Infrastructure)	78	<p>The Mobile Operators Association considers that criteria (b) is ambiguous in its wording and that it should be recognised that a developments visibility, siting and appearance do not automatically result in an overwhelming adverse harm. Suggest an amendment to the wording as follows:</p> <p><i><u>‘b. It has been demonstrated that alternative, less environmentally harmful means of providing the same service is not feasible; -If proposing a new mast, it has been demonstrated that the applicant has explored alternative options.’</u></i></p>
OP33	78	<p>The Mobile Operators Association considers that criteria (d) could be open to misinterpretation. In order to bring the policy in line with technical requirements contained in paragraph 45 of the NPPF, the following amendment to the wording is suggested:</p> <p><i><u>“d. Proposals adhere to current Government advice on the health effects of exposure to radio waves; and Applications for telecommunications apparatus must include a certificate confirming that the development will operate within the International Commission for Non Ionising Radiation Protection (ICNIRP) guidelines for public exposure; and”</u></i></p>
OP33	78	The Mobile Operators Association considers that criteria (e) is overly restrictive in relation to telecommunications development. Whilst the design of certain telecommunications base stations will allow for future upgrades, it is not physically possible in every case. When Operators identify the need for a new base station in an existing area, they will consider the availability of upgrading an existing telecommunications site as part of the site selection procedure and details would be submitted along with an application. As such, suggest that criteria (e) is removed.
OP33	78	The Mobile Operators Association consider it would be useful to create a concise and flexible telecommunications policy and suggest the following wording:

		<p><u>“Proposals for telecommunications development will be permitted provided that the following criteria are met:</u></p> <ol style="list-style-type: none"> <u>The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;</u> <u>If on a building, apparatus and associated structures should be sites and designed in order to seek to minimise impact on the external appearance of the host building;</u> <u>If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the local planning authority; and</u> <u>If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance archaeological sites, conservation areas or buildings of architectural or historic interest.</u> <p><u>When considering applications of telecommunications development, the local planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of technology.</u></p> <p>The MOA also considers it appropriate to introduce the policy and would suggest the following wording:</p> <p><i>‘Mobile communications are now considered an integral part of the success of most business operations and individual lifestyles. With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. The authority is keen to facilitate this expansion whilst at the same time minimising any environmental impacts. It is our policy to reduce the proliferation of new masts by encouraging mast sharing and siting equipment on existing tall structures and buildings.’</i></p>
Transport Infrastructure Para 8.12 and 8.15	162	These paragraphs highlight the councils supporting role for new/improved road infrastructure but question where the leadership role is. There is often conflict between some road users (e.g. HGVs and vans) and the nature of Devon roads. Suggest removing bends and/or straightening roads or ban lorries.
Para 8.12	91	Devon County Council suggest the last sentence should read <i>“New development can place additional pressure on our transport infrastructure and it will be is crucial to ensure that the impact of new development on our highway, footpath and bridleway networks can be addressed appropriately. As well as on the local highway network “</i>
Para 8.17	44	The text alludes to the Local Transport Plan (LTP3) but does not identify where this plan can be found or the priorities.
Para 8.17	91	Devon County Council suggest amending the wording as follows: <i>“...Local Transport Plan (LTP) 3, and input will be provided into future iterations of the LTP, <u>including the Transport Infrastructure Plan, with a view to...</u>”</i>
Community Transport Para 8.18	91	Devon County Council suggest this paragraph could usefully reference DCC’s role in Community Transport provision.
Transport Statement and	91	Devon County Council suggest the heading is amended to <i>“Transport <u>Assessments/Statements and Green Travel Plans”</u></i>

Green Travel Plans Para 8.24		In addition, DCC also request that the accompanying text should not specifically refer to 'green' travel plans, but travel plans more broadly. Also suggest that transport assessments should be recognised.
OP34 (Transport Infrastructure)	43	Buckland Monachorum Parish Council note that whilst the plan recognises the importance of good public services serving rural communities, this does not appear to be reflected in the provision of such services within the Parish where bus services to and from remote villages are being cut. The Parish Council would like to see a specific policy on maintaining good transport links in isolated communities which link up to arterial routes.
OP34	81	Highways England generally support this policy but note the lack of reference in the IDP to works on the A30/SRN.
OP34	104	This policy identifies general practical policies but does not address the increasing traffic volumes on the A386 through the centre of Tavistock. This should be considered as a major issue in the medium/long term and requires a specific solution such as routing traffic via Abbey Rise and Pixon Lane.
OP34	132	Agree with the policy approach. The effectiveness of the policy depends on how it is implemented.
OP34	150	Dartmoor National Park Authority suggest clarity is required around clause (g), perhaps in the supporting text, that the route of the former line lies partly in the Borough Council plan area, and part with the Dartmoor National Park. DNPA suggest a safeguarding policy should be included in the proposals map where it lies within the Borough Council plan area.
OP34	122	Okehampton Town Council considers that the plan would benefit from a policy that actively promotes rail travel as a significant element of transport infrastructure. The current wording is passive (OP34 (g)). An additional policy to actively support and promote the development and extension of rail transport opportunities would be welcomed by the Town Council.
		Suggest that the existing rail route should be identified between Meldon – Okehampton – Sampford Courtenay in the maps on pages 3, 108 and 109.
OP34	91	Devon County Council suggest this policy could be an appropriate location to address parking standards and highway safety. Criteria (c) could usefully refer to public transport. Criteria (d) should refer to transport assessments and travel plans (not green travel plans).
Providing Services Locally Para 8.25 – 8.27	44	Considers a policy is needed to support paragraphs 8.25 – 8.27
OP35 (Open Space, Sport and Recreation)	46	Policy should include reference to providing accessible woodland. Woodland Access Standard (WASt) devised by the Woodland Trust is recommended.
OP35 and Para 8.30	47	Bere Ferrers Parish Council suggest including the retention of allotments as an important recreational and sustainable facility (mention new ones in 8.31)
OP35	104	Policy refers to the provision of sport and recreation facilities for developments of 5 or more dwellings. This is possibly over-ambitious in view of the more sophisticated sports facilities in the current era such as artificial turf pitches etc.
Education	91	Devon County Council suggest that the paragraph could usefully mention DCC Education s106 policy in addition to the Education

Para 8.35		Infrastructure Plan. Suggest it could also emphasise the importance of local education facilities to communities and the role they play in the social cohesion of towns and villages.
OP36 (Community Services and Facilities)	91	Devon County Council suggest that youth and social care services should be mentioned in this policy and seek clarification whether libraries are classed as cultural facilities.
OP36	93	<p>The Theatres Trust suggest that policy OP36 is strengthened with amended wording along the lines of: <u>“Existing services and community facilities should be retained where there is a continuing need will be safeguarded and sustained by resisting their loss or change of use unless replacement facilities are provided on site or within the vicinity which meets the needs of the local population, or it has been clearly demonstrated that there is no longer a public need or demand for that facility.”</u></p> <p>The Theatres Trust is also keen to ensure that local plans reflect paragraph 70 of the NPPF.</p> <p>The Theatres Trust also suggest removing the reference to open space, sport and recreation facilities as they are already included in policy OP35.</p>
OP36	132	Agree with the policy approach but is disappointed that while ‘places of worship’ are recognised as infrastructure in the introduction to the chapter, there is no further reference to them. Many act as wider community hubs but sources of funding for maintenance are often closed to such groups.

Our Environment

Policy/Para/Section	Rep no.	Key Issue(s)
Our Environment Para 9.4	44	This paragraph should be the basic underlying statement for the whole of Our Plan and not just this section.
Our Environment Para 9.4	156	Transition Tavistock and SW Devon Community Energy Partnership note that research has shown the importance of trees in taking out air pollution and PM. Suggest there should be trees planted in front of all residential accommodation and schools, cars should not be allowed to park immediately outside a school nor have an engine idling.
Our Environment	156	Transition Tavistock and SW Devon Community Energy Partnership suggest the Our Environment section needs to include reference to low carbon. Although this is included in the Our Resources section, not to include it within Our Environment is misleading.
Our Nationally Important Landscapes Para 9.5	151	Devon Archaeological Society suggest cross reference to the mining WHS an internationally designated landscape as well as a heritage asset.
OP37 & OP38 Page 67	37	<p>Milton Abbot Grouped Parish Council are concerned that despite the range of policies, each with a desirable outcome, some of the Our Plan policies conflict with one another where development is proposed in sensitive locations, and in practical terms, a balance has to be struck.</p> <p>The Parish Council does not consider that the Plan has provided sufficiently robust and objective measures to assist in resolving the competing merits of wind turbines and solar farms and the landscapes in which it is proposed they are located. The failure is not reflected in the efforts of other local authorities who have carried out Landscape Sensitivity Assessments of the various LCTs in their areas, with particular regard to the impact of wind turbines and solar farms.</p> <p>Although policy OP48 requires developers to show how the Devon Landscape Policy Group Advice Note 2: Accommodating Wind and Solar PV Developments in Devon's Landscape 'has been taken into account', this is a partially subjective and insufficiently robust requirement, given the quality and value of the non-statutory protected landscapes in the Borough. The Parish Council considers that it is essential that Landscape Sensitivity Assessments are carried out in respect of non-statutory protected landscapes and are used as criteria to apply relevant policies in the plan. The Parish Council therefore objects to the omission of Landscape Sensitivity Assessments from policy OP38 because of the inadequate degree of protection for non-statutory protected landscapes it currently provides.</p>
OP37 Para 9.5 and Proposals	47	Bere Ferrers Parish Council suggest including reference to the World Heritage Site and mark boundary currently on Bere Alston map, page 117 (part of village in WHS)

Maps		
OP37	103	<p>Natural England note that this policy reflects paragraph 115 of the NPPF which is welcome. However, the three tests in paragraph 116 for development within the AONB are not reflected in it. Natural England advise that the policy should also set out the only circumstances in which major development will be permitted.</p> <p>The policy could be improved by stating that major applications must be accompanied by a Landscape and Visual Impact Assessment to the latest GLVIA guidelines, in this case the third edition.</p>
OP37 (Nationally Protected Landscapes) OP38 (Landscape Character) OP40 (Biodiversity)	104	<p>Protection of SSSI, AONB and World Heritage Site should include sufficient protection against activities such as extensive commercial pheasant shooting is allowed to operate in the lower reaches of the Tavy Estuary. This is having a significant detrimental impact on the landscape character, wildlife and biodiversity in this area.</p>
OP37 (Nationally Protected Landscapes)	44	<p>Good to see the first two statements of the policy.</p> <p>Suggest that there needs to be a definition of 'major development'.</p> <p>The last sentence needs the words '<i>or whose size is detrimental to...</i>' added after '<i>...will have significant impact</i>'.</p>
OP37	41, 61	<p>Would like to see stronger protection of nationally protected landscape</p> <p>Definition of major development and how this is assessed – should the sequential test be applied?</p>
OP37	132	<p>Agrees with policy approach.</p>
OP37	150	<p>Dartmoor National Park Authority suggest this policy is re-phrased, and suggest that SP17 of the Core Strategy would provide better wording:</p> <p><i>“Recognising the great weight which should be given to the conservation of protected landscapes on sites outside Areas of Outstanding Natural Beauty and the Dartmoor National Park, particularly on the fringe areas of designated landscapes, development will not be permitted which would damage their <u>setting</u>, natural beauty, character and special qualities or prejudice achievement of their designated purposes.”</i></p>
Our Local Landscapes Page 79	44	<p>Encouraged to see reference to the Landscape Character Assessment. This should remain a live document that is not abandoned because it is challenged for being out of date.</p>
Our Local Landscapes	96	<p>Sourton Parish Council is encouraged to see reference to the Landscape Character Assessment. This should remain a live document that is not abandoned because it is challenged for being out of date.</p>
OP38 (Landscape Character)	44	<p>The last paragraph is an important statement and should be incorporated into the first paragraph and the words '<i>where necessary</i>' should be deleted.</p>

OP38	44	The last statement in the policy should be one of the policy conditions.
OP38	46	Policy should include reference to woodland creation as part of development planting. Following wording suggested: “Developments should include landscaping schemes that retain <u>and expand where appropriate</u> existing landscape features such as trees and hedgerows”.
OP38	103	Natural England welcome this policy. However, it could be improved by stating that major applications must be accompanied by a Landscape and Visual Impact Assessment to the latest GLVIA guidelines, in this case the third edition.
OP38	132	Agrees with policy approach. Would like to point out that trees and hedges have value for other objectives as well as being part of the landscape and therefore questions why the “where necessary” qualification is needed.
OP38	154	Lifton Parish Council asks where it is possible to protect, or identify measures to protect the currently un-designated landscape character of the Borough. Non-protected areas are particularly vulnerable to highly visible renewable energy schemes which are becoming more and more divisive in rural communities.
OP39 (Green Infrastructure)	99	The respondent welcomes the recognition of important landscapes in policy OP39 but notes that there is little recognition of North Devon Biosphere and protection from visual detriment for this, Tamar Valley AONB and DNP.
OP39	103	Natural England welcome this policy. However this policy could be improved by specific reference to the recently completed West Devon Green Infrastructure Assessment. We advise that the Plan must “ <i>identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;</i> ” to ensure that this policy and OP40 can be complied with.
OP39	132	Agrees with policy approach but considers the “where appropriate” weakens the policy too much and suggests “wherever possible” would be better.
OP39	164 LATE	The Environment Agency fully supports this policy.
OP40 (Biodiversity)	44	The first statement is strong, but is only meaningful if implemented. Feels that previously the support for biodiversity has been empty words. Considers that clause (e) is an empty and dangerous statement. There should be a very clear statement as to what will be considered in making the assessment. National Park Authorities exist in part to counter this statement when related to our finest landscapes. This definition cannot and must not be seen in economic terms.
OP40	46	Object to para (c) it needs to provide adequate protection to ancient woodland and include ancient/veteran trees. Suggest additional paragraph to read: “Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted”.
OP40	103	Natural England consider the current policy wording is unsound. Policies should be made sound by following guidance within all the bullet points of NPPF paragraph 118. Natural England also wish to note that it will not be possible to replace some irreplaceable priority habitats such as ancient woodland. The wording in the second part of the policy must recognise this and the wording regarding irreplaceable habitats in para 118 of the NPPF.

		The final paragraph reflects protection of species and not the framework for designated sites.
OP40	132	Agrees with policy approach.
OP40	164 LATE	The Environment Agency support this policy and are pleased to see that the plan consistently acknowledges the importance of protecting, and where possible, enhancing, biodiversity and green infrastructure. However, the EA would recommend that the wording in the final sentence of paragraph 9.20 is strengthened by substituting 'will' for 'is keen to' could address this.
Flooding Para 9.33	91	Devon County Council suggest that the role of DCC as Lead Local Flood Authority should be mentioned here.
OP41 (Flood Risk)	46	Policy should reference the role that trees and woods can play in delivering solutions to water quality and flow issues.
OP41	132	Agrees with policy approach.
OP41	164 LATE	The Environment Agency in general support this policy. However, the EA recommend that additions are made to the policy text regarding development which is to be located within Flood Zones 2 and 3. The EA recommend that the policy highlights a sequential approach should be taken to the layout and design of development, which would be in addition to the sequential test and a necessary part of showing how the exception test, if necessary, can be satisfied. In addition, the text should highlight, in line with the PPG, that for development to be considered safe it should include safe access and egress for users.
OP42 (Resource Quality)	44	Suggest adding " <i>and habitats</i> " after 'valued soils' to clause (f).
Page 70 OP42	103	Natural England note that some developments can contribute adverse air quality impacts to environmentally sensitive sites. The policy and text should be improved by highlighting the potential effect in the text and stating in policy criteria (c) that air quality assessments will be required for such development within 4km of the site. This omission is also noted in comments on the HRA.
Page 70 OP42	132	Agrees with policy approach, particularly clause (f).
OP42	164 LATE	The Environment Agency in general supports this policy and welcome paragraphs 9.30-9.31 which relate specifically to water quality but note that there is no specific stand alone water quality related policy. The EA recommend that the supporting text for water quality and resource quality are combined into one environmental resource quality section. In relation to satisfying criteria (d), the EA would also stress the importance of some policy wording to ensure that, in line with the PPG, new developments and redevelopments do not allow surface water to discharge to combined sewer systems.
Our Design	44	The design of new development is vitally important and as such, suggests that a Design Guide is produced to better inform potential developers as to what is appropriate. Suggest there is an opportunity to reiterate the importance of a sense of place. Para 9.39 add ' <i>and character</i> ' after 'protects local distinctiveness' in the third line. Suggest a point needs to be made that local distinctiveness does not include the current bland stock of houses built by large developers.
Our Design	156	Transition Tavistock and SW Devon Community Energy Partnership consider that this section is very weak on the environmental

		and sustainable front. It is also confusing that it doesn't refer to energy. There should at the very least be a cross reference to Our Resources.
Our Design	156	Transition Tavistock and SW Devon Community Energy Partnership considers that this section seems to exclude, ignore or at least significantly weaken much of the valuable consultation evidence and findings from the Callington Road development, which is disappointing.
Our Design	156	Transition Tavistock and SW Devon Community Energy Partnership suggests Our Plan should include the urgent need to put in place an independent design panel that meets regularly and helps assess the sustainability of development across the area.
Our Design Para 9.39 – 9.40	72	Devon and Cornwall Police Authority notes that Our Plan does not make any reference to Design and Access Statements (which can include measure to design out crime, disorder, antisocial behaviour, conflict and crime prevention measures) to ensure a developer will consider these.
Our Design Para 9.40	72	Devon and Cornwall Police Authority suggest adding text in red to '... Crime, the fear of crime, antisocial behaviour and conflict are important issues ...' Within this section refer to the role of the Police Architectural Liaison Officer in providing advice on designing out opportunities for crime, antisocial behaviour and conflict within the built environment' to ensure communities are safe, secure and opportunities for antisocial behaviour and conflict are minimised.
OP43 (Design)	72	Devon and Cornwall Police Authority suggest adding text in red to criteria (g) 'Promote safe and user friendly environment and reduce opportunities for crime, the fear of crime, antisocial behaviour and conflict '.
OP43	96	Sourton Parish Council welcomes this policy for development that is in keeping with the local character as well as the recognition of the importance of providing a space that people feel comfortable in and making a development a place where people want to be.
OP43	132	This policy appears to miss the opportunity to reinforce other objectives e.g. food growing space (not just gardens), micro-generation schemes best done at the design stage (e.g. ground source heating).
OP43	156	Transition Tavistock and SW Devon Community Energy Partnership considers that new development should also accommodate community growing space and not just a reasonable amount of garden (criteria j).
OP44 (General Amenity)	132	Agrees with policy approach and would note that the policy could be wider e.g. impact on green space.

Our Heritage

Policy/Para/Section	Rep no.	Key Issue(s)
Our National and Local Heritage Para 10.7	153	Reflect recent change in name of organisation spitting into English Heritage (a trust) and Historic England (retaining statutory function for Local Plans)
Our Heritage and all proposals e.g. OP9	151	Welcome 'Our Heritage' section re. designated and non designated heritage assets but suggest this should be better reflected in proposals e.g. OP9
OP45 (Historic Environment)	44	Suggest adding an additional statement to the fact that the character of WDBC is not bland and that volume house builder designs are often 'alien' in this part of the world.
OP45	59	The National Trust welcomes the protection given to national and local heritage assets in line with national policy.
OP45	59	The National Trust refers to Inspector's Report into the Examination of Mid Devon Local Plan Part 3 – Development Management Policies (July 2013) policy on development affecting Heritage Assets found unsound. Inspector emphasised need to reflect the positive approach set out in paragraph 126 of NPPF: <ul style="list-style-type: none"> • Emphasising desirability of new development making a positive contribution to local character and encouraging enhancement of local distinctiveness • Refer to systematic approach to assessment of proposals affecting setting (refer: English Heritage 'The setting of Heritage Assets') NT wish to see clarity on need for systematic assessment of development affecting setting of heritage assets, following up to date best practice guidance.
Our Heritage	151	Devon Archaeological Society suggests that Our Plan should protect non designated mining and other archaeological assets as appropriate to their significance, or preservation record.
OP45	153	Historic England consider this policy is sound.

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Our Resources

Policy/Para/Section	Rep no.	Key Issue(s)
Our Resources	44	Questions whether WDBC will enforce the zero carbon requirements. Considers that every new build should have solar panels installed and orientated to maximise solar efficiency.
Our Resources Our Low Carbon Future	96	Sourton Parish Council suggests that it should be a requirement that zero carbon targets are attained by developers to ensure that every house is energy efficient, if not “passive”. This does not seem to be a requirement at present, just an option.
Our Renewable Energy Para 11.14	132	Disappointed with the statement regarding ‘there is debate about the extent to which change is due to rising carbon emissions’ and do not feel WDBC should be giving space to this viewpoint fuelled by campaign groups.
Our Resources??	164 LATE	The Environment Agency suggest that the climate change considerations should include increases in river flows and rainfall intensity as these are more relevant in West Devon than sea level rise.
OP46 (Low Carbon Future)	75	The policy aims appear to vague and wide-ranging and will be difficult to enforce and to implement, strict application could prevent development proposals coming forward. Suggest aims should be included in objectives or supporting text where they would have less weight in decision-making.
OP46	132	Agrees with policy approach but in contrast with other policies, the tone is considered to be weak and lacks a sense of ambition to lead rather than do something token.
OP46	156	Transition Tavistock and SW Devon Community Energy Partnership consider that this section is very weak on the energy performance of buildings. Any new development should include district heating. There is no justification for individual heating provision in properties in this day and age.
Para 11.7	156	Transition Tavistock and SW Devon Community Energy Partnership feel that WDBC should not ‘seek’ to be involved in determining allowable solutions but should insist on being involved. Transition Tavistock and SW Devon Community Energy Partnership have the capacity and capability locally to develop viable options for affordable solutions based around community energy generation and energy saving and community land trust type developments.
OP47 (New Development and Sustainable Energy)	37	Milton Abbot Grouped Parish Council supports the policy, but notes that it is unclear whether failure to meet the Borough Council’s ‘expectations’ carries any sanctions. The Parish Council appreciates that WDBC can only operate within the provisions of relevant statutes, but would like to see either the substitution of ‘required’ for ‘expected’ if that is possible. If not, an indication of the consequences if the Borough Council’s expectations are not met.
OP46&OP47	57	There needs to be more recognition given to the merits of Low Impact Development, particularly the responsible use of building materials and consideration given to how the building will be used by those living in it, rather than mass developed housing where standards are driven by cost for the developer, and not by the costs for the long-term user.
OP46&OP47	96	Sourton Parish Council consider that with regards to housing standards, more needs to be done with regard to optimising orientation etc
OP46&OP47	96	Sourton Parish Council consider the way that RE policy is worded seems to imply a ‘presumption of approval’ for all renewable

		energy projects. Priority should be given to small-scale projects before any large scale projects are justified.
OP46 & OP47	131	These policies are not compliant with Ministerial Statement 25 th March 2015 concerning zero carbon homes and housing standards, with reference to water usage and carbon emissions (OP46) and 10% renewable/low carbon energy (OP47).
OP47	132	Agrees with policy approach but would suggest this policy only appears to be echoing a national standard that is at risk with a change of government rather than aspiring for the best for the residents of West Devon.
Para 11.9	156	Transition Tavistock and SW Devon Community Energy Partnership suggest this paragraph should include reference to SWD CEP Strategic Energy Study undertaken but the same organisation in 2013 to inform policy. Transition Tavistock and SW Devon Community Energy Partnership also note that there is no reference to the SWDCEP in all of the Plan.
Para 11.10	156	Transition Tavistock and SW Devon Community Energy Partnership consider the point about local communities 'fear' is overstated. This section should also include reference to the Industries Best Practice Guidelines for developing renewable projects as developed by RegenSW.
Para 11.13	156	Transition Tavistock and SW Devon Community Energy Partnership are unsure whether the requirements are national policy or the implications of them. If they are not, then this should leave open the opportunity for much stronger statements around some of the other policy areas.
Para 11.15	156	Transition Tavistock and SW Devon Community Energy Partnership consider that climate change is already having an impact on West Devon and this point should be included.
OP48 Renewable and Low Carbon Energy (including heat))	37	Milton Abbot Grouped Parish Council's comments to OP38 apply equally to policy OP48 in that it does not contain any reference to an objective assessment of the impact of RE development on LCTs. The Parish Council also consider this policy is weak and subjective insofar as any assessment of the impact of residential amenity is concerned. The outcome of the application of the proposed residential amenity impact by an RE developer will be a subjective debate. A more objective test needs to be developed of the effect on residential amenity of proposed wind turbines e.g. an acceptable distance of a dwelling from a turbine, determined by the height of the blade tip and offset by any screening or masking effect. The sensitivity of the landscape and the impact on it of the proposed development is a separate issue. The Parish Council suggest there is a clear need for a better process than the one contained in OP48, which leaves developers to assess the impact of their own developments. The PC note that a distance test has already been introduced by another authority with several similar circumstances, although acknowledge this may not be the right approach for the Council. The Parish Council therefore objects to the omission of an objective test of the impact of the wind turbine development on residential amenity in policy OP48.
OP48	99	The respondent considers that the visual impact of turbines has not been sufficiently considered.
OP48	99	The respondent considers that the option of using water power has not been sufficiently considered.
OP48	103	Natural England note that it is often difficult to maintain agricultural use during the course of some renewable energy schemes such as solar panels. These schemes should therefore avoid best and most versatile agricultural soils. This should be included within criteria (e).

OP48	150	Dartmoor National Park Authority suggest clearer and more consistent wording for criteria (c): “Development will not be permitted which would damage the setting, natural beauty, character and special qualities or prejudice achievement of the designed purposes of AONBs and the Dartmoor National Park”
OP48	150	Concerned about the inflexibility of reference to a specific advice note within a policy. It is suggested that the policy has a clear reference to satisfying all other relevant policies in the development plan
OP48	154	Can Parishes have more input on residential amenity assessments, and offer additional conditions/requirements?
OP48	156	Transition Tavistock and SW Devon Community Energy Partnership make the following points: <ul style="list-style-type: none"> - Question criteria (g) and how it aligns to community energy developments and generating to fulfil a community need. - Unsure of the implications of criteria (i). Considers there should be no development which isn't based on district heating and ideally renewable heat. Question whether the potential of renewable heat is really understood. - Questions what is meant by unsustainable in the context of criteria (j)
OP47 & OP48	153	Historic England consider this policy is unsound. The impact of renewable and low carbon energy has potential to cause significant harm to the historic environment (setting of conservation areas or other assets, listed buildings etc). NPPF sets out policies to protect and conserve the historic environment and in para. 97 that in promoting use of this type of energy local authorities should ensure its policies satisfactory address the adverse impacts, including cumulative and visual, and state what criteria are used to achieve this. Our Plan policies lack appropriate mention (and this includes ‘compromise the purpose’ in OP48) that the benefits of renewable energy sources should be appropriately balanced against the harm and impact on the natural and historic environment. Make clear that applicants should fully understand heritage significance and impact of scheme on wider setting. Suggested change: ‘Proposals must safeguard and where appropriate enhance historic assets and their settings’ and explain in preamble the need for this consideration.
OP48	121	It is noted that each of the criteria a) to h) must be satisfied if an application for renewable energy development is to be granted planning permission. This approach is only effective where every individual criterion is sound. In this instance, there are concerns around three of the criteria: It is suggested that criteria (e) is too inflexible. Amended wording is proposed, suggesting that ongoing co-use only be required ‘where feasible’ and that ‘farmland should be returned to agricultural use following decommissioning’. <i>“(e) Where possible, any farmland that is used is retained in some form of agricultural use. If this is unfeasible for any reason, the farmland used will be returned to an agricultural use following decommissioning of the renewable energy installation.”</i> It is suggested that criteria (g) is unnecessarily restrictive, and could be interpreted as precluding any commercial development that generates a greater level of energy than can be consumed by nearby businesses. It is suggested to remove this criterion. It is suggested that criterion (h) may result in duplication, as larger schemes would be subject to Environmental Impact Assessment in which there is a requirement to examine residential impact as part of the Environmental Statement.

		<i>“(h) With specific relation to wind turbine proposals below the EIA threshold, and additional Residential Amenity Assessment may be required for schemes that are in close proximity to residential dwellings. In this respect, each application will be judged on a case by case basis.</i>
OP48	132	The phrasing of clause (g) would seem to suggest that renewable energy development is only allowable to meet on site business use. This is not in accord with the narrative or common sense. Would like to see a supportive policy.
OP48	150	Dartmoor National Park Authority are concerned by the potential inflexibility of reference to a specific advice note within a policy. As such, suggest that within the policy a clearer reference is made to the need for the proposal to satisfy all other relevant policies within the development plan.
OP48	150	Dartmoor National Park Authority suggest a clearer and more consistent wording would be of benefit to clause (c) and consistent with earlier comments: <i>“Development will not be permitted which would damage the setting, natural beauty, character and special qualities or prejudice achievement of the designated purposes of AONBs and Dartmoor National Park.”</i>
Our Resources Our Renewable Energy	96	Sourton Parish Council notes the wording in Our Plan that “the government requires all councils to show a positive approach to renewable energy”. However, the Parish Council is concerned that this may lead to a presumption of approval of any renewable energy project and it is noted that it is possible to support energy from renewable and low carbon sources without feeling the need to accept the unacceptable. The Parish Council would therefore like to see the section under “Our Renewable Energy” reworded so that smaller and roof-top projects are given priority, and that only where no small scale project is possible in the area will large scale projects be considered.
Para 11.17	156	Transition Tavistock and SW Devon Community Energy Partnership suggest this should include reference to the fact that community acceptance is increased. Would also like to see addition to the paragraph that a community ownership and/or involvement component is encouraged for all renewable energy (heat and generation) proposals
OP49 (Community Energy)	103	Natural England note that community energy schemes can still lead to unacceptable impacts including landscape impacts. NE advise that the same criteria in OP48 should apply to this policy.
OP49	132	Agrees with policy approach.

General

Policy/Para/Section	Rep no.	Key Issue(s)
Our Plan	124	Congratulations on a document that is well written, clear and logical
Our Plan	151	Devon Archaeological Society welcomes the protection, enhancement and enjoyment of West Devon's historical environment.
Annual Delivery Plan (ADP)	91	Devon County Council suggest that there should be a broader environmental objective given significance and extent of WD's cultural heritage. Many themes (e.g. open space and recreation) are linked to management of historic/cultural environment (conserve, enjoy and enhance).
Page 105 (Key Diagram)	150	Dartmoor National Park Authority suggest that the key diagram is amended as it is at risk as being interpreted that WD are proposing a Strategic Employment Area within the National Park, south of Okehampton.
Page 119 (Hatherleigh Map)	56	Hatherleigh Town Council considers the scale of the map is too large and does not represent an overview of the town and does not give the best view to consider future development opportunities e.g. development opportunities to the north of the town.
Glossary	164 LATE	The Environment Agency agree with the definition of Critical Drainage Areas (CDAs). However, the CDAs for West Devon are not published on the Environment Agency's GOV.UK website. As such, it would be useful to include a list and/or a map of the CDAs within the plan. The Environment Agency also notes the definition for Functional Floodplain (also known as Flood Zone 3Bb) and agree with the definition. However, these areas will have to be identified as part of a level 2 SFRA in consultation with the EA.
General	21	Considers that jobs are needed before any more houses are built and questions what the Council will gain economically from building new properties.
General <i>Hatherleigh</i>	56	Hatherleigh Town Council already considers the wishes of local residents have been set aside by WDBC in determining the Hatherleigh Market application which included 116 new homes, against the Community Plan which stated a limit of 105 homes with no more than 80% (around 84 houses) on a single development.
General <i>North Tawton</i>	161	North Tawton Town Council responded as follows: - the importance of new employment land in the town - the partial removal of settlement boundaries - clarifying the position with regards to the minimum planned requirement for the town and the relationship with the development of the Woollen Mill.
General <i>Okehampton</i>	99	The respondent notes that in Okehampton the conflict between local shops and out of town facilities needs to be avoided or it could create demise of the town centre.
General <i>Okehampton Hamlets</i>	126	Okehampton Hamlets Parish Council offer the following comments: - Maintain and enhancing the infrastructure should come before the development of a large number of houses; - The development of employment opportunities should come before the large residential developments; - Higher priority needs to be given to recreational/open spaces (including sports fields) than in the past; - The replacement site for Parcel 4 to the east of Okehampton should be identified by the Neighbourhood Plan being
Our Plan	Publication Version	Summary of Consultation Responses August 2015

General <i>Tavistock</i>	23	There will be a real challenge to deliver betterment for the traffic flow through Tavistock (Ford Street/Spar shop Roundabout, Drakes roundabout – Pixon Lane roundabout) in order to support the new housing developments on that side of town.
General <i>Tavistock</i>	95	Support the area around Lifton to create a new town rather than continuing to expand Tavistock. Against Greenfield development except in exceptional circumstances, development should go on brownfield sites. Against development on greenfields at Anderton Lane as this is an important wildlife area and green corridor/buffer between Tavistock and Whitchurch. Concern about loss of trees and support policies to protect them. Improve walk and cycle routes and pedestrianise more of Tavistock. Should have a park and ride.
General <i>Tavistock</i>	139	<p>The documentation has been much easier to understand but the website is confusing. Consultation has been small scale and not well publicised</p> <p>Housing. Regrettable that large amounts of housing are being forced onto the main towns in this rural area, many of which will end up as homes for commuters to Exeter and Plymouth. Pleased that development will take place in rural villages. Regrettable that development mainly take place on greenfields but pleased that high flood risk and areas of local landscape value have not been included.</p> <p>Infrastructure. Local road network, schools and hospital are all at capacity. A limit on future growth in Tavistock should be set and development should be located elsewhere for example in a new community near the A30. There should be proper provision to maintain local roads, signage, verges, drains and ditches through an equivalent to the Parish Lengthsman Scheme to benefit public safety and flood prevention.</p> <p>Environment – WD is a special and beautiful rural area and should not be subject to urban housing targets and consequent loss of agricultural land and damage to its important landscape value. It should not be subject to any more large and dominant wind turbines. Wildlife should be protected and development on floodplains should be avoided.</p> <p>Heritage – WHS should be properly taken into account and all historic mining relics and areas of activity should be identified and protected from inappropriate development.</p> <p>Resources – No more large wind turbines. Encourage installation of solar pV panels on roofs of industrial, agricultural and domestic buildings.</p>
General <i>Age Structure</i>	99	The respondent considers that the Plan does not take into account age structure in terms of the release of housing over time as an increasing elderly population dies out.
General <i>Housing and infrastructure</i>	99	The respondent considers there has been insufficient consideration to conflicts arising from increased housing and population leading to increased road usage, particularly at key times around primary schools
Consultation arrangements	31	There was no information about Lamerton at the consultation and the ability of infrastructure to accommodate new development.

Consultation arrangements	32	Would liked to have seen more information about the areas around Lamerton and Milton Abbot and what the Council is actively pursuing to safeguard the AONB and what measures will be introduced to stop unlawful development.
Consultation arrangements	47	Bere Ferrers Parish Council are unhappy with consultation process, particularly: <ul style="list-style-type: none"> • Town & Parish Council Workshop too rushed • 6 week informal consultation over Christmas • Formal consultation – hard copies only available at Council offices, hard copies should have been sent to all Parish Councils and Libraries as Broadband speeds slow in rural areas
Consultation arrangements	122	Okehampton Town Council felt that the consultation was not user friendly. There was no introductory setting for Our Plan and much of the content was about Tavistock. The documents were not easily accessible and the lack of available copies of Our Plan hampered easy reference.
Check if this is about Oke or Tavistock?? <i>Email sent 24/04 requesting clarification on area</i>	1	Concerned at lack of mention of additional parking facilities in the town, particularly with 200 new homes a year. Suggests a multi-storey car park opposite the former Somerfields. Also notes that there is no mention of a possible P&R scheme for people coming into the town. A continuous bus service in and out of the town and free parking at both ends would be an excellent way of tackling additional traffic.
General	2	Concerned with the lack of dog bins in Bere Alston.

Evidence

Policy/Para/Section	Rep no.	Key Issue(s)
Evidence	81	Highways England is concerned by the lack of a transport evidence base.
Development Strategy Topic Paper	131	Council should apply 20% due to recent lower housing delivery and windfall allowance not justified. Council should reconsider its 5 year land supply before submission.
GI Framework 2.1.1	77	2.1.1: Objectives SOCIAL: Improving Access to Green and Blue Spaces and Supporting Healthy Lifestyles DCAF is not confident that the term multi-user (i.e. routes available for all users – walkers, cyclists, horse-riders, dog walkers, and people using wheelchairs, mobility scooters or buggies) is being used in this context. In the Green Infrastructure Framework it would appear to refer mainly to routes used solely as footpaths and cyclepaths.
GI Framework 2.3.2	77	2.3.2: Background – Recreational Paths and Sustainable Travel Links Descriptions of the NCN routes do not mention that these are available to other users such as walkers, dog walkers and those using mobility vehicles. Nor does it mention that some sections of the NCN, for example between Lydford and Southerly Down, are open for horse riders.
GI Framework 2.3.2:	77	2.3.2: Background – Recreational Paths and Sustainable Travel Links NCN 27 is referred to as a multi-use route. The term multi-use is being used to classify walking and cycling routes. Multi-use, as used within Devon County Council and other authorities, means a route suitable for walking, cycling, horse-riding and for wheel chair or mobility scooter users and buggies. DCAF strongly advises that the terminology used in the GI Framework should be amended accordingly to avoid confusion. Some trails are multi-use, for example from Lydford to Southerly Down on the Granite Way, the Pegasus Way and the Ruby Way. It would be helpful to distinguish between different types of route.
GI Framework 2.3.5	77	2.3.5: Related Projects – Granite and Gears The introduction states that the project is working to create family friendly multi-use routes. DCAF advise that not all projects are multi-use and these should perhaps be differentiated.
GI Framework 2.3.6	77	2.3.6: Strategic aims and actions – aim AHR4 Landowners are not mentioned as a key partner yet they provide the permissive access opportunities
GI Framework 2.3.6	77	2.3.6: Strategic aims and actions – aims AHR6-9, AHR15, AHR18 The strategic aims and actions table fails to distinguish between aims which can reasonably be undertaken by landowning organisations and aims which do not fall within their role

		<p>For example actions AHR6-9 make statements about landowning organisations promoting, providing or carrying out various initiatives which do not fall within their remit. It is important for WDBC to consult all landowning organisations such as the NFU, CLA, Tenant Farmers' Association and smallholders' organisations to ensure that statements can be supported.</p> <p>Whilst landowning organisations might encourage members to engage with processes in a particular way, or may get involved in wider policy, their resources generally do not extend to promotion of green space or physical improvements.</p> <p>Similarly in the section related to play and outdoor space AHR15 and AHR18, it is unrealistic to anticipate that landowning organisations will create or enhance play spaces or opportunities for sports events. It is noted that landowning organisations were not consulted during the informal consultation earlier this year, although specific member-based organisations which own land parcels, such as the Devon Wildlife Trust and Woodland Trust, were included. It is possible such organisations would be able to take a more active role.</p>
GI Framework 2.3.6	77	<p>2.3.6: Strategic aims and actions – blue space</p> <p>Additional blue space key partners should be identified, for example South West Lakes Trust</p>
GI Framework 3.1.2	77	<p>3.1.2: Opportunities in relation to development (Tavistock)</p> <p>Proposed cycle trail between Tavistock and Tamar Trails Centre. The DCAF advises that the Council should aspire to make this a multi-use route.</p>
GI Framework 3.1.2, 3.2.2, 3.3.2, 3.4.2, 3.5.2; 3.6.2	77	<p>Opportunities in relation to development (Tavistock, Okehampton, Bere Alston, Lifton, Hatherleigh, North Tawton)</p> <p>Reference is given to providing linkages to the local Public Rights of Way network, cycle network and key strategic walking and cycling routes. DCAF advises that extending access for all users through multi-use opportunities should be pursued, where practical.</p>
GI Framework 3.1.2, 3.2.2, 3.3.2, 3.4.2, 3.5.2; 3.6.2	77	<p>Opportunities in relation to development (Tavistock, Okehampton, Bere Alston, Lifton, Hatherleigh, North Tawton)</p> <p>Reference is given to provision of multi-use paths within development sites and provision of multi-use paths linking development sites with other areas. The definition of multi-use is unclear.</p>
GI Framework 4.1	77	<p>4.1: Delivery</p> <p>The crucial and important role of individual landowners and managers is not included in this list.</p>
GI Framework - General	77	<p>Consultation with landowners/managers</p> <p>Failure to recognise that landowners and managers are instrumental in enabling green infrastructure to be extended or enhanced. Early consultation with landowners therefore vitally important but given an insufficiently high profile in the GI Framework and Our Plan.</p>
GI Framework - General	77	<p>Management and maintenance</p>

		Our Plan and the GI Framework need to ensure a balance between green infrastructure aspirations and having realistic expectations of meeting those objectives. Otherwise the Plan risks failing to meet expectations of local residents.
GI Framework - General	77	<p>Deficiencies</p> <p>When assessing deficiencies in the provision of green infrastructure it is important to take an overall look at the proximity of all available recreational opportunities including public rights of way, permissive paths, cycleways and multi-use trails, unsurfaced unclassified County roads, forestry and woodland and areas of access land and green space. This would enable a comprehensive strategy to be developed to improve opportunities in areas of deprivation.</p>
GI Framework – Appendix 2	77	<p>Appendix 2 – Green Infrastructure Checklist for Developers</p> <p>“Have sustainable transport and recreational between...” - missing word after recreational highlighted.</p>
Habitat Regulations Assessment (HRA)	103	<p>Effects of Development on the Tamar Estuary SPA</p> <p>Natural England note that the HRA notes the coincidence of an important avocet roost and Weir Quay on the Bere peninsular where the only public quay is available. We note that the major boating activity takes place outside the most sensitive time of year. We advise that non-powered boats also have the potential to disturb birds as they are able to access shallower water. Nevertheless we agree with the findings of the HRA that Likely Significant Effects cannot be ruled out and agree with the mitigation proposed to reduce effects to insignificant. These measures (education and interpretation) will need to be monitored to ensure they are appropriate.</p> <p>In addition, whilst impacts from development at Tavistock have been ruled out due to the distance from the developments to the roost sites it would be prudent to commit to further investigations to assess the zone of influence by visitor survey. However, if the proposed mitigation measures are sufficient it is unlikely that further measures will be needed.</p>
Habitat Regulations Assessment (HRA)	103	<p>Effects of Development on the Plymouth Sound and Tamar Estuary SAC</p> <p>Natural England note that given the distance from Weir Quay to the main eel grass beds, the main threat to the SAC is potentially from bait-digging. There is significant bait digging and other fishing which involves direct damage to the features already recorded. Limited access therefore appears of no consequence. Additional development may give rise to additional pressures. These are not recorded in the Habitat Regulations Assessment.</p> <p>It is considered that the mitigation measures proposed for the SAC would be similar to that required for the SPA although for different features. Additional evidence will be required to assess areas to be targeted.</p>
Habitat Regulations Assessment (HRA)	103	<p>Effects of Development on the Culm Grasslands SAC</p> <p>Housing and employment land development are unlikely to have an effect on the culm grasslands which are susceptible to air pollution. Certain agricultural developments such as poultry farms and open slurry lagoons in the wrong location give rise to Likely Significant Effects.</p> <p>Whilst the Plan does not propose any such development, Natural England recommend that additional policy wording is added to policy. This policy and text should be improved by highlighting the potential effect in the text and stating in the policy bullet point c that air quality assessments will be required for such development within 4km of the Site and to ensure development that would lead to adverse effect will be refused.</p>

Land Availability Assessment and Sustainability Assessment <i>Exbourne</i>	160	Supports acknowledgement that school site in Exbourne not capable of expansion. WD_08_02_08/13 and WD_08_06_13 Considers that the extra traffic generated by the development of the two sites will lead to traffic problems unless there are significant developer contributions to widen the road from The Shrubbery entrance to Avenue House. There is also existing car parking problems around the church and yellow lines may be needed to manage parking as a result of new development.
Land Availability Assessment <i>Lamerton</i>	23	The respondent makes comments on sites identified in the Land Availability Assessment as follows: Land behind Trenance Drive, Lamerton WD_44_08_08/13 Disappointing to see this land developed. Would impact on the character of the local area. Land should be used for agricultural use. St Johns, Lamerton WD_44_03_08/13 Some small scale development for units on the front of the site might be a logical infill. (4 units). Any further development would impact on the green triangle.
Landscape Character Assessment	96	Sourton Parish Council consider that this document needs to remain 'live' and not abandoned because it is challenged as being out of date.
OSSR Strategy Para 2.2	77	2.2 Natural Spaces <i>Natural spaces support many informal sport activities including cycling, orienteering, recreational walking, mountain biking, climbing and, on/along watercourses, fishing, sailing and canoeing. The Borough also benefits from long stretches of the Sustrans National Cycle Route, Regional Walking Trails and the intimate network of Greenways linking up many Natural spaces.</i> The DCAF advises that this list of activities does not include horse riding, an activity which has benefits for the economy of West Devon.
OSSR Strategy Para 2.3	77	2.3 Greenways <i>Greenways provide opportunities for pedestrian and cycle movement within towns and villages and links out into the surrounding countryside. In West Devon there is an extensive network of green lanes, public rights of way, and bridleways which spread out from the towns and villages.</i> The DCAF advises re-writing to include additional greenways. <i>....'In West Devon there is an extensive network of public rights of way (footpaths, bridleways, restricted byways and byways open to all traffic), cycle and multi-use routes, unsurfaced unclassified County roads and permissive paths which spread out from the towns and villages...</i>
OSSR Strategy /Playing Pitch	83	Sport England's view is that, in order to meet the requirements of the National Planning Policy Framework (NPPF) (formerly PPS12 and PPG17), this should include a strategy (supply and demand analysis with qualitative issues included) covering the need for

Strategy		<p>indoor and outdoor sports facilities, including playing pitches.</p> <p>It is crucial that the Council have an up-to-date and robust evidence base in order to plan for the provision of sport both playing fields and built facilities. Sport England would highly recommend that the Council undertake a playing pitch strategy (PPS) as well as assessing the needs and opportunities for sporting provision. Sport England provides comprehensive guidance on how to undertake both pieces of work..... The evidence base for sport and recreation should directly link into the development of an Infrastructure Delivery Plan, CIL or planning obligations.</p>
<p>Strategic Housing Market Needs Assessment (SHMNA)</p> <p>Setting Our Development Strategy Topic Paper</p> <p>Five Year Housing Land Supply Statement</p>	89	OAN and 5 Year Land Supply fundamentally flawed and have led to incorrect basis for emerging policies. Documents relating to these should have been consulted on with the emerging plan.
<p>Strategic Housing Market Needs Assessment (SHMNA)</p> <p>Setting Our Development Strategy Topic Paper</p>	89	<p>The following key issues are raised:</p> <ol style="list-style-type: none"> 1. Council has criticised its own evidence (SHMNA) and the proposed number of dwellings is insufficient to take account of any allowance for market signals, affordable housing or alignment between housing and employment strategies; 2. Analysis of market signals and job-led projections is flawed and does not accurately reflect local circumstances leading to insufficient provision for future residential development. It has failed to address affordable housing needs as required by the NPPF, which has resulted in examinations of plans being suspended elsewhere. NLP has adopted a number of scenarios to test the housing requirements all of which suggest a higher target is appropriate.
Strategic Housing Market Needs Assessment (SHMNA)	123	As the SHMNA was prepared at an early stage of the economic recovery the Council should use the most up to date data to review housing targets to ensure will meet need and significantly boost supply.
Appendix 4 of the	56	Hatherleigh Town Council highlights a contradiction over future expansion of the primary school. Page 25 of “wellbeing” states that space is available on site for expansion yet the IDP (page 36) states the school is not capable of expansion. Seek confirmation of

Sustainability Appraisal and Infrastructure Delivery Plan		correct position. If the site is considered suitable for expansion, details are required on the capacity available.
Strategic Flood Risk Assessment (SFRA)	164 LATE	<p>The Environment Agency note that the SFRA has not referred to the notified Critical Drainage Areas (CDAs) for Tavistock and Okehampton and suggest this is updated.</p> <p>It should also be noted that the data for surface water flooding has been revised and therefore reference to the updated Flood Map for Surface Water (uFMfSW) should be included. Correct terms for external flood mapping products are Flood Map for Planning (Rivers and Sea), Risk of Flooding from Rivers and Sea, and Risk of Flooding from Surface Water. Guidance on their use has also been updated.</p> <p>The SFRA's appendices showing Flood Areas do not appear to be available. These should be updated with the latest mapping and should include the CDAs to make the constraints clear to developers.</p>
Sustainability Appraisal & Strategic Environmental Assessment (SA & SEA)	72	Devon and Cornwall Police Authority welcome reference to 'crime and fear of crime' but concerned that there is no mention of S.17 Crime & Disorder Act 1998 (provides legal framework for planning to consider preventing crime, disorder, antisocial etc behaviour affecting local environment (conflict). NPPF – 'create safe and accessible environments where crime and the fear of crime do not undermine quality of life or community'
Sustainability Appraisal	103	Assessment of OP5 is included as appendices these could be included as separate chapters of the main SA report.
Sustainability Appraisal	103	Welcome the site alternatives for Tavistock and the development strategy.
Sustainability Appraisal	103	The SA needs to record alternative options for both employment sites and the minimum spatial distribution for other settlements. Therefore, the SA in respect of Spatial Distribution and delivery of housing as set out in table 2 is in particular incomplete, as is the SA regarding employment sites as it has not taken into account the growth scenario and there is a lack of employment site alternatives.
Sustainability Appraisal	124	Reiterate comments on the evidence base from January consultation. Namely SA of options for locating development, for example, it should not be assumed the 200 dwellings are needed in Tavistock.
Sustainability Appraisal <i>Exbourne</i>	125	<p>Appendix IV SA – Minimum Planned Requirement for Exbourne is considered to be excessive (state it is 15% increase) and wasn't discussed with the PC and the wider community were not consulted. Settlement appraisal does not adequately consider the impact of the additional development.</p> <p>Our Communities There is concern that further development would not maintain and strengthen local distinctiveness and sense of place and the opposite is true. Concerned that new development would undermine existing character with the construction of a disproportionate number of dwellings on Greenfield sites.</p>

		<p>Our Homes It is unclear whether new housing in Exbourne is actually needed, and previous Housing Needs Surveys identified a very low level of need.</p> <p>Our Economy Agree with the conclusion that there are minimal employment opportunities in the parish and that any significant economic impact is unlikely to be local.</p> <p>Our Wellbeing The respondent cannot see how a further 20 homes will have a positive impact on the health and well-being of the local economy. Exbourne was not designed for the car and further development would have a negative effect on sustainable transport options and increases traffic. The only potential improvement might be to social interaction in public places, although equally there are concerns about the impact of an increased population on local services and facilities.</p> <p>Our Nature Development on the scale proposed will not conserve or enhance the quality of landscape character or conserve and enhance biodiversity and in fact will have a negative impact on both these areas, particularly since that development sites have been identified in areas of existing grade 2 agricultural land or in the Conservation Area.</p> <p>Our Resources Agree with the analysis.</p> <p>Our Heritage An additional 21 dwellings is likely to have a detrimental impact on the cultural and historic environment. Concerned that new development will be out of keeping with the historic landscape and have a negative impact on the Conservation Area.</p> <p>Conclusion Questions whether there is an error in relation to the conclusion that the proposed level of development performs well against the Our Nature objectives. Urges the Council to reduce the minimum planned requirement to a more sensible and sustainable level.</p>
Sustainability Appraisal	164 LATE	The Environment Agency supports the conclusions of the Sustainability Appraisal (Appendix V) and recommend that these comments are incorporated into the plan where relevant.
Understanding Our Objectively Assessed Need Topic Paper	99	The respondent notes that the demographic profile of the population increase is not specified i.e. proportion retirees, working people etc...
Understanding Our Objectively Assessed Need Topic Paper	128	Inspector in Core Strategy commented that HMA showed levels of need exceeding the RSS target and that 2003 DCLG projections suggested a higher projection than RSS. Council should use updated household projections released 27 th Feb 2015.

Report to: **West Devon Hub Committee**

Date: **22nd September 2015**

Title: **Introduction of a Discretionary Local Business Rate Relief Discount Policy**

Portfolio Area: **Cllr Robert Baldwin,
Deputy Leader of the Council
Strategy & Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Approval and clearance obtained: **Yes**

Urgent Decision: **N/A**

Date next steps can be taken: **Immediately after Member approval at Council on 29 September 2015**

Author: **Darren Arulvasagam,
Business Development, Group Manager
01803 861222 / darren.arulvasagam@swdevon.gov.uk**

**Lisa Buckle,
S151 Officer / CoP Lead, Finance
01803 861413 / Lisa.Buckle@swdevon.gov.uk**

Recommendations:

That the Hub Committee recommends to Council:

- a) to offer local businesses discretionary business rate relief where it is in the interest of local Council tax payers to do so
- b) to ratify a new discretionary business rate relief policy as detailed within Appendix one and approve the rate relief application form as shown in Appendix two attached to this report
- c) to agree the formation of a discretionary business rate relief decision panel, who will appraise and determine applications on an as-needs basis as set out in paragraph 1.6 of this report
- d) to delegate authority to the Group Manager, Business Development in consultation with the Deputy Leader of West Devon Borough Council to make minor legal amendments to the Policy shown in Appendix one prior to it being published and adopted as appropriate
- e) to review the policy after one year
- f) to refer decisions made by the panel to the Audit Committee

Executive summary

- 1.1. This report recommends that the Borough Council utilises its powers to apply discretionary business rate relief.
- 1.2. Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows billing authorities such as West Devon Borough Council, to grant discretionary rate relief in any circumstances, provided it is in the interests of the local Council tax payers to do so.
- 1.3. The purpose of these new powers is to give billing authorities the ability and scope to encourage, sustain and improve local economic performance by temporarily lowering the business rate burden while local businesses grow and create significant additional employment within the Borough.
- 1.4. Appendix one contains the recommended policy, whilst Appendix two contains the recommended discretionary rate relief application form.
- 1.5. Members are requested to agree the formation of a new discretionary business rate relief decision panel, who will review and determine applications in line with this report and appended policy.
- 1.6. It is suggested that this panel is formed by three Members: the Mayor; the Leader of the Council, and; the Deputy Leader of the Council. Two further Members are to be nominated as substitute panellists, in the event that one of the core three cannot attend a review panel meeting within a timely manner (or have a conflicting declaration of personal interest). The Chair of the O&S Committee and the Economy Portfolio Member of the Hub Committee are suggested as stand-by panellists. Where applicable, the local Ward Member will be invited to attend a decision panel meeting in order to support the application decision process.

2. Background

- 2.1. In order to stimulate local business growth and retain local businesses and jobs within the Borough, it is proposed that the Council applies powers available to it to offer discretionary business rate relief, where there is a tangible benefit to local tax payers.

The relief will offer growing businesses discretionary financial assistance through their growth transition and can help to safeguard jobs. Without a Policy, growing businesses would not be able to receive assistance from this billing authority and could be attracted by the financial benefits offered by local enterprise zones or soft landing policies in other Districts / Boroughs.
- 2.2. When West Devon receive business rates, it has to pay other public bodies a share of the revenue it receives. 50% is returned

to Central Government; 9% is paid to Devon County Council and 1% is paid to the Fire Authority. 40% is retained by West Devon.

Offering discretionary business rate relief will reduce the revenue generated by West Devon in the short term and consequently reduce the amount payable to these other authorities. This is currently the case with other discretionary awards made by the Council, such as non-profit making bodies and charitable occupation relief.

- 2.3. West Devon is part of the Devon Business Rate Pool for the current year. Other pool members, including Teignbridge and Plymouth already offer similar schemes.

3. Outcomes/outputs

- 3.1. The aim of this policy is to attract, nurture and retain businesses within the billing authority and encourage them to expand and create more jobs and economic value for the Borough. Once in place, the policy will help the Borough compete with other areas looking to attract growing businesses.
- 3.2. It is not possible to forecast the amount of business rate income that will be foregone by adopting this policy. Applications and therefore awards will vary according to the type of business applying and their individual circumstances and the panel's decision on what level of discount and discount duration to award.
- 3.3. It is expected that the policy will apply to all premises irrespective of ownership.
- 3.4. The panel will use its discretion to determine discount applications, paying due attention to safeguard local businesses, including those competing with the discount applicant.

4. Options available and consideration of risk

- 4.1. Members could opt to do nothing – however, this could realistically result in local businesses opting to move and expand their operations outside of the Borough. Such a move could result in local job losses, vacant property and an eventual reduction in business rate revenue.
- 4.2. Members could facilitate an alternative method of offering local businesses financial support to grow and create additional job opportunities. At present no other funding streams or reserves are available to small and medium sized businesses other than grant applications to the South Devon Coastal Local Action Group (SDC LAG) and / or the Greater Dartmoor Local Enterprise Action Fund (GD LEAF). Applications of this type are typically restricted to certain business types and for defined purposes. GDLEAF and

Introduction of a Discretionary Local Business Rate Relief Discount Policy

SDC LAG can offer one-off grants of £50,000 or less, however applications are not currently being accepted due to delays experienced by the Rural Payments Agency. Applications are expected to be accepted from October.

5. Proposed Way Forward

- 5.1. It is recommended that West Devon Borough Council Members agree to utilise its power to offer local businesses discretionary business rate relief where it is in the interest of local Council tax payers to do so. This policy will be used in exceptional circumstances at its absolute discretion, where the criteria of the policy has been met and the principles of the policy followed.
- 5.2. Appendix one sets out the principles and criteria whilst the discretionary business rate relief application form is shown in appendix two.
- 5.3. A discretionary business rate relief decision panel will be formed of three Members, with two stand-by substitutes in order facilitate a timely decision on applications. Where applicable, the local Ward Member will be invited to attend a decision panel meeting in order to support the application decision process.
- 5.4. The policy and applications will be promoted on an as-needs basis to relevant businesses in the locality.

6. Implications

Implications	Relevant to proposals	Details and proposed measures to address
Legal/ Governance	Y	<p>The Council has a Discretion under section 69 of the Localism Act whether to grant rate relief provided that it is in the interests of the local council tax payers, and in order to exercise that discretion the Council needs to adopt a Policy.</p> <p>Care must be taken to ensure that any relief awarded must not contravene state aid laws. There is provision within the policy principles and criteria to request that applicants state all prior state aid assistance and evidence to ensure any award does not exceed the 'de minimis' threshold level of €200,000 over a rolling three year period from any Government body / organisation.</p> <p>The Council must have regard to its fiduciary duty to Council tax payers – by awarding temporary relief, Council tax payers are in effect subsidising businesses to grow. The policy and principles are based around a rapid return on investment, i.e. greater business rate returns after the initial relief period.</p>
Financial	Y	<p>Relief will only ever be awarded for a defined time period. Business rate income could reduce in the short term as applications are accepted and relief is awarded. However, beyond the initial relief period, business rate revenue is expected to increase. Applicants will be</p>

Introduction of a Discretionary Local Business Rate Relief Discount Policy

		<p>required to evidence a long lease / freehold to remain in the locality in order to apply for the relief. Clawback provisions are included in the event the business were to relocate within a 5 year time period after application.</p> <p>There is a financial impact to awarding rate relief discounts under Section 47 of the Local Government Finance Act 1988 and the cost to the Council is 40% of the relief awarded. Applications will be assessed on a case by case basis. There is no Government support for such awards, thereby having a direct impact on the taxpayers of the Borough. The policy and principles are based around a rapid return on investment, i.e. greater business rate returns after the initial relief period.</p> <p>It should be noted that when a business relocates from within the Borough to a new property within the Borough, rates on the former premises (which would then be empty) are subject to 100% mandatory relief for 3 months (extendable to 6 months depending on premises type). This would further reduce income for the period. After the 3/6 months, rate liability for the landlord / freeholder reverts to the full amount on the former premises.</p>
Risk	Y	<p>The policy must not set an unwelcome precedent. It has been drafted to ensure that it protects the interests of local Council tax payers and will only help businesses who are intending and in a position to grow.</p> <p>Not having a defined policy could result in the Council having to determine discretionary rate relief applications without a defined set of criteria or principles and could result in unfair and anti-competitive awards.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N/A	
Safeguarding	N/A	
Community Safety, Crime and Disorder	N/A	
Health, Safety and Wellbeing	N/A	
Other implications	N/A	

Please refer to Appendix 1 for the full policy and Appendix 2 for the suggested discretionary local business rate relief discount Application form.

Introduction of a Discretionary Local Business Rate Relief Discount Policy

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Executive/Hub/Scrutiny)	n/a

Appendix One: Draft Discretionary Business Rate Relief Policy

Powers to apply discretionary business rate relief

Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 to allow billing authorities such as West Devon Borough Council, to grant discretionary rate relief in any circumstances, provided it is in the interests of the local Council tax payers to do so.

The purpose of this new power is to give billing authorities the ability and scope to encourage, sustain and improve economic performance by having the power to lower the business rate burden while businesses grow and create significant additional employment within the Borough.

Local Business Rate Relief Discount (LBRRD) Requirements

The following principles apply when considering LBRRD applications:

- i. The Council will consider the cost of funding the LBRRD and the burden this places on its finances
- ii. The LBRRD will support opportunities for new business growth, expansion, employment and the safeguarding of jobs within the Borough and the effect this will have on competing local businesses
- iii. If it is reasonable to offer a LBRRD having taken into account the interests of the Council tax payers as a whole
- iv. Any LBRRD award will be at the absolute discretion of the billing authority. The LBRRD may be awarded to any property or business of the Councils choosing, at any level between 0% and 100%. For example, 20% or 100% or for companies who are relocating within the Borough, the discount awarded may equal the difference between the old premises business rates payable and the new premises business rates payable
- v. Claims for LBRRD cannot be backdated
- vi. The Council reserves the right to withdraw the LBRRD scheme at any time
- vii. Whether the award of a LBRRD may constitute State Aid. The 'de minimis' threshold for State Aid granted to any undertaking of any size must not exceed €200,000 over any rolling period of three fiscal years from any source. The onus is on the applicant to provide sufficient evidence to the billing authority to confirm that the 'de minimis' threshold is not and will not be breached. Applications which may constitute state aid will not be considered

Criteria for valid LBRRD applications

Each application will be considered on its individual merits against the criteria set out below:

- 1) Does the LBRRD incentivise the creation of new permanent contract (not zero hour contract) jobs for local people (paying the living wage as a minimum)?
- 2) Will the LBRRD provide a return on investment from higher future rates income?
- 3) Are there social or economic implications for the area if the LBRRD is not applied? e.g. the loss of a substantial number of jobs or skills from the area
- 4) Is the request for temporary relief (LBRRD will not be repeated year after year)
- 5) To be considered for an award under this policy the applicant must be either :
 - a) A new business starting up in the area
 - b) A business relocating to the area

Introduction of a Discretionary Local Business Rate Relief Discount Policy

- c) An existing business expanding within the area and creating additional or safeguarding existing jobs
- 6) Applications will not normally be considered where the Applicant's business premises are held on a lease with less than seven years remaining at the time of application
- 7) No LBRRD will be awarded for greater than 2 years
- 8) No LBRRD will be awarded if the applicant has received financial assistance worth a cumulative total of greater than €200,000 over three years, from any source that could be considered as State Aid
- 9) LBRRD will not normally be considered until the Applicant has all required permissions, licences, leases and other provisions in place in order to begin lawfully trading from the premises at which the rate relief will be applied
- 10) In considering an application for a LBRRD, applicants may be asked to provide certain information. This may include, but is not limited to, the last two years of financial accounts; a business plan, and; evidence of its ownership of a freehold or a minimum remaining lease term of seven years for commercial premises
- 11) All LBRRD decisions are to be made by the discretionary business rate relief panel within four weeks of receipt of a fully completed application form and all requested supporting evidence
- 12) Any LBRRD awarded will be made by crediting the business rate account to which it applies
- 13) There is no statutory right to appeal against a decision made by the discretionary business rate relief panel other than a Judicial Review. An applicant may make a request for the decision panel to review a decision within four weeks of notification of a decision but only where additional relevant information becomes available that was not available at the time the decision was made. Cases will be reviewed by the same discretionary rate relief panel. A request for review must set out the reasons for the request to review and include the relevant new information.
- 14) The applicant must sign a statement of intent to operate the business in the Borough for a minimum of five years.
- 15) If in the Council's opinion any of the clawback events or termination events listed in Appendix A occur, the Council may at its absolute discretion:
 - a) Suspend the LBRRD awarded under this Policy for such period as the Council shall determine;
 - b) Vary the LBRRD awarded under this Policy, in which case the discount shall thereafter be made in accordance with a written variation notified to the Applicant;
 - c) Terminate any agreement to award the LBRRD under this Policy whereupon the Council shall cease to be under any obligation to provide any further LBRRD to the Applicant and (in addition) the Council may require the Applicant to repay the whole or any part of the LBRRD previously enjoyed by the Applicant and the Applicant agrees that upon receipt of written notice requiring repayment the Applicant shall repay the sums required within 30 days of receipt of such notice.

Notwithstanding the provisions of Clauses (a) and (b) above, in the event that an applicant relocates the business for which the LBRRD is awarded to a location outside of the Borough, within a period of five years from the date of the decision to award the LBRRD, the Council shall be entitled to recover some or all of the LBRRD on the following basis:

Introduction of a Discretionary Local Business Rate Relief Discount Policy

If the relocation occurs before 5 calendar years have expired beginning with the date of the decision, 100% of the LBRRD awarded shall be recoverable, at the Council's discretion.

APPENDIX A - CLAWBACK AND TERMINATION EVENTS

The following Clawback and Termination Events apply to this Policy:

1. There is any change in the Applicant's legal status and such a change is likely to adversely affect the LBRRD; or
2. Any claim and/or report submitted by the Applicant does not properly comply with the requirements detailed in this Policy; or
3. Any information supplied by the Applicant under or in connection with the LBRRD proves to be materially incorrect or misleading; or
4. The Applicant does not comply with or observe any condition of this Policy; or
5. The assistance exceeds European Community State Aid limits to the extent that any LBRRD paid should not have been paid or if a decision of the European Commission or of the European Court of Justice requires payment to be withheld or recovered; or
6. There is an unsatisfactory report from the auditors. This will be the case if the auditors refer to a fundamental uncertainty, a disagreement or a limitation to their opinion, or if the auditors are unable to form an opinion; or if they report that the statement of grant does not give a true and fair view; or
7. There is any evidence of irregularity, impropriety or negligence in connection with a LBRRD application; or
8. If:
 - a. the Applicant, being an individual, an incorporated or an unincorporated body, becomes bankrupt, has a receiving order or administration order made against it, makes any composition or arrangement for the benefit of creditors, makes any conveyance or assignment for the benefit of creditors or purports to do so, or is the subject of an application under the Insolvency Act 1986 (or superseding legislation) for the sequestration of the Applicants estate or of a trust on behalf of the Applicant's creditors; or
 - b. the Applicant, being an unincorporated body is dissolved; or
 - c. the Applicant, being an incorporated body passes a resolution that the Applicant should be wound up, is ordered by the High Court to be wound up, has an administrator appointed by order of the Court, has an administrative receiver appointed, or being a company is struck from the register at Companies House.

Appendix Two

Discretionary Local Business Rate Relief Discount Application Form

Please complete all fields and supply supporting evidence where applicable

Account Reference number:	
Applicant name:	
Contact address:	
Postcode:	
Telephone number:	Mobile number:
Email Address:	
Address in respect of which application is made:	
Description / Type of business:	
How long have you been trading in West Devon?	
Number of staff employed?	Date lease due to expire?

Reasons why a local business rate relief discount should be awarded

Please state how the granting of a discount will support opportunities for new business growth, expansion and employment or the safeguarding of employment within the area:

Social or economic implications

What are the social or economic implications for the Borough?

Introduction of a Discretionary Local Business Rate Relief Discount Policy

Period and percentage of discount requested

Please state the period and percentage of discount requested:

Other support (Note, responses below should include where the applicant / business has premises in other parts of the country and where any business rate relief has been awarded)

Please give details of all other financial assistance that the business / organisation is receiving or has applied for, that could be considered as State Aid:

Please declare any financial assistance received by the applicant from any source in the last rolling three year period, that could be considered as State Aid:

Please attach (for the business and premises which will benefit from the Discretionary Local Business Rate Relief):

- ✓ The last two years of financial accounts
- ✓ A business plan (including growth forecast)
- ✓ Evidence of freehold ownership OR evidence of a minimum of seven years remaining on the lease of your commercial premises

I certify that the particulars given in this application are correct to the best of my knowledge and belief. By signing this form, I agree to the applicant / business being bound by the criteria detailed within the Discretionary Business Rate Relief Policy.

Name:

Position:

Signature:

Date:

Telephone number:

Email:

The billing authority will aim to make a decision regarding this application within four weeks of receipt of all supporting evidence considered necessary to enable the application to be considered.

Introduction of a Discretionary Local Business Rate Relief Discount Policy

Please Note:

- Business rates remain payable whilst any application is being processed
- Any discount awarded will only be for a defined temporary period
- You must provide any other supporting evidence deemed necessary as requested by the billing authority
- Incomplete applications will not be considered

Please return this completed form and the required supporting evidence to:

Business Rates Team
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

Or email to: businessrates@westdevon.gov.uk

Agenda Item 7

Council Tax Discretionary Discount and Reduction Policy

Report to: **Hub Committee**

Date: **22nd September 2015**

Title: **Council Tax Discretionary Discount & Reduction Policy**

Portfolio Area: **Health and Wellbeing**

Wards Affected: **all**

Relevant Scrutiny Committee: **Overview & Scrutiny (Internal)**

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

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Isabel Blake** Role: **Community of Practice Lead Specialist Housing, Revenues & Benefits**

Contact: **01822 813551/Isabel.Blake@swdevon.gov.uk**

Recommendations:

1. The Hub recommends the combined Council Tax Discretionary Discount & Reduction Policy be approved by full Council.

Council Tax Discretionary Discount and Reduction Policy

1. Executive summary

1) The Council can use its discretionary powers to assist persons liable for Council Tax who are facing extreme hardship or distress. This report presents a new policy which incorporates these powers with the Exceptional Hardship Fund which specifically provides additional support to customers in receipt of Council Tax Reduction. This will allow all applications for assistance with Council Tax to be considered under one framework. This will ensure all applicants are treated consistently and fairly.

2. Background

1) Section 13a of the Local Government Finance Act 1992 provides the billing Authority with discretionary powers to reduce Council Tax liability where national discounts and exemptions cannot be applied. Every Council Taxpayer is entitled to make an application for a discretionary Council Tax reduction. It is anticipated that a discretionary reduction will only be granted to Council Taxpayers in exceptional circumstances and will normally be for a short term period. An application for a further award can be made and there will be a review of the application and what actions have been taken since the last award.

2) The Exceptional Hardship Fund forms part of West Devon Borough Council's agreed Council Tax Reduction Scheme for 2014/15 & 15/16 and has been awarded in line with the Council Tax reduction exceptional hardship fund policy. It is normally a short-term emergency fund while the Council Taxpayer seeks alternative solutions. The main features of the fund are as follows

- Awards are discretionary
- Council Taxpayers do not have an automatic right to an award
- Payments are not a payment of Council Tax Reduction
- Council Tax Reduction must be in payment in the week in which an Exceptional Hardship award is made
- West Devon Borough Council may decide that a backdated EHF award is appropriate which could then settle Council Tax arrears. This would be the only circumstance where the EHF could be used to facilitate payment of Council Tax arrears
- EHF awards cannot be made to settle arrears of Council Tax unless due to an award of backdated EHF as set out above.

3) This new policy brings together these two schemes into one policy.

4) The purpose of bringing these schemes together is so that applications can be considered under one framework and therefore removes the need for the applicant to apply under both provisions. It also sets out one financial assessment criteria ensuring that applicants are treated fairly and consistently.

Council Tax Discretionary Discount and Reduction Policy

3. Outcomes/outputs

- 1) By combining the two policies customers need only make a single application for financial hardship.
- 2) Both schemes have common purpose and deliver the following outcomes:
 - A safety net to protect our most vulnerable Council Taxpayers who need additional financial assistance.
 - Enables support to be given to Council Taxpayers who are in financial or other crisis where no other legislative discounts or reliefs exist.
 - Helps Council Taxpayers through personal crisis, difficult events or where there are exceptional circumstances which impacts on their ability to pay.
 - Prevents exceptional hardship
 - Alleviates poverty
 - Helps those who are trying to help themselves
 - Sustains tenancies and prevention of homelessness
 - Keeps families together
 - Encourages and supports people to obtain and remain in employment

This policy does not exclude any additional provision or guidance given by Central Government on particular issues. For example: additional help to residents affected by the flooding in 2013/14.

4. Options available and consideration of risk

- 1) To adopt the new policy, aligning the 2 schemes under one single policy. This will ensure all applications are assessed in one process, thereby preventing duplication, and where appropriate will ensure awards are made with a consistent approach.
- 2) Members can decide to leave both schemes separate with no changes to the existing policies; this would result in claims for both awards being processed separately. There would be a direct impact in productivity, which could lead to delays to the processing of work.

5. Proposed Way Forward

- That Members recommend the adoption of this policy.

Council Tax Discretionary Discount and Reduction Policy

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<ul style="list-style-type: none"> Section 13a Local Government Finance Act 1992 (Council Tax) When central Government abolished Council Tax Benefit and devolved support to Local Authorities, where a scheme was adopted it was mandatory to have a published policy. The Policy will ensure we meet existing statutory obligations
Financial		<ul style="list-style-type: none"> Discretionary awards made under Section 13a of the Local Government Finance Act 1992 are funded wholly by WDBC. In 2014/15 a total of £453.20 has been awarded. Awards under the exceptional hardship fund are funded proportionately by all major preceptors. In 2014/15 £18,995.31 has been awarded from a total fund of £19,000
Risk	<p>Separate Policies</p> <p>Inconsistent awards</p> <p>Awards exceed funding</p>	<p>Not combining these 2 schemes could mean that customers are treated differently depending on whether they claim council tax reduction. The joint policy will mitigate this risk.</p> <p>The awarding of funds is done inconsistently by different officers. This can be mitigated by robust monitoring by the Benefits Lead Specialist and cross checking by trained officers to check consistency.</p> <p>Awards cannot be refused based on lack of funds, therefore criteria must be adhered to and awards only made to those in most need throughout the financial year. This will be continuously monitored by the Benefits Lead Specialist.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		This policy has high relevance to equality and has a positive or neutral impact on all protected

Council Tax Discretionary Discount and Reduction Policy

		characteristics
Safeguarding		The policy provides a safety net for vulnerable adults and households in financial hardship which may include dependent children.
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		Please see comments under safeguarding.
Other implications		

Supporting Information

Appendices:

Appendix A – Council Tax Discretionary Discount & Reduction Policy.

Background Papers:

Local Government Finance Act 1992 Section 13a

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	n/a
If not on Cabinet Work Programme, Scrutiny offered the opportunity to consider the report	n/a

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West Devon Borough Council

Council Tax Discretionary Discount and Reduction Policy

Issue details	
Title:	Council Tax Discretionary Discount and Reduction Policy
Version number	Version 1.0
Officer responsible:	Isabel Blake Community of Practice Lead Specialist, Housing, Benefits & Revenues.
Authorisation by:	Full Council
Authorisation date:	

1 Previous Policies/Strategies

- 1.1 This policy brings together the Council Tax Discretionary Discount Policy and Exceptional Hardship Fund Policy.

2 Why has the council introduced this policy?

- 2.1 This policy sets out the criteria that need to be met and the type of information to be provided when a Council Taxpayer applies for a reduction in their Council Tax under West Devon Borough Council's (WDBC) discretionary powers.
- 2.2 There are two ways by which WDBC can use its discretionary powers to give a reduction in Council Tax:
- 2.2.1 S13a1c of the Local Government Finance Act 1992 (as amended) provides the billing authority with additional discretionary powers to reduce the Council Tax liability where national discounts and exemptions cannot be applied:

- a. Where a person is liable to pay Council Tax in respect of any chargeable dwelling and day, the billing authority for the area in which the dwelling is situated may reduce the amount which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit.*
- b. The power under subsection 1) above includes the power to reduce an amount to nil.*
- c. The power under subsection 1) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.*

This is referred to in our policy as a Section 13a1c discretionary Council Tax reduction. This is wholly funded by WDBC, except when

Central Government has used this provision to provide grant funding for specific issues, for example the winter 2013/14 flooding.

2.2.2 In addition to our Council Tax Reduction Scheme Policy (Section 13a1a of the Local Government Finance Act 1992, as amended), WDBC has an Exceptional Hardship Fund (EHF). The EHF is available to cover the shortfall between Council Tax liability and payments of Council Tax Reduction. The funding of EHF is through the collection fund and is paid for by all preceptors in proportion to their share of Council Tax

2.3 The purpose of bringing the two discretionary schemes under the one policy allows for applications to be considered under the one framework and therefore removes the requirement for the Council Taxpayer having to apply under both discretionary provisions. It also means that WDBC has one financial assessment criteria ensuring that applicants are treated fairly and consistently.

3 What is WDBC's policy?

3.1 This policy meets the corporate priorities of Community Life by looking after our residents' health and wellbeing.

It supports these priorities by delivering the following outcomes:

- A safety net to protect our most vulnerable Council Taxpayers who need additional financial assistance.
- Enables support to be given to Council Taxpayers who are in financial or other crisis where no other legislative discounts or reliefs exist.
- Helps Council Taxpayers through personal crisis, difficult events or where there are exceptional circumstances which impacts on their ability to pay.
- Prevents exceptional hardship
- Alleviates poverty
- Helps those who are trying to help themselves
- Sustains tenancies and prevention of homelessness
- Keeps families together
- Encourages and supports people to obtain and remain in employment

3.2 Officers applying this policy will consider whether all other statutory discounts or reliefs have been applied. This policy will normally only consider exceptional circumstances, due to financial need or crisis, where it is appropriate and fair to give a discretionary discount or reduction.

3.3 An application for financial hardship will only need to be made once. Where the Council Taxpayer is in receipt of Council Tax Reduction this will be dealt with under the EHF provision. The same assessment criteria used under the EHF will also be used for all non Council Tax Reduction customers who are applying for a reduction under Section 13a1c on the grounds of financial hardship.

- 3.4 When considering an application on financial grounds, the Council Taxpayer will be required to provide details of household income and expenditure, savings, capital, debts, etc. The assessment we will make for determining financial hardship will take account of only reasonable priority expenditure * against income but will not take account of any non essential expenditure, as Council Tax is a priority bill. Part of the assessment may include referral to an independent money advice and budgeting advice service.
- 3.5 Where funding has been provided by Central Government any discretionary discounts that are made will be based upon the guidance and criteria that the Government issues, subject to WDBC agreeing to adopt this.

3.6 Section 13a 1c Discretionary Council Tax reduction

- 3.6.1 Every Council Taxpayer is entitled to make an application for a discretionary Council Tax reduction. It is anticipated that a discretionary reduction will only be granted to Council Taxpayers in exceptional circumstances and will normally be for a short term period. An application for a further award can be made and there will be a review of the application and what actions have been taken since the last award.
- 3.6.2 When considering an application the following factors will be taken into account:
- There must be evidence of financial hardship or unforeseen or exceptional circumstances to justify any reduction.
 - Whether changing payment methods, re-profiling Council Tax instalments or setting alternative payment arrangements in order to make them more affordable.
 - An award may not be made until the Council Taxpayer has accepted assistance either through WDBC or a third party, such as; Citizens Advice Bureau or similar organisations, to enable them to manage their finances more effectively, including termination of non-essential expenditure.
 - The Council Taxpayer has experienced a crisis or event that has made their property uninhabitable eg due to fire or flooding, where they remain liable to pay Council Tax and for which they have no recourse for compensation.
 - The Council Taxpayer must satisfy WDBC that all reasonable steps have been taken to resolve their situation prior to an application.
 - If the Council Taxpayer is on a low income, whether they have applied for a Council Tax Reduction (WDBC's scheme is called Council Tax Reduction). The Council Tax Reduction scheme exists to ensure that those on low incomes receive financial assistance with their Council Tax.
 - All other eligible discounts/reliefs have been explored prior to an application being made.

- The Council Taxpayer does not have access to other funds/assets that could be used to pay Council Tax.
- All other legitimate means of resolving the situation have been investigated and exhausted by the applicant. If they have not been, it is unlikely that an award will be made.
- The payment record history of the Council Taxpayer.
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.
- Relief will normally only apply to the Council Taxpayer's primary home.

3.6.3 Discretionary reductions will be withdrawn if:

- The conditions or circumstances on which the reduction was granted change or fail to materialise,
- The information submitted as part of the application proves to be misleading.
- The applicant ceases to be the Council Taxpayer.

3.6.4 Where the reduction is cancelled this will normally take effect from the actual date of change. However, in certain circumstances this may be withdrawn in full. A revised Council Tax bill will be issued for payment.

3.7 Administering the scheme

3.7.1 Discretionary Council Tax reductions must be applied for in writing from the Council Taxpayer, their advocate/appointee or a recognised third party acting on their behalf. Where the application is on the grounds of financial hardship a standard form is available which can be obtained via the telephone, in person at Kilworthy Park, Tavistock or St James Street, Okehampton or on WDBC's website.

3.7.2 The application should normally relate to the current Council Tax year, unless the Council Taxpayer has only recently received a bill following a retrospective change to a previous year.

3.7.3 It is expected that the Council Taxpayer will need to provide:

- The period and amount of reduction being sought.
- Reasons why a discretionary reduction should be given, and how this meets our policy.
- What action(s) the applicant has taken to alleviate the situation

3.7.4 WDBC may request any reasonable evidence in support of an application.

- 3.7.5 The Housing, Revenues & Benefits Community of Practice Lead in consultation with the Finance Community of Practice Lead will normally determine Discretionary Discount applications and in their absence this will be passed to the Customer First Group Manager.
- 3.7.6 Successful applicants will be notified in writing of the amount and period a Discretionary Council Tax reduction has been awarded for. Any entitlement is applied to the Council Tax account and a revised bill is sent. Awards are limited to the end of the financial year in which the application is made.
- 3.7.7 If a reduction has been made as a result of a false or fraudulent claim WDBC reserves the right to withdraw the award. WDBC will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence in support of an application.
- 3.7.8 Unsuccessful applicants will be notified in writing together with the reason for the decision.
- 3.7.9 WDBC will aim to make a decision within 14 days of receiving all the information required.
- 3.7.10 Applicants who are receiving a Council Tax discretionary reduction must report changes in their circumstances within 21 days of the change occurring.

3.8 Exceptional Hardship Fund (EHF) Awards

- 3.8.1 Every Council Taxpayer who is entitled to Council Tax Reduction and who has a shortfall is entitled to make a claim for help from EHF. It is normally a short-term emergency fund, whilst the Council Taxpayer seeks alternative solutions.
- 3.8.2 The main features of the Fund are that:
- EHF awards are discretionary
 - Council Taxpayers do not have a statutory right to an award
 - EHF awards are not a payment of Council Tax Reduction
 - Council Tax Reduction must be in payment in the week in which an EHF award is made.
 - WDBC may decide that a backdated EHF award is appropriate; which could then settle Council Tax arrears. This would be the only circumstance where the EHF could be used to facilitate payment of Council Tax arrears.
 - EHF awards cannot be made to settle arrears of Council Tax unless due to an award of backdated EHF as set out above.
- 3.8.3 EHF cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Reduction.
 - For any other reason, other than to reduce Council Tax liability.

- Where WDBC considers that there are unnecessary expenses/debts etc and that the Council Taxpayer has not taken reasonable steps to reduce these.
- To reduce any Council Tax Reduction recoverable overpayment.
- To cover previous years Council Tax arrears.
- A shortfall caused by a Department for Work and Pensions sanction or suspension which has been applied because the Council Taxpayer has turned down work/interview/training opportunities.

3.8.4 Trained officers from Benefits Team will determine whether or not to make an EHF award, and how much any award might be. This will be monitored by the Housing Benefits Manager to ensure consistency and fair application of the award.

When making this decision the officers will consider the following before making an award:

- The shortfall between Council Tax Reduction and Council Tax liability.
- The steps taken by the Council Taxpayer to reduce their Council Tax liability.
- Changing payment methods, re-profiling Council Tax instalments or setting alternative payment arrangements in order to make them affordable.
- Ensure that all appropriate discounts, exemptions and reductions are granted.
- Steps taken by the Council Taxpayer to establish whether they are entitled to other welfare benefits.
- Steps taken by the Council Taxpayer in considering and identifying where possible the most economical tariffs for supply of utilities.
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the Council Taxpayer, their partner and any dependants and any other occupants of the Council Taxpayer's home.
- The difficulty experienced by the Council Taxpayer, which prohibits them from being able to meet their Council Tax liability, and the likely length of time this difficulty will exist.
- Shortfalls due to non-dependant deductions.
- The income and expenditure of the Council Taxpayer, their partner and any dependants or other occupants of the Council Taxpayer's home.
- How deemed reasonable expenditure exceeds income.
- All income may be taken into account, including those which are disregarded when awarding Council Tax Reduction.
- Any savings or capital that might be held by the Council Taxpayer or their partner.
- Other debts outstanding for the Council Taxpayer and their partner.
- Whether the Council Taxpayer has already accessed or is engaging for assistance with budgeting and financial/debt management advice. An EHF award may not be made until the Council Taxpayer has accepted assistance either from WDBC or third party, such as the Citizens Advice

Bureau or similar organisations, to enable them to manage their finances more effectively, including the termination of non essential expenditure.

- The exceptional nature of the Council Taxpayer and/or their family's circumstances that impact on finances.
- The length of time they have lived in the property.

The list is not exhaustive and other relevant factors and special circumstances will be considered.

3.8.5 An application for a further EHF award can be made and there will be a review of the application and what actions have been taken since the last award.

3.8.6 An EHF award may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid.

3.9 Administering EHF

3.9.1 The Council Taxpayer must make a claim for an EHF award by submitting an application to WDBC. The application form can be made in conjunction with a third party providing money advice or obtained via the telephone, in person at Kilworthy Park, Tavistock or St James Street, Okehampton and WDBC's website. A copy of the application form is at Appendix A of this policy. Council Taxpayers can get assistance with the completion of the form from the Customer Service Team or the Benefits Team at WDBC.

3.9.2 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by WDBC.

3.9.2 In most cases the person who claims the EHF award will be the person entitled to Council Tax Reduction. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

3.9.3 An EHF award may be revised where the Council Taxpayer's circumstances have changed, which either increases or reduces their Council Tax Reduction entitlement.

3.9.4 A person claiming an EHF Payment is required to:

- Give WDBC such information as it may require to make a decision.
- Tell WDBC of any changes in circumstances that may be relevant to their ongoing claim.
- Give WDBC such other information, as it may require, in connection with their claim.

3.9.5 Both the amount and the duration of the award are determined at the discretion of WDBC, and will be done so on the basis of the evidence supplied and the circumstances of the claim

- The start date will usually be the Monday after the written claim for an EHF award is received by WDBC, although in some cases it may be possible to backdate this award, based upon individual circumstances of each case.
- The EHF will normally be awarded for a minimum of one week
- The maximum length of the award will not exceed the end of the financial year in which the award is given.

3.9.6 Any EHF award will be made directly to the Council Tax account, thus reducing the amount of Council Tax payable.

3.9.7 Overpaid EHF awards will generally be recovered directly from the Council Taxpayers Council Tax account, increasing the amount of Council Tax due and payable.

3.9.8 WDBC will notify the outcome of each application in writing. The notification will include the reason for the decision and advise the Council Taxpayer of their appeal rights.

3.10 Publicity of discretionary reductions and discounts

3.10.1 WDBC will publicise this policy and will work with interested parties to achieve the stated outcomes. A copy of this policy will be made available for inspection and will be published on WDBC's website.

3.11 Right to appeal

3.11.1 Decisions about discretionary discounts and reductions are subject to the statutory appeal process.

3.11.2 If the Council Taxpayer is not satisfied with a decision in respect of:

- an application for a discretionary reduction
- a decision not grant a discretionary reduction
- a decision to award a reduced amount of discretionary reduction
- a decision not to backdate a discretionary reduction

They may request a review in writing. In these cases WDBC will look at the decision again.

3.11.3 An officer, senior to the original decision maker, will consider the dispute by Reviewing the original application and any additional information and/or Representation made and will make a decision within 14 days of referral or as Soon as practicable thereafter.

3.11.4 Any request for a review must be made in writing, within two months of the date of the notification letter confirming the original decision.

3.11.5 The outcome of the review will be given in writing by the Council, detailing the reasons for changing or upholding the original decision.

3.11.6 If WDBC does not respond within two months to the Council Taxpayer's request for a review or the Council Taxpayer considers that WDBC's decision is wrong, they can appeal directly to the Valuation Tribunal

4 Equality impact considerations – the policy is high relevance to equality if it has a big impact on residents and users of the service

Low

4.1 This Equality Impact Assessment considers the impact of this policy on the relevant protected characteristics, as defined by the Equality Duty, which are:

- Age (including children and young people)
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage or civil partnership status (in respect of the requirement to have due regard to eliminate discrimination)
- An additional WDBC local factor of community considerations such as socio-economic factors, criminal convictions, rural living or Human Rights

4.2 This policy has a positive or neutral impact on all protected characteristics.

4.3 The protected characteristics which are positively impacted are age, disability and WDBC local factors. This is because the policy, when considering EHF awards, considers household composition and disability related expenditure when looking at expenditure calculations.

4.4 The positive impact on local factors is high as the EH awards support vulnerable Council Taxpayers who may not otherwise be able to pay their Council Tax. Also the discretionary discounts help to support local areas which may be affected by natural disasters which affect the households.

5 Appendices and other relevant information

Appendix A – Application Form

6 Who authorised the policy/strategy and date of authorisation.

7 Related Policies/Strategies, Procedures and Legislation

7.1 Related policies

Discretionary Housing Payments policy

7.2 Legislation

Local Government Finance Act 1992, as amended

8 Policy date for review and responsible officer

8.1 This policy will be reviewed by the Customer First Group Manager periodically but no later than 2017.

DRAFT

Devon Home Choice

Report to: **Hub Committee**
Date: **22nd September 2015**
Title: **Devon Home Choice Policy Review**
Portfolio Area: **Customer First**
Wards Affected: **All**

Relevant Scrutiny Committee: **Overview & Scrutiny External**

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

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Isabel Blake** Role: **Community of Practice Lead
Specialist Housing, Revenues
& Benefits**

Contact: **01822 813551 Isabel.Blake@swdevon.gov.uk**

Recommendations:

1. To note the content and findings of this report
2. To recommend to Council to remain in the Devon Home Choice partnership and review in 12 months
3. To recommend to Council to make no changes at this time to the West Devon Borough Council Local Allocation Policy and review in 12 months

Devon Home Choice

1. Executive summary

- 1) This report reviews the existing arrangements for Devon Home Choice – the Authority’s current model of allocating affordable housing in the borough. We will summarise the experiences of other authorities who have made significant changes locally to the Devon Home Choice Policy and set out the reasons for our recommendations for going forward.

2. Background

- 1) Devon Home Choice has operated in West Devon since 2010. It is a partnership between all 10 Local Authorities and 25 Registered Providers. There is a common policy between all partners, however in addition West Devon Borough Council also has its own local allocation policy which forms the basis on which units of affordable housing are allocated to people in housing need and or with a local connection. (Appendix 1)
- 2) The Devon Home Choice Policy (Appendix 2) was last reviewed at the Overview and Scrutiny Panel on the 18th March 2014, with a recommendation that it be reviewed in 12 months time. Due to elections and the maternity leave of the key member of staff, this is the earliest it has been able to be reviewed.
- 3) There are currently 1557 applications on the West Devon Home Choice Register, in Bands A-E, The breakdown of which is below.

Band	A (Emergency)	B (High)	C (Medium)	D (Low)	E (No Housing Need)
Number of Applicants	1	73	113	313	1057

(As of 1st July 2015)

Although Band E represents “No Housing Need”, in West Devon we have allocated accommodation to people in this band, when higher bands have been exhausted. In the 2014/15 financial year 149 general needs properties were advertised in West Devon through Devon Home Choice. Of this 12% were allocated to people with no housing need.

For sheltered housing this represented 11% of the available properties, allocated to applicants in this band. Both the sheltered and general need properties included flats, properties with age restricting criteria and where there was a local connection requirement

In rural areas the priority for sustainability and homes for local people has been a condition of the land being released for new homes. This was the case in 2014

Devon Home Choice

with land at Woolacombe Road, Bere Alston. Therefore it is not unusual for homes in very rural areas being allocated to a local family who is not in housing need.

- 4) The most common changes other Devon Local Authorities have made to their operation of Devon Home Choice are in connection to the exclusion of applicants in Band E – No housing need. Both Torbay and Teignbridge Councils closed their housing registers to Band E applicants in 2014, following new powers contained in the Localism Act 2011. This has reduced the pool of applicants potentially applying for housing and represents a change to the partnership policy. Despite not registering applicants 2% of general needs properties were still allocated to Band E applicants and 4% in Teignbridge. These applications were registered with other Local Authorities.
- 5) In addition, in the case of Torbay the change to Devon Home Choice has seen them bear the advert costs for all homes advertised in Torbay. Last year this was 293 general need homes at £25 per advert - a total additional cost of £7325. In West Devon this would be an additional cost of approximately £4,400 based on the 14/15 figures. This is because the partner Landlords viewed this as a deviation from the partnership agreement and therefore a return to the nominations process where the Landlord would request an applicant from the Local Authority.

One of the other major changes to the policy in Teignbridge was the added criteria to Band D for “community contribution”.

a) What is Community Contribution?

Community contribution is defined as....

- Applicants in paid or unpaid employment for more than 16 hours per week for a period of more than 12 months; Example roles include:
 - School Governor
 - Parish Councillor
 - Community Land Trust Board Director
 - Church Warden
 - Member of the PTFA
 - Organisers of Sports / Social Clubs
 - Member of Teign Valley Community Hall Committee
- Any other “significant” contribution in respect of time and duration.

This was introduced to caveat people who contribute locally and to a large degree (at least 16 hours a week) but otherwise would have been in Band E and unable to register. However there is a further list of people who will qualify for housing who

Devon Home Choice

have to contact the Registered Provider directly. This introduces some risk into the process, as there are multiple channels in which people can apply, it also impacts on an applicant's ability to self-serve by registering online and having to telephone the provider during office opening times. Having an open register, allowing anyone to register mitigates against this. As the Community Contribution criteria favours people who make a significant contribution to their local community (at least 16 hours a week) if West Devon Borough Council chose to explore this option, an equality impact assessment would be necessary to ensure this would not be detrimental to certain groups – for example carers or people who work full time and therefore are unable to volunteer to this degree.

- 6) In conjunction with our Local Allocations Policy the Council remains lawful with regards to giving priority to people with local connection whilst meeting its statutory duty towards people in a “reasonable preference” group (this includes people who are homeless or have a need to move for their health & wellbeing). (Section 4.6 & 4.7 of the West Devon Borough Council Allocations Policy, Appendix 1)

3. Options available and consideration of risk

- 1) West Devon is a non-stockholding authority and if we wished to consider changes to our Allocations Policy or Devon Home Choice, Registered Providers may view this as a return to a nomination agreement which could see us both charged for property adverts as is the case with Torbay, and also change our entitlement to Registered Provider's properties. (I.e. in the case of properties transferred from the Borough Council to West Devon Homes, now DCH, the agreement is for 75% of properties to be let in accordance with Council policy, the other 25% for the Registered Provider to allocate as they see fit. As a regional landlord this could mean tenants coming from elsewhere in Devon or Cornwall, outside of our control. That could mean (using 2014/15 figure) of the 176 properties advertised (149 general needs and 27 sheltered) potentially 44 properties could be allocated outside our policy.
- 2) New powers contained in the Localism Act 2011 allowed Local Authorities to restrict access to its register. The London Borough of Kensington & Chelsea is one Authority that made this change, reducing their register by insisting all applicants attend a face to face process to determine eligibility. While certainly reducing numbers on the register, Members may wish to consider that this is a London Borough, with easier routes of access and ample transport links than applicants may find in West Devon, and while certainly it has reduced the numbers of applicants in no housing need, it is acknowledged that in West Devon we do not always allocate based on housing need but on a local connection. These applicants under this scheme would be excluded.
- 3) If we wished to make significant changes to our allocations policy and withdraw from Devon Home Choice completely we would need to purchase our own IT system that supported the corporate desire for channel shift towards self-serve and the additional administration costs, whilst still being at a comparable cost

Devon Home Choice

as Devon Home Choice for our Registered Providers. As we are non-stock holding we cannot meet our statutory functions under the 1996 Housing Act (as amended) without these partnerships.

- 4) There has been no change in legislation which would mean that Devon Home Choice was no longer fit for purpose. It fulfils the function we require of it. The Devon Home Choice register already includes a residency test as part of the eligibility criteria; in December 2013 further guidance was issued by the Government called *providing social housing for local people* which is in addition to Allocation of Accommodation guidance issued in 2012. This stated that local authorities could decide whether a local connection criterion was implemented to prioritise housing for local people in their area. This paper specifically mentions local connection through family and employment within the **borough**.
- 5) West Devon had previously implemented this for bands A – D within the local allocations policy in May 2013. The 2013 paper goes further and advises that when dealing with sensitive rural villages, local connection could be defined as a parish connection. This could therefore incorporate Band E. However, should members decide to explore this option within the allocations policy it should be born in mind that there are risks. West Devon Borough Council needs to meet their statutory duty of those within a “reasonable preference” category within our borough. Implementing this may mean that we are unable to fulfil this and the use of temporary accommodation could rise due to much of the borough being rural and the acute shortage of affordable housing. If members choose to explore this then a further legal view will need to be sought regarding “sensitive rural areas” and our ability to meet our statutory requirement.
- 6) We have recently conducted a survey of applicants in South Hams & West Devon. We received 442 responses to 5 questions around local connection. A summary of the results is included at Appendix 4. One of the questions was on whether the person the local authority should prioritise is the person in the worst circumstances or the person with the local connection. By a small majority (51.62%) people believed it was the person in the worst circumstances. This is reflected in our Allocations Policy and also our S106 agreements which prioritise housing need in conjunction with local connection.

4. Proposed Way Forward

- 1) It is recommended that West Devon Borough Council do not make any changes to the existing Devon Home Choice policy in the local area, and to review in 12 months.
- 2) It is recommended that the West Devon Borough Council Allocations Policy remains as is and is reviewed in 12 months.

Devon Home Choice

- 3) The Devon Home Choice partnership offers West Devon Borough Council a robust platform on which to manage a housing register. It remains fit for our purpose at low cost.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Localism Act 2011 can restrict access to its Housing Register and are no longer required to keep an “open register”</p> <p>The Council is bound by Part 6 of the 1996 Housing Act (as amended) to give “reasonable preference” to certain groups of people. These are as follows</p> <ul style="list-style-type: none"> • People who are homeless • People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions • People who need to move on medical or welfare grounds • People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others) <p>Both the Devon Home Choice Policy & The West Devon Allocations Policy meets these statutory requirements.</p>
Financial		<p>Current expenditure on maintaining the Housing Register is minimal £13k This is for one part-time member of staff and £1000 a year towards printing costs, and software updates.</p> <p>If we wished to leave Devon Home Choice, the additional staff and advert cost would be £20,200. There would also be additional one off IT costs for purchasing software.</p> <p>If we remained in Devon Home Choice but made changes to the policy which Registered Providers viewed as a return to our historical nomination</p>

Devon Home Choice

		arrangement, potentially we would need to finance the advert costs, as is the case in Torbay. This will be a further £4,400 and an estimated additional staff resource of £4275.18.(based on an additional day a week of existing post holder)
Comprehensive Impact Assessment Implications		
Equality and Diversity		If Members wished to introduce a Community Contribution criteria, this would require an Equality Impact Assessment to ensure that some groups were not treated less favourably than others (main report section 2:5: a :)
Safeguarding		No direct safeguarding concerns with regard to this policy, however there are inbuilt processes and systems within the Devon Home Choice system to deal with our most vulnerable applicants.
Community Safety, Crime and Disorder		No direct implications
Health, Safety and Wellbeing		Both the Devon Home Choice Policy and West Devon Local Allocations Policy give reasonable preference to people requiring housing due to Health, safety & Wellbeing.
Other implications		None

Supporting Information

Appendices:

Appendix 1 – West Devon Local Allocations Policy.

Appendix 2 Devon Home Choice Policy (Please note this is a 79 page policy)
http://www.devonhomechoice.org.uk/Devon_Home_Choice/PDF/DHCPolicyv40from19May15.pdf

Appendix 3 2015 Local Connection Survey

Appendix 4 Annual Devon Home Choice 14/15

Devon Home Choice

Background Papers:

Localism Act 2011

Housing Act 1996 (as amended)

DCLG Providing Social Housing for Local People.

Rural Allocations Report 2014-15 –Devon Rural Housing Partnership

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	n/a

WEST DEVON BOROUGH COUNCIL

LOCAL ALLOCATION POLICY

West Devon Borough Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone.

This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request.

September 2015

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WEST DEVON BOROUGH COUNCIL

LOCAL ALLOCATION POLICY

1 Scope of the policy

- 1.1 This Local Allocations Policy sets out how the Council will deal with specific local issues outside of the Devon wide Choice based lettings system called Devon Home Choice. The document also sets out 'exceptions' to the Devon Home Choice Scheme i.e. where the Council will allocate outside of the scheme.
- 1.2 In exceptional circumstances West Devon Borough Council reserve the right to depart from any aspect of this policy. Any decision to depart from the policy will be taken by the Community of Practice Lead for Housing, Revenues and Benefits and in conjunction with the Lead Member.
- 1.3 Homes delivered in the Dartmoor National Park, on exception sites or on Community Led schemes are controlled by very specific needs in a particular parish. The criteria for these schemes will be set out within the Section 106 Agreement relating to the specific site.
- 1.4 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy.

2 Introduction

- 2.1 West Devon Borough Council (WDBC) no longer holds any housing stock, having transferred the entire stock to, various Registered Providers (RPs) in 1999.
- 2.2 Devon Home Choice is the model adopted by the Council, and RPs operating within the District, to allocate housing through this jointly operated Choice Based Lettings Scheme
- 2.3 Devon Home Choice covers all 10 Devon Authorities including Plymouth & Torbay, enabling applicants to apply across Devon for vacant properties

- 2.4 WDBC coordinates Devon Home Choice within South Hams and maintains the common housing register for all partners operating within the area.
- 2.5 RPs label, advertise and let their properties. They have their own allocation policies and will verify applicants details to ensure they meet their criteria
- 2.6 This policy document sets out:
 - a. the common polices adopted by all partners within Devon Home Choice
 - b. Council specific policies, and
 - c. exceptions to the Devon Home Choice Scheme

3 Statement of Choice

- 3.1 West Devon Borough Council is committed to offering the greatest choice possible in the allocation of housing within the District, whilst ensuring that such choice is compatible with ensuring that housing goes to those with the greatest need.
- 3.2 Within this it must be recognised that there is very high demand for affordable housing in West Devon and that this demand cannot currently be fully met from available resources. Consequently, more often than not, only those in the greatest housing need are likely to obtain suitable accommodation, which means that the degree of choice will always be limited
- 3.3 West Devon Borough Council is also committed to extending choice to homeless households as far as is compatible with the effective use of council resources and the need to reduce the use of temporary accommodation. (paragraph 5 of this policy which set out our policy relating to homeless households)

4 COMMON POLICIES Devon Home Choice

- 4.1 By joining the Devon Home Choice partnership all partners have agreed to the Devon Home Choice Policy
- 4.2 The Devon Home Choice Policy document sets out in detail how the scheme will operate, how applicants will be prioritised and how properties will be let

- 4.3 The Devon Home Choice Policy forms the best part of the Council's allocation policy, being the document which sets out the fundamental principles upon which the Scheme is based
- 4.4 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy
- 4.5 West Devon Borough Council reserves the right to deviate from this policy in exceptional circumstances. Any decision to depart from this policy will be taken by the Community of Practice lead for Housing, Revenue & Benefits along with the Lead member for housing.
- 4.6 Homes which are delivered through Dartmoor National Park, through the Plan-It process or on exception sites within West Devon are controlled by specific legal criteria relating to housing needs in a particular Parish. These criteria will be detailed in the Section 106 agreement.

HOUSING ACT 1996

- 4.7 The Housing Act 1996 as amended requires all Councils to give 'reasonable preference' in their allocations schemes to groups in high housing need such as the homeless, those who need to move on welfare and medical grounds, people living in unsatisfactory housing and those who would face hardship unless they can move to a particular locality within the district. However guidance states that Local Authorities can take into account local pressures with regard to this.
- 4.8 Further guidance was issued in August 2012 in relation to the armed forces stating that local allocation policies should not be utilised for this group in certain circumstances, this is explained in detail in paragraph 5.15.

5 COUNCIL SPECIFIC POLICIES

- 5.1 The Council has specific duties to meet local housing needs and to meet the needs of the homeless. This section sets out the Council's policies in this respect and how they operate alongside the Devon Home Choice Policy

Homeless Households

- 5.2 If the Council accepts a statutory duty to re-house a homeless household they will be placed in the High Housing Needs Band (Band B) in accordance with the Devon Home Choice Policy

Homeless households will be offered the same degree of choice as other applicants for a period of 6 weeks after being accepted as homeless

- 5.3 If bids have not been made for suitable accommodation within the 6 week period (and suitable vacancies have been advertised) then the Council will bid on behalf of the homeless household, for all suitable vacancies that arise, until the household is offered a property
- 5.4 If no suitable vacancies occur within the first 6 weeks, the period of choice will be extended by a further period of up to 6 weeks
- 5.5 Refusals of accommodation by homeless households will be considered in accordance with the Homelessness Code of Guidance

Assisting Vulnerable Households

- 5.6 To ensure vulnerable households, who do not have any support network, are able to access Devon Home Choice and bid for properties the Council will activate the automatic bidding process, this will be done with the applicants consent.
- 5.7 Regular checks will be made on “non-bidding” households to identify households who may need our support. When a household has been identified, and with their approval, bids will be made by Council staff on their behalf
- 5.8 A copy of the Automatic Bidding Procedure is detailed in the Devon Home Choice Policy

Local Housing Needs

- 5.9 Whilst choice will be extended as widely as possible, certain housing schemes may only be let to applicants with a local housing need
- 5.10 In very rural villages with general needs social rented housing stock of less than 100 properties, preference will be given to local households, provided they have an existing housing need ie bands A - D. For the purposes of clarity this is everywhere in West Devon apart from Tavistock, Okehampton, Bere Alston and Horrabridge.
- 5.11 Schemes delivered in the Dartmoor National Park and exception sites within West Devon will be controlled by very specific criteria relating to needs in a particular parish. These criteria will be set out within the S106 Agreement relating to the specific site

- 5.12 Other larger sites enabled through the planning process within West Devon will allow 50% of all new rented affordable housing to be allocated to those in bands A – D. For the avoidance of doubt this will be schemes in Tavistock, Okehampton and Bere Alston.
- 5.13 For the purposes of clarity a household has a connection with the Parish/Town in any of the following circumstances:-
- (i) The person has lived in the parish/town for 3 out of the 5 years preceding the allocation.
 - (ii) The person has immediately prior to the allocation lived in the parish/town for 6 out of 12 months preceding the allocation
 - (iii) Immediate family have lived in the parish/town themselves for 5 years preceding the allocation. For avoidance of doubt The Local Government Association guidelines define immediate family as parents, siblings and non dependent children.
 - (iv) The person has permanent employment in the Parish/Town with a minimum contract of 16 hours per week which has continued for the 6 months preceding the allocation without a break in employment of more than 3 months such employment to include self employment. This should not include employment of a casual nature
 - (v) Any periods of (ordinary) residence of the person in the Parish/Town

ARMED FORCES PERSONNEL

- 5.14 Further guidance issued in August 2012 in relation to the armed forces stated that where housing authorities utilise local connection policies they must not apply them to the following persons:
- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
 - b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
 - c) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

TENANTS INCENTIVE SCHEME

- 5.15 One of the priorities in the HOMES strategy is to maximise the use of existing Social Housing Stock including maximising family sized accommodation by offering a financial incentive where appropriate. The Council can offer payments to households to move to a more appropriate property in terms of size. This policy is a separate document and can be read in conjunction with the allocations policy.

6 EXCEPTIONS TO DEVON HOME CHOICE

Supported Housing Schemes

- 6.1 It is inappropriate to advertise vacancies in certain supported housing schemes as they have been developed to meet very specific needs
- 6.2 The allocation process for such schemes will be agreed outside this allocation policy between Housing, Social Services and the RP and will be developed to meet the very specific needs of the client and sensitively manage the lettings of the scheme
- 6.3 List of supported housing and Extra Care schemes exempt from Devon Home Choice within West Devon:-

1 Springhill
2 Springhill
Castle Ham
Fenner House
See Separate Lettings Policies for the above.

Meeting the needs of the physically disabled

- 6.4 Properties that have been adapted for the disabled will be labelled to ensure the property is let to an applicant with the need for this type of accommodation *e.g. preference will be given to an applicant with the need for a level access shower*
- 6.5 However, there are occasions when the needs of a disabled household cannot be met within the general housing stock and a specific property needs to be built
- 6.6 In such circumstances close liaison will take place between the Council, Social Services and the RP to ensure the property is built to meet the specific needs identified. In this case the property will not be advertised through the Devon Home Choice Scheme but will be allocated through Devon Home Choice as a direct match.

7 GENERAL

Publicity

- 7.1 This policy is a formal Council document and is not intended to be used as a publicity document
- 7.2 Full details of the Devon Home Choice Scheme and the Council's policies will be produced in leaflet format and on the Council's website in a user-friendly format

Diversity and Equal Opportunities

- 7.3 West Devon Borough Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone
- 7.4 This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request

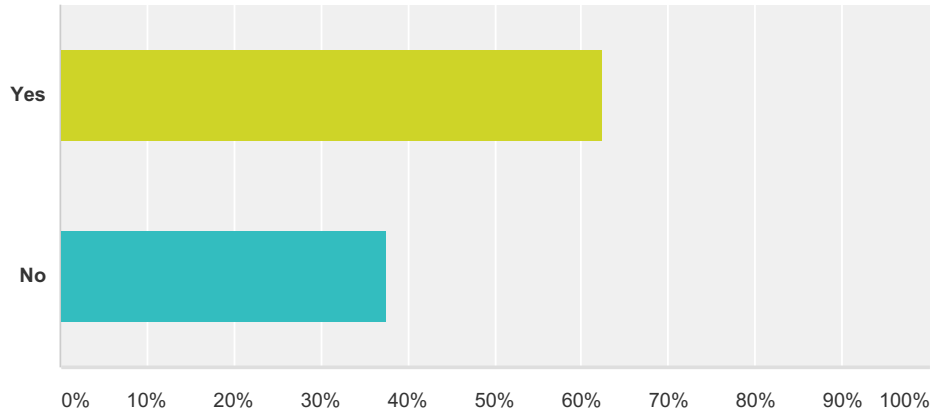
Policy Review

- 7.5 The Devon Home Choice scheme and Policy are regularly reviewed and any changes are implemented only after majority agreement amongst all Devon Home Choice partners
- 7.6 The Council's allocation policy will be monitored regularly and reviewed and updated annually and in conjunction with new developments.

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Q1 Are you aware that alongside Devon Home Choice we have an allocation policy that gives preference to local people?

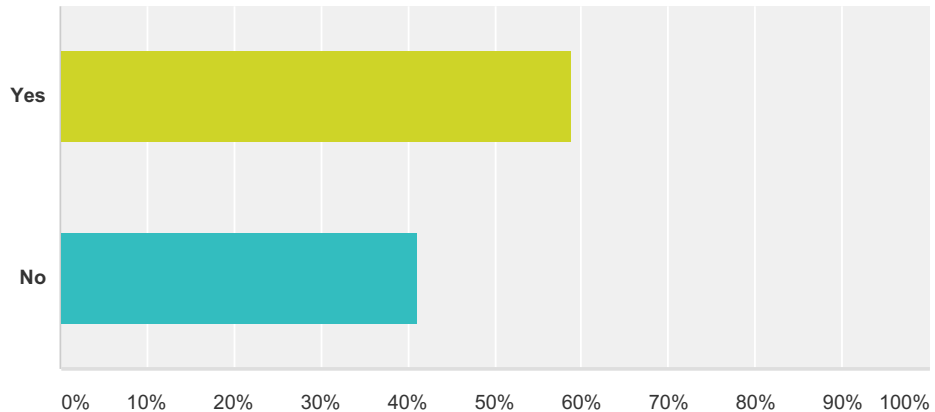
Answered: 442 Skipped: 0



Answer Choices	Responses
Yes	62.44% 276
No	37.56% 166
Total	442

Q2 Are you aware that homes are built with planning restrictions in place to ensure they are only rented or bought (shared ownership) by people with a qualifying local connection (For example residence, family, work, former residency)

Answered: 436 Skipped: 6



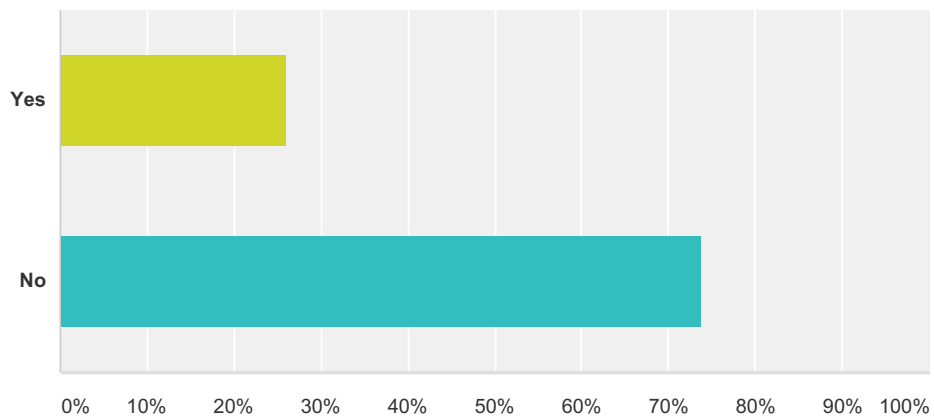
Answer Choices	Responses
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Local Connection Survey 2015

Yes	58.94%	257
No	41.06%	179
Total		436

Q3 Did you know that Devon Home Choice only allows 2% of properties to be allocated to people outside of South Hams or West Devon? when this number has been exceeded we place a note on the advert advising that preference will be given to people with a local connection.

Answered: 430 Skipped: 12

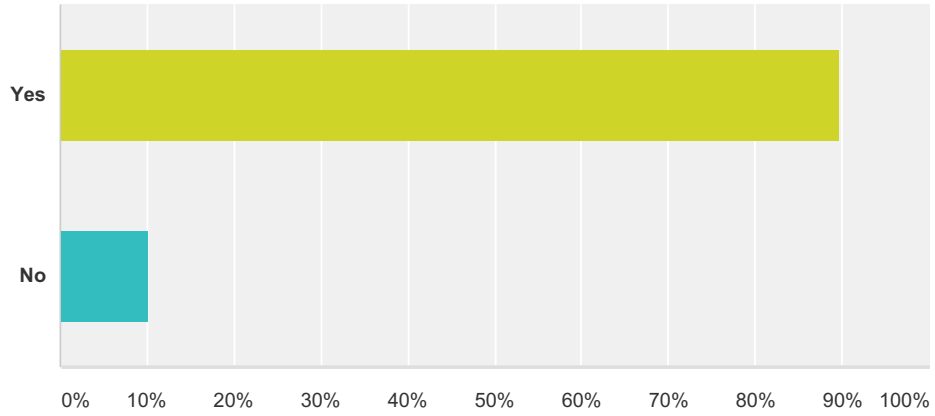


Answer Choices	Responses	
Yes	26.05%	112
No	73.95%	318
Total		430

Q4 Do you agree with this approach to give preference to local people?

Answered: 422 Skipped: 20

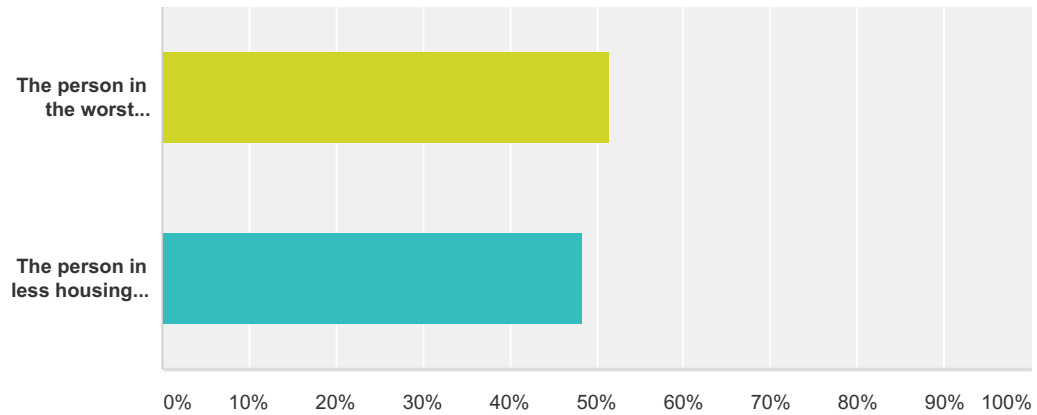
Local Connection Survey 2015



Answer Choices	Responses
Yes	89.81% 379
No	10.19% 43
Total	422

Q5 Who do you believe should be prioritised for housing?

Answered: 401 Skipped: 41



Answer Choices	Responses
The person in the worst circumstances	51.62% 207
The person in less housing need but with a local connection	48.38% 194
Total	401

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Devon Home Choice Quarterly Monitoring Report (April 2015)



Introduction

This report provides the latest key information from Devon Home Choice and covers 1st April 2014 to 31st March 2015

Households registered with Devon Home Choice

The total number of households in housing need (Bands A to D) has increased for the fourth quarter in succession from a figure of 16,032 in April 2014 to 18,901 on 1 April 2015, an increase of 17.8%. It is apparent that there are a number of out of date applications on the system, this should begin to be addressed when the renewals function is set up on the Home Connections system.

The percentage of all applicants in Band E has fallen slightly to 43% from 44% at the end of the previous quarter.

Table 1: Number of households in housing need (Bands A to D) as at 1 April 2015

	Band A		Band B		Band C		Band D		Total	Band E	
	No.	%	No.	%	No.	%	No.	%		No.	%
East Devon	1	0%	267	16%	508	31%	885	53%	1661	636	28%
Exeter	3	0%	481	21%	546	24%	1275	55%	2305	2437	51%
Mid Devon	0	0%	194	20%	306	32%	462	48%	962	1169	55%
North Devon	0	0%	245	18%	359	27%	721	54%	1325	1300	50%
Plymouth	9	0%	1365	20%	1705	26%	3580	54%	6659	5279	44%
South Hams	0	0%	166	17%	237	25%	561	58%	964	1286	57%
Teignbridge	3	0%	390	22%	571	32%	798	45%	1762	5	0%
Torbay	1	0%	340	18%	485	26%	1031	56%	1857	26	1%
Torridge	5	1%	250	34%	230	32%	243	33%	728	825	53%
West Devon	2	0%	103	15%	194	29%	379	56%	678	1015	60%
Total	24	0%	3801	20%	5141	27%	9935	53%	18901	13978	43%
Jan 2015 %		0%		21%		28%		51%			44%

Note: The percentages given for Bands A – D refer to the proportion of households in housing need who are in that Band (e.g. 20% of all households in housing need across Devon are in Band B). The percentage given for Band E refers to the proportion of households in Band E of all those registered (e.g. 43% of households registered across Devon are in Band E).

The greatest need across all Local Authority areas remains for one bedroom properties, (Table 2) with the percentage of applicants requiring one bedroom rising to 58%, the highest figure reported.

**Devon Home Choice
Quarterly Monitoring Report
(April 2015)**



Table 2: Bedroom need of applicants in housing need (Bands A to D) as at 1 April 2015

	1 Bed		2 Bed		3 Bed		4 Beds +		Total
	No.	%	No.	%	No.	%	No.	%	
East Devon	971	58%	439	26%	154	9%	97	6%	1661
Exeter	1375	60%	560	24%	249	11%	121	5%	2305
Mid Devon	490	51%	280	29%	121	13%	71	7%	962
North Devon	737	56%	332	25%	142	11%	114	9%	1325
Plymouth	3987	60%	1635	25%	681	10%	356	5%	6659
South Hams	593	62%	223	23%	101	10%	47	5%	964
Teignbridge	910	52%	541	31%	194	11%	117	7%	1762
Torbay	1048	56%	480	26%	206	11%	123	7%	1857
Torrige	365	50%	223	31%	89	12%	51	7%	728
West Devon	411	61%	159	23%	81	12%	27	4%	678
Total	10887	58%	4872	26%	2018	11%	1124	6%	18901

Table 3 and Chart 1 below show the numbers on the register in housing need (Bands A to D) by quarter. Although this quarter has seen an increase in numbers in housing need for the fourth quarter in a row the figure remains 22% lower than the peak of 24,269 in October 2011.

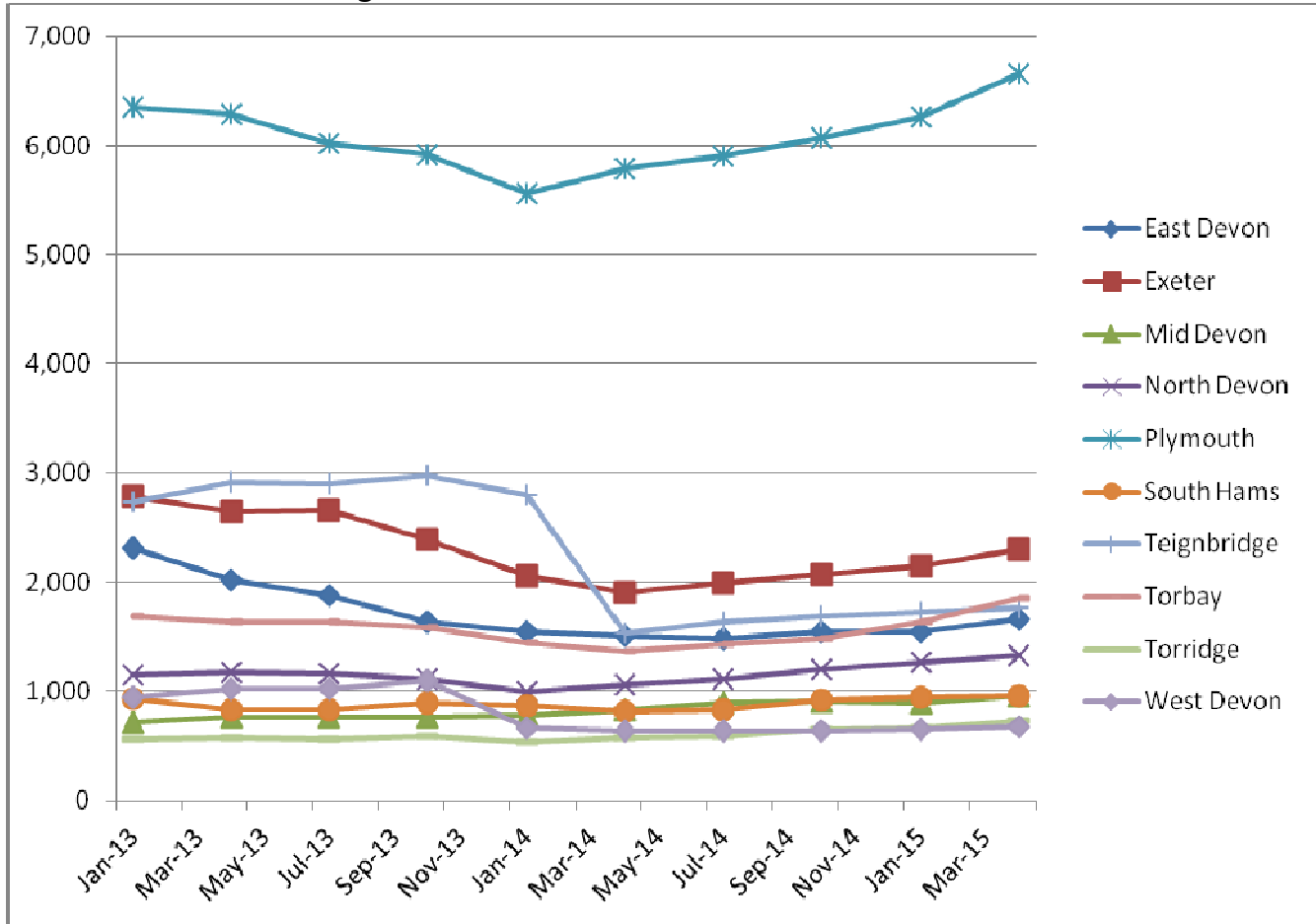
Table 3: Numbers on the register in Bands A to D by Local Authority by quarter

	Jan-13	Apr-13	Jul-13	Oct-13	Jan-14	Apr-14	Jul-14	Oct-14	Jan-15	Apr-15
East Devon	2,307	2,022	1,878	1,641	1,551	1,509	1,489	1,541	1,543	1661
Exeter	2,790	2,651	2,663	2,392	2,061	1,900	1,993	2,069	2,150	2305
Mid Devon	716	769	765	764	780	832	889	904	890	962
North Devon	1,152	1,172	1,166	1,114	1,002	1,065	1,117	1,199	1,265	1325
Plymouth	6,349	6,283	6,013	5,915	5,556	5,789	5,908	6,074	6,264	6659
South Hams	929	825	834	898	874	820	837	918	950	964
Teignbridge	2,736	2,915	2,901	2,980	2,796	1,540	1,630	1,681	1,721	1762
Torbay	1,690	1,642	1,631	1,588	1,448	1,372	1,428	1,489	1,638	1857
Torrige	566	575	566	592	533	570	585	649	661	728
West Devon	949	1,024	1,029	1,104	663	635	634	641	646	678
Total	20,184	19,878	19,446	18,988	17,264	16,032	16,510	17,165	17,728	18901

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 1: Numbers on register in Bands A to D



Bidding Patterns

Table 4 below shows the percentage of applicants in each Local Authority and Band who have not logged in or bid since the Home Connections system went live in June 2014.

The total percentage of applicants who have not logged in or bid has decreased in all LA areas from the figures in December 2014. This is likely to be the result of efforts which have been made to contact applicants who had not logged in or bid on the new system to ensure that they understand how the system works.

**Devon Home Choice
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Table 4: Proportion of applicants who have not logged in or bid on Home Connections.

	Band A	Band B	Band C	Band D	Band E	Total	Dec 14 total
East Devon	100%	25%	42%	57%	29%	42%	58%
Exeter	0%	44%	35%	54%	72%	60%	66%
Mid Devon	N/A	44%	41%	54%	67%	59%	66%
North Devon	N/A	31%	40%	55%	50%	48%	59%
Plymouth	11%	42%	39%	56%	73%	59%	65%
South Hams	N/A	39%	39%	54%	67%	59%	64%
Teignbridge	0%	45%	42%	47%	80%	45%	49%
Torbay	100%	36%	41%	56%	23%	48%	53%
Torrige	20%	28%	40%	59%	73%	59%	65%
West Devon	50%	42%	56%	69%	75%	69%	75%
Total	21%	39%	40%	55%	68%	56%	63%

The increases in the number of applicants logging in and bidding is reflected in an increase in the average number of bids received for 1, 2 and 3 bed general needs homes – Table 5 and Chart 2.

Table 5: Average number of bids for general needs homes

	1 bed	2 beds	3 beds	4 beds
2010/11 Q1	63	64	68	62
2010/11 Q2	84	74	84	84
2010/11 Q3	81	71	78	70
2010/11 Q4	79	65	75	78
2011/12 Q1	89	72	81	87
2011/12 Q2	93	80	83	93
2011/12 Q3	92	82	79	75
2011/12 Q4	98	84	82	70
2012/13 Q1	103	87	90	79
2012/13 Q2	103	96	80	51
2012/13 Q3	90	87	72	40
2012/13 Q4	102	87	62	59
2013/14 Q1	110	80	62	43
2013/14 Q2	91	62	47	44
2013/14 Q3	80	53	46	50
2013/14 Q4	83	58	41	55
2014/15 Q1*	75	64	48	48
2014/15 Q2	55	37	32	47
2014/15 Q3	51	32	30	54
2014/15/Q4	66	38	35	45

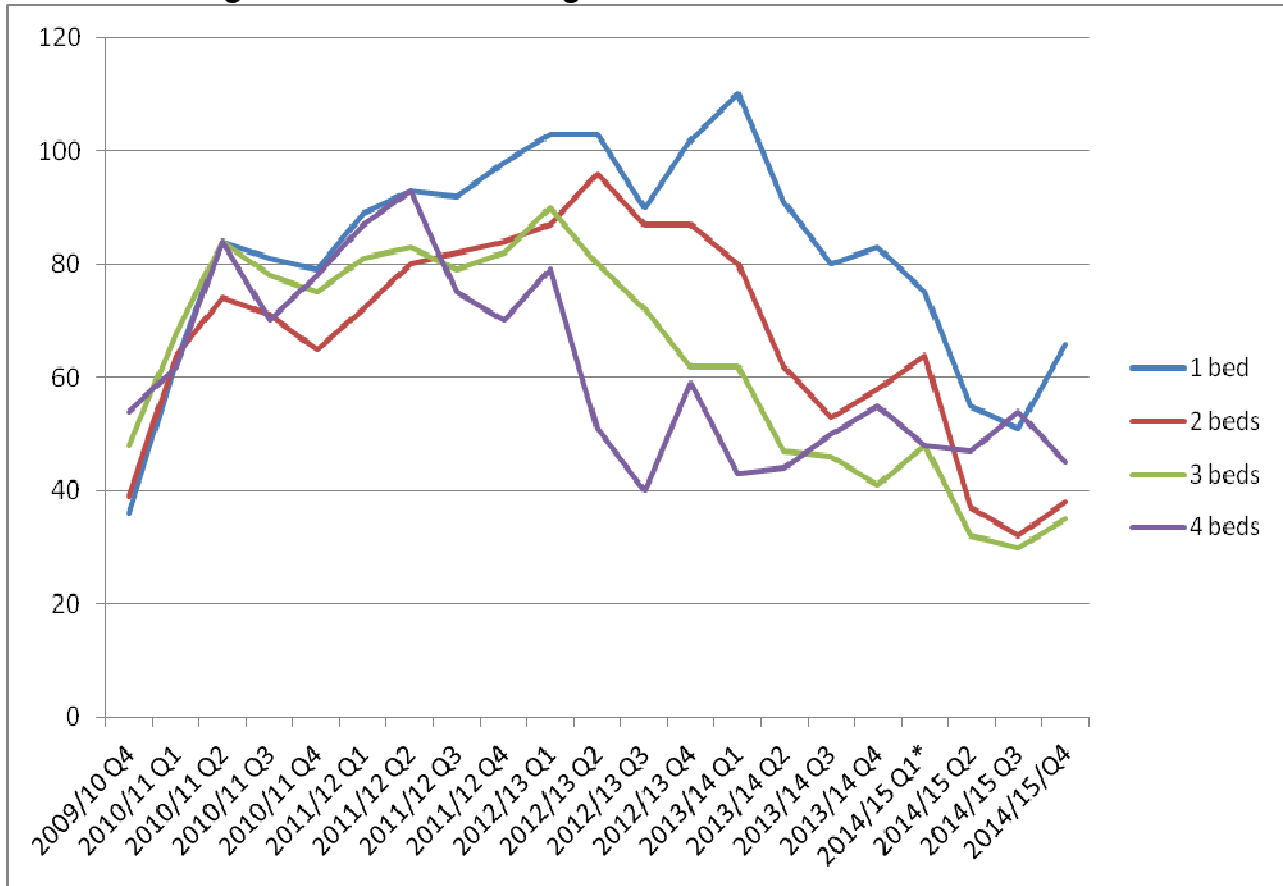
* Q1 2014-15 includes homes let on both the Abritas and Home Connections IT systems

Devon Home Choice Quarterly Monitoring Report (April 2015)



The highest average number of bids for one bedroom properties is in Plymouth where the average is 91, compared to 51 in the rest of Devon.

Chart 2: Average number of bids for general needs homes



The average number of bids placed on sheltered properties has also increased from the previous quarter (Table 6 and Chart 3 below) although the figures remain 30% lower for one bedroom properties and 68% lower for two bedroom properties compared to the peak in 2013/14 Q1. .

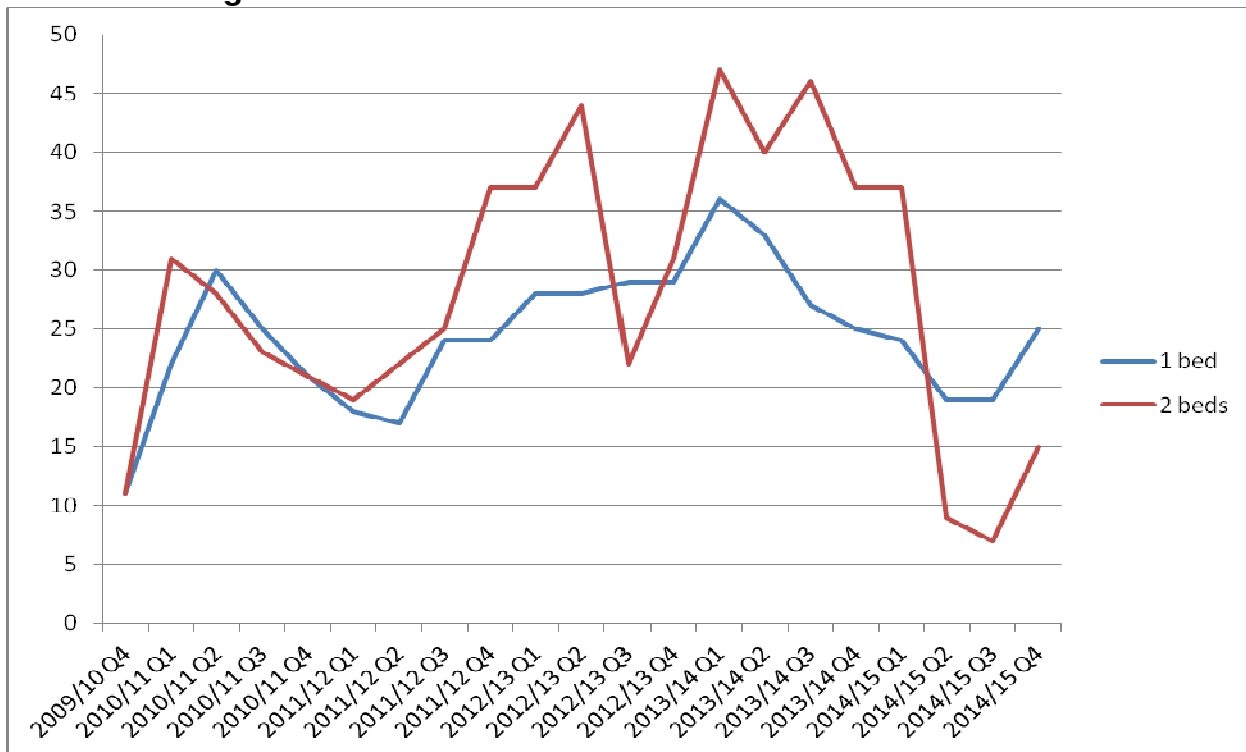
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Table 6: Average number of bids for sheltered homes

	1 bed	2 beds
2010/11 Q1	22	31
2010/11 Q2	30	28
2010/11 Q3	25	23
2010/11 Q4	21	21
2011/12 Q1	18	19
2011/12 Q2	17	22
2011/12 Q3	24	25
2011/12 Q4	24	37
2012/13 Q1	28	37
2012/13 Q2	28	44
2012/13 Q3	29	22
2012/13 Q4	29	31
2013/14 Q1	36	47
2013/14 Q2	33	40
2013/14 Q3	27	46
2013/14 Q4	25	37
2014/15 Q1	24	37
2014/15 Q2	19	9
2014/15 Q3	19	7
2014/15 Q4	25	15

Chart 3: Average number of bids for sheltered homes



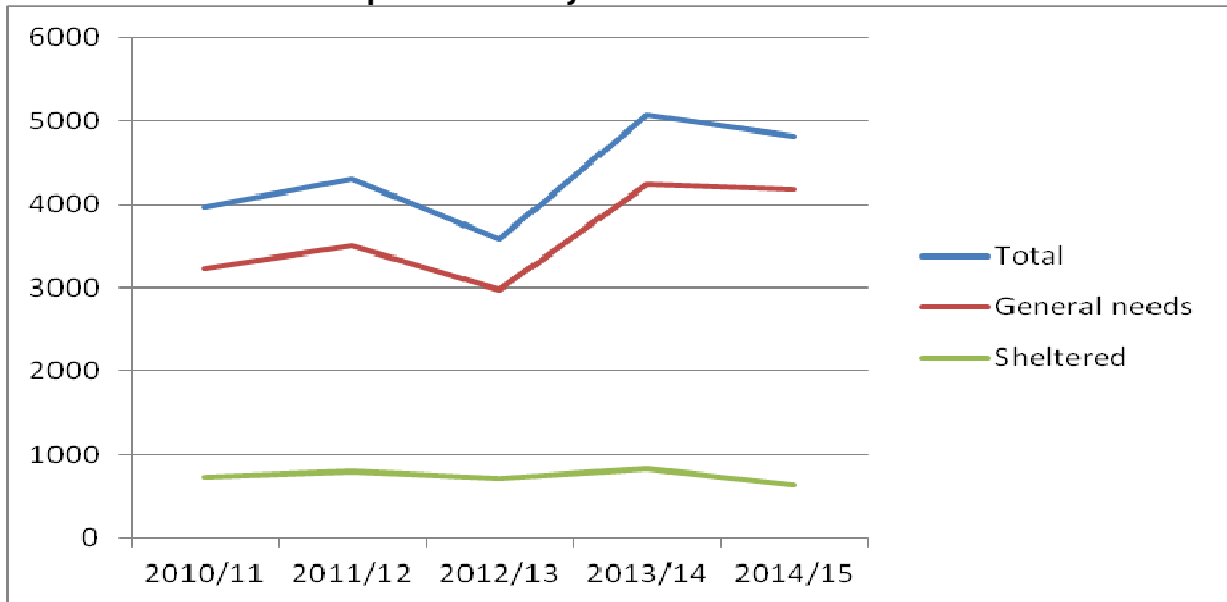
Devon Home Choice Quarterly Monitoring Report (April 2015)



Homes let

A total of 4,812 homes were let through Devon Home Choice in the 2014/15 financial year. 4,182 of these were general needs homes and 630 were sheltered. This is down from a figure of 5,070 lets in 2013/14 but is the second highest figure in the five years that Devon Home Choice has been live – see Chart 4.

Chart 4: Number of lets per financial year



**Devon Home Choice
Quarterly Monitoring Report
(April 2015)**



Table 7: General needs homes let (1 April 2014 to 31 March 2015)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
East Devon	3	1%	132	29%	207	46%	61	14%	45	10%	448
Exeter	9	2%	275	52%	158	30%	74	14%	11	2%	527
Mid Devon	3	1%	96	34%	104	37%	54	19%	23	8%	280
North Devon	2	1%	163	56%	75	26%	28	10%	21	7%	289
Plymouth	29	2%	775	56%	358	26%	155	11%	73	5%	1390
South Hams	5	2%	69	31%	83	37%	48	21%	21	9%	226
Teignbridge	6	1%	147	36%	201	49%	43	10%	16	4%	413
Torbay	7	2%	135	46%	97	33%	48	16%	6	2%	293
Torrige	0	0%	89	53%	46	28%	16	10%	16	10%	167
West Devon	2	1%	64	43%	39	26%	26	17%	18	12%	149
Total	66	2%	1945	47%	1368	33%	553	13%	250	6%	4182

The proportion of general needs homes let to applicants in Band B at 47% is the lowest annual figure reported to date, falling from 61% in 2013/14 and a high of 63% in 2012/13 (see Table 8 and Chart 5).

The proportion of lets to Band B applicants varies from 29% in East Devon to 56% in North Devon and Plymouth – Table 7 above.

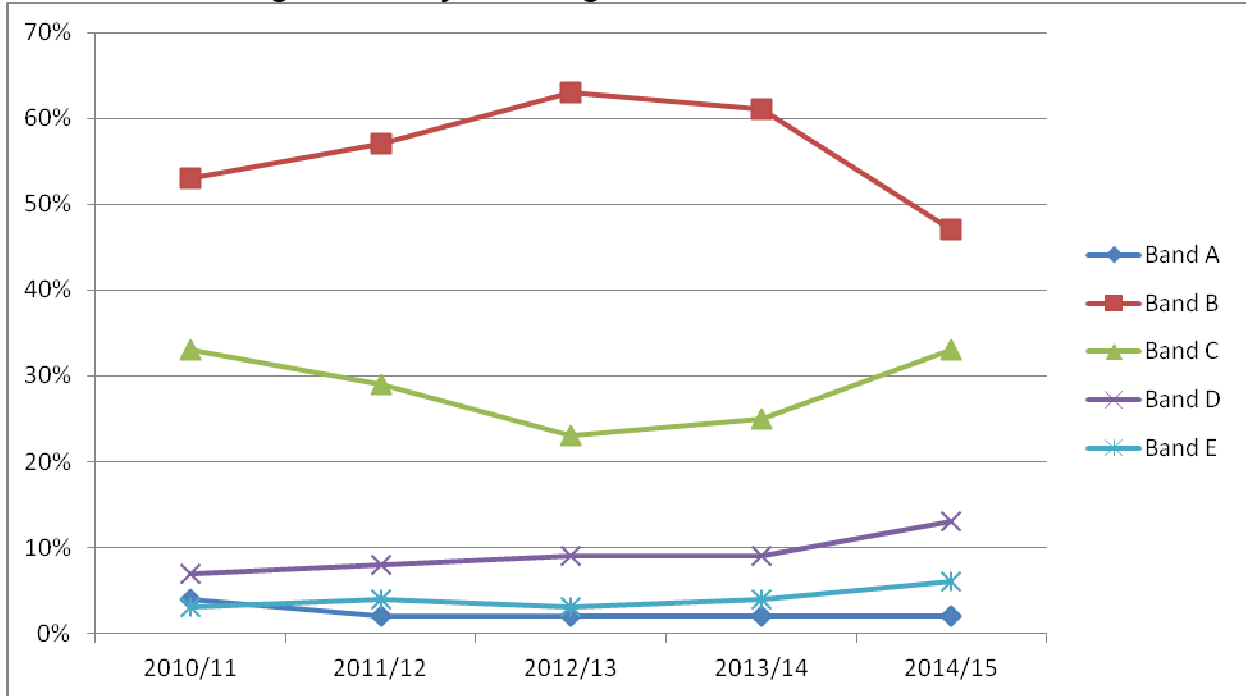
Table 8: General needs homes let by Band (2010/11 – 2014/15)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
2010/11	140	4%	1721	53%	1053	33%	225	7%	89	3%	3,228
2011/12	67	2%	1,992	57%	1,027	29%	297	8%	126	4%	3,509
2012/13	68	2%	1,880	63%	675	23%	254	9%	94	3%	2,971
2013/14	80	2%	2,580	61%	1,065	25%	364	9%	159	4%	4,248
2014/15	66	2%	1,945	47%	1,368	33%	553	13%	250	6%	4,182

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 5: Percentage of lets by Band – general needs



**Devon Home Choice
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(April 2015)**



Table 9: Sheltered homes let (1 April 2014 to 31 March 2015)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
East Devon	0	0%	63	64%	25	25%	11	11%	0	0%	99
Exeter	1	2%	22	36%	16	26%	18	30%	4	7%	61
Mid Devon	0	0%	11	37%	8	27%	7	23%	4	13%	30
North Devon	2	3%	26	38%	13	19%	21	31%	6	9%	68
Plymouth	0	0%	35	34%	24	23%	32	31%	13	13%	104
South Hams	1	2%	14	23%	16	27%	17	28%	12	20%	60
Teignbridge	0	0%	44	46%	31	33%	14	15%	6	6%	95
Torbay	1	2%	26	43%	15	25%	15	25%	4	7%	61
Torrige	0	0%	14	56%	5	20%	2	8%	4	16%	25
West Devon	0	0%	10	37%	7	26%	7	26%	3	11%	27
Total	5	1%	265	42%	160	25%	144	23%	56	9%	630

The proportion of sheltered lets to Band B applicants has remained more consistent, falling to 42% from 44% in 2013/14 (Table 10 and Chart 6 below). The figures vary widely between LA areas though from 23% in South Hams to 64% in East Devon (Table 9 above).

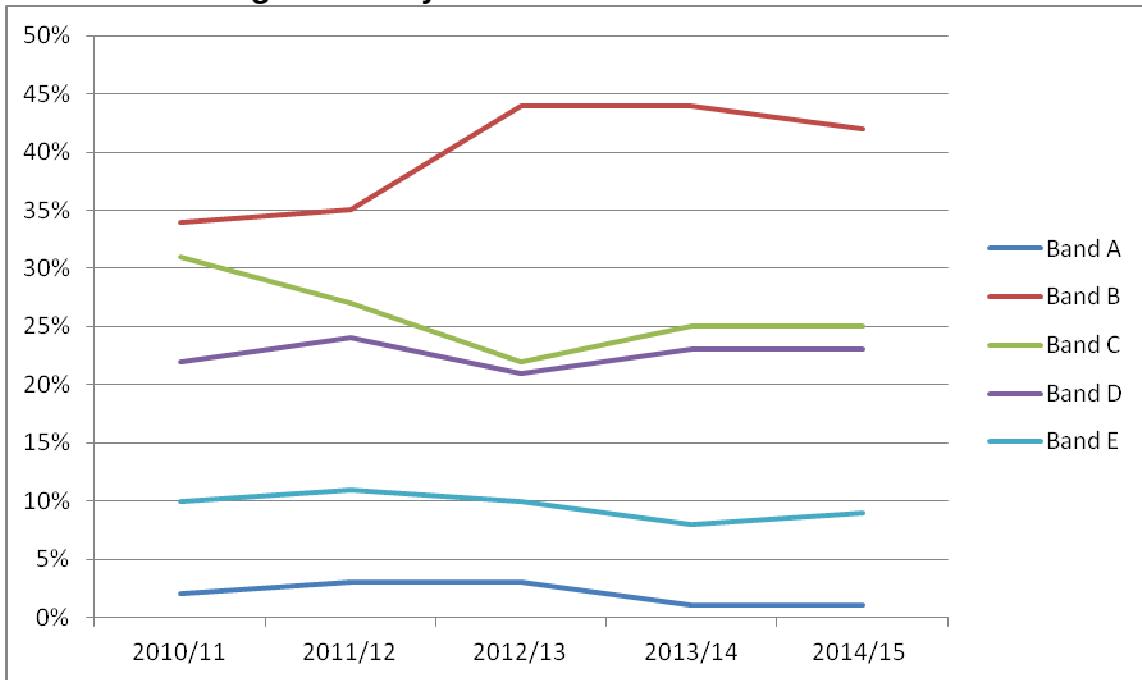
Table 10: Sheltered homes let (2010/11 – 2014/15 Q3)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
2010/11	15	2%	253	34%	232	31%	162	22%	77	10%	739
2011/12	21	3%	277	35%	217	27%	191	24%	87	11%	793
2012/13	20	3%	311	44%	157	22%	153	21%	72	10%	713
2013/14	8	1%	360	44%	203	25%	188	23%	63	8%	822
2014/15	5	1%	265	42%	160	25%	144	23%	56	9%	630

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 6: Percentage of lets by band – sheltered



**Devon Home Choice
Quarterly Monitoring Report
(April 2015)**



Table 9: Number of properties let by quarter

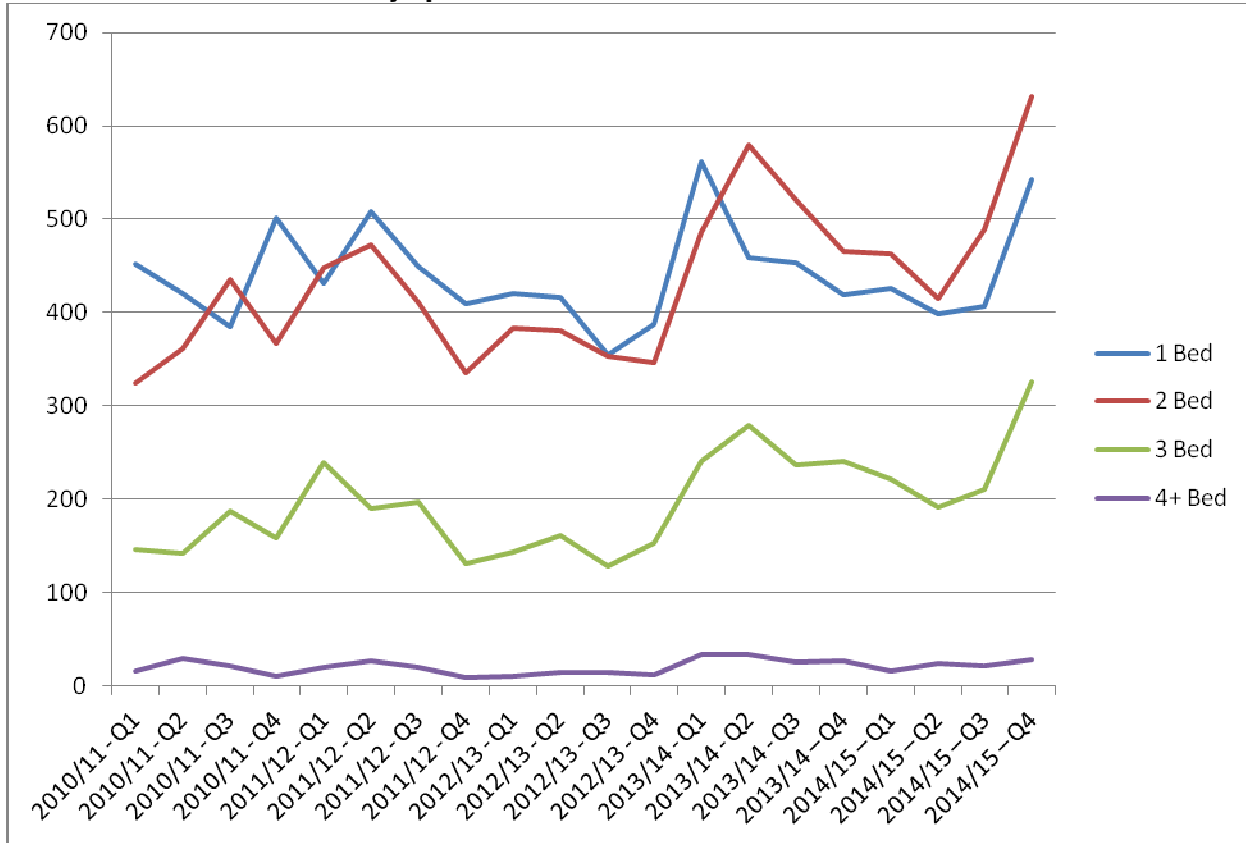
	1 Bed	2 Bed	3 Bed	4+ Bed	Total
2010/11 - Q1	452	325	146	16	939
2010/11 - Q2	420	362	142	29	954
2010/11 - Q3	385	436	187	21	1,029
2010/11 - Q4	501	367	158	10	1,037
2010/11 Total	1,758	1,490	633	76	3,959
2011/12 - Q1	432	448	240	20	1,140
2011/12 - Q2	508	472	190	27	1,198
2011/12 - Q3	449	411	197	20	1,080
2011/12 - Q4	409	335	131	9	884
2011/12 Total	1,798	1,666	758	76	4,302
2012/13 - Q1	421	384	144	11	961
2012/13 - Q2	416	380	161	15	973
2012/13 - Q3	354	353	128	14	849
2012/13 - Q4	388	346	153	12	900
2012/13 Total	1,579	1,463	586	52	3,683
2013/14 - Q1	561	486	241	34	1,324
2013/14 - Q2	459	579	279	34	1,358
2013/14 - Q3	454	520	236	26	1,236
2013/14 - Q4	419	466	241	27	1,153
2013/14 Total	1,893	2,051	997	121	5,071
2014/15 - Q1	426	463	222	16	1,127
2014/15 - Q2	399	415	191	24	1,029
2014/15 - Q3	407	489	211	22	1,129
2014/15 - Q4	542	631	326	28	1,527
2014/15 Total	1,774	1,998	950	90	4,812

The number of lets recorded in Q4 of 2014/15 increased by 35% from the previous quarter but this is likely to be largely due to a focus on updating old shortlists.

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 7: Number of lets by quarter



For more information please contact Rupert Warren (rupert.warren@exeter.gov.uk) or Gary Pitman (gary.pitman@exeter.gov.uk).

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NAME OF COMMITTEE	Council
DATE	17 February 2015
REPORT TITLE	Planning Obligation Thresholds
Report of	Affordable Housing Manager and Natural Environment and Recreation Manager and Development Manager
WARDS AFFECTED	All

Summary of report:

This report responds to a change in government policy on the use of S.106 obligations introduced through a Ministerial Statement published on the 28th of November 2014. The policy states that affordable housing and tariff-style contributions should not be sought on developments of 10 houses or less. A lower threshold of five units or less may be adopted by certain Local Planning authorities; however, only off site commuted sum financial contributions may be sought on schemes of 6-10 units. Exception sites are not affected by the change.

In response to this new policy, it is proposed that the Council adopts an interim planning contributions threshold consistent with the Ministerial statement and updated National Planning Practice Guidance (NPPG). This interim threshold will be reviewed prior to the submission of the new Local Plan (Our Plan).

RECOMMENDATIONS:

The Council resolves that;

- I. The following thresholds for affordable housing are adopted in respect of new applications for planning permission;
 - a) In Tavistock and Okehampton (the towns), the Council will seek 'on site' provision of affordable housing on developments of 11 units or more unless the site lies within an Area of Outstanding Natural Beauty (AONB).
 - b) In the rural areas of West Devon and Areas of Outstanding Natural Beauty (AONB) (excluding Dartmoor National Park) , the Council will seek a financial contribution from developments of between 6 – 10 units and

'on site' provision of affordable housing on developments off 11 units or more.

- II. The following thresholds for tariff - style infrastructure are adopted in respect of new applications for planning permission;
 - a) In Tavistock and Okehampton (the towns), the Council will seek contributions on developments of 11 units or more unless the site lies within an Area of Outstanding Natural Beauty (AONB).
 - b) In the rural areas of West Devon and Areas of Outstanding Natural Beauty (AONB) (excluding Dartmoor National Park) , the Council will seek a financial contribution from developments of between 6 – 10 units and above.
- III. The interim threshold will be reviewed prior to the submission of the new Local Plan.

Officer contact:

Liam Reading – Affordable Housing Manager. Liam.reading@southhams.gov.uk
Tel: (01803) 861306

Malcolm Elliott – Development Manager – Malcolm.elliott@swdevon.gov.uk
Tel: (01803) 861442

Ross Kennerley – Natural Environment and Recreation Manager.
ross.kennerley@swdevon.gov.uk (01803) 861379

1. Introduction

- 1.1 The purpose of this report is to seek approval for new thresholds for Affordable Housing and other s.106 “tariff style” contributions consistent with updated National Planning Practice Guidance (NPPG). The other s.106 contributions that are considered to be “tariff style” may include certain contributions aimed at securing infrastructure improvements Borough wide.

2. BACKGROUND

Current Affordable Housing Policy

- 2.1 The Council adopted the LDF Core Strategy in 2011. The document established the Council’s planning policy for affordable housing including targets and thresholds above which affordable housing would be sought. The relevant policies are SP9 set out below.

Strategic Policy 9 - Meeting Housing Needs

Throughout the area of West Devon covered by this Core Strategy all housing development will be expected to contribute to meeting the targets for affordable housing set out below, subject to viability.

- *On sites of 1-4 dwellings, excluding wholly flatted developments, a 15% off site financial*
- *contribution per dwelling will be required;*
- *On sites of 5-9 dwellings, excluding wholly flatted developments, 25% of the dwellings on site should be affordable;*
- *On sites of 10 or more dwellings 40% of the dwellings on site should be affordable.*

When the affordable housing policy results in part of a dwelling, the part dwelling shall be provided as a financial contribution where this would not compromise the overall viability of the development.

Planning permissions will be subject to conditions or a planning obligation to ensure that the affordable housing remains affordable in perpetuity.

- 2.2 Since the introduction of the Core Strategy the Council has sought both 'on site' and 'off site' affordable housing provision consistent with the policy.

Current Community Services and Facilities Policy

- 2.3 The Council's adopted policy position on requiring Community Services and Facilities is established in the Core Strategy (2011) Strategic Policy 13. Since the introduction of the Core Strategy the Council has sought both 'on site' provision and 'off site' contributions consistent with the policy.

Strategic Policy 13 - Community Services and Facilities

Proposals to increase and enhance open space, recreation, leisure, cultural, health and education facilities will be supported where they will contribute to the wellbeing of a community and improve accessibility to services. Any new facilities or open space provision should be as well related as possible to the settlement, ensuring that they are designed so as to be fully accessible, taking into account a range of diverse needs and circumstances.

Existing services and community facilities should be retained where there is a continuing need.

The Council's Supplementary Planning Document 'Infrastructure & Community Facilities to Support New Development' (June 2007) applies a threshold of five dwellings below which contributions will not be sought (noting the different thresholds that apply to affordable housing).

The New National Threshold

2.4 On the 28th November 2014, the Government announced the introduction of a new national 10-unit threshold for affordable housing and other s.106 contributions. This policy was first mooted in the 2013 Autumn Statement and subsequently consulted upon in March 2014.

2.5 The policy was introduced through a Ministerial Statement and amendments to the National Planning Practice Guidance (NPPG), which supplements the National Planning Policy Framework (NPPF). The updated section of the NPPG entitled "Planning Obligations". States that;

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

- *contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm*
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty*
- *affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home*

2.6 The guidance states that contributions should not be sought from developments of 10 units or less. It does however allow for a lower threshold to be introduced in certain circumstances, including in areas designated as rural under s.157 of the Housing Act 1985. West Devon falls within the rural areas designation and may therefore choose to adopt a lower threshold of 5 units in the rural areas. The designation does not however apply to the towns of Tavistock and Okehampton.

3. ISSUES FOR CONSIDERATION

Affordable Housing Contributions

3.1 This announcement is likely to have a range of implications for the delivery of housing. Over the past 3 years the Affordable Housing Team has secured approximately £420,000 in financial contributions from developments that under the new national thresholds would not be required to provide affordable housing. If the pattern of development remains the same in future years, the new national

thresholds could see the Council lose the opportunity to secure approximately £140,000 p.a. in contributions to support the provision of affordable housing.

Other Financial Contributions

- 3.2 Alongside Affordable Housing, officers have sought to secure financial contributions for Community Services and Facilities. Over the last three financial years this has secured approximately £50,000 for play, sport and community facilities projects, however this has been generated from schemes which are, in any case, over the 10 house proposed threshold for the towns. The only difference the new proposed thresholds will make will be to curtail the ability to take financial contributions for Community Services and Facilities from schemes of between 6 and 10 units in the towns.
- 3.3 Planning obligations and contributions can still be sought in order to make development acceptable. The statutory tests set out in the Community Infrastructure Levy Regulations 2010 for these obligations have not been changed and Councils will have to continue to demonstrate that the obligation is necessary, fair and reasonable and directly related to the development. The Council would wish to continue to secure this provision even where the contribution is used to fund infrastructure off site but within the Parish as it remains directly related to the development.
- 3.4 The NPPG describes tariff style obligations as those obligations which seek to secure a contribution to pooled funding 'pots' intended to provide common types of infrastructure for the wider area. The revised Guidance states that *"For sites where the threshold applies, planning obligations should not be sought to contribute to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area"* There is some uncertainty as to the circumstances in which the contributions normally secured by the Council for example in respect of community facilities, sport and recreation would be caught by this description and the Council is seeking further legal advice.

Issues / Implications

- 3.5 Careful consideration is necessary in order to establish how the Council should respond to this change and how planning applications to which this guidance relates should be determined. The issues arising include:-

a) Extant unimplemented permissions

Landowners with extant consents may seek to renegotiate the affordable housing and other financial obligations of completed s106 Agreements. In such cases there may be pressure to reconsider these obligations taking account of the new NPPG on thresholds, particularly if the Council amends the thresholds in accordance with the guidance. Enquiries are already being made but officers cannot indicate how many applications may be made.

The ability to renegotiate affordable housing obligations was introduced through Section 106BA of the 1990 Act (inserted by the Growth and

Infrastructure Act 2013). This amendment allows applications to be made to modify the affordable housing requirements of any Section 106 agreement regardless of when it was signed. This review must be based on economic viability and cannot take into account other aspects of the planning consent. It addresses affordable housing requirements only. This legislation has not been amended and nor has the NPPG with regard to this point. The change in Guidance relating to thresholds is not retrospective and therefore this renegotiation procedure remains the same.

However, in order to circumvent this, Landowners with an extant permission for a development which includes affordable housing and other financial obligations, either 'on site' or through a financial contribution, could submit a new application to effectively remove the obligation. This may lead to a number of additional applications coming forward.

Members therefore need to consider whether they wish to support a practice of allowing a variation of affordable housing obligations taking account of the revised NPPG on thresholds. Alternatively the Council may continue to require each application to modify a s.106 affordable housing obligation to be considered on its individual merits in accordance with Section 106BA, regardless of the revised NPPG on thresholds.

Officers view is that bearing in mind the legislation has not been amended and the value of contributions which are currently the subject of planning obligations is significant, the Council should not generally accept a change to the obligations unless the change is demonstrated to be necessary because the development would otherwise be economically unviable. The Council may however wish to adopt a pragmatic approach in relation to single dwelling applications and allow a variation of the affordable housing requirements. The justification for such an approach is to avoid the resubmission of a substantial number of planning applications for single dwelling developments.

b) Previously implemented permissions

There is the potential for applications to be made to cancel/remove contributions or obligations. Given that the government's aim is to bring forward development which was being held back by onerous planning obligations, it is considered that the new threshold policy should not be applied to schemes already built.

c) Thresholds

At the consultation stage the proposal was for a blanket 10 unit threshold. The opportunity to seek affordable housing from developments of 6-10 units in the rural areas therefore provides a welcome concession. However, when considered against the Council's adopted threshold of 1 dwelling, the reduced threshold falls well short of the existing position. Furthermore, the fact that sites of 6-10 units can only be required to provide a financial contribution does not guarantee the delivery of affordable housing where there is an identified

need. Provision 'on site' remains the most effective and efficient delivery mechanism.

The upper threshold applies to developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres; it should be noted that there is no equivalent floor space threshold applicable to the five unit threshold proposed by CLG. On this basis, excessively large houses on schemes of five units or less may not be captured by the adoption of the lower threshold. Instead it is assumed that authorities will have to apply their own reasonable controls in terms of what is appropriate in respect of design and an effective and efficient use of land. Officers will seek further legal advice to establish whether a 500 square meter threshold may be applied to the 5 unit threshold.

d) Timing

The fact that financial contributions for schemes of 6-10 dwellings are not payable until after completion weakens the Council's ability to secure the contribution. Currently the Council requires payment of contributions up front but typically allows payment prior to occupation in recognition of viability issues associated with cash flow. The payment of contributions prior to occupation of the market dwellings avoids the risk of developer insolvency or the developer 'leaving site' without making payment as required. The Guidance suggests an approach as to how the contributions will be secured and officers will need to negotiate an appropriate s.106 mechanism which will mitigate the risk.

e) Loopholes

The use of arbitrary numerical thresholds can lead to loopholes which are open to exploitation in order to avoid payment of contributions. In the rural areas the most obvious risk will be a developer who splits a site into more than one planning application in order to avoid an affordable housing contribution. In the towns the risk is that developers will submit applications for schemes of 10 units where a site can reasonably provide more. A further loophole may be where a larger site in the same ownership comes forward in two phases with an under-threshold number of dwellings on each phase.

The Council should continue to take a robust approach on the assessment of sites and the most efficient use of land; there should be a clear position that proposals which are not an efficient use of land (i.e. lower density or split sites), should not be supported on the basis that they fail to deliver sustainable development. The Council will therefore continue to assess applications consistent with the approach set out in paras. 7.2 and 7.3 of the AH-DPD in order to prevent circumvention of site size thresholds.

Planning Policy Considerations

- 3.6 Department for Communities and Local Governmental (DCLG) officials have stated that the Written Ministerial Statement has the status of national planning

policy and ranks with the National Planning Policy Framework. This stance is one that is being debated nationally. It is the opinion of many within the legal profession that Guidance does not have the same weight as either Statute or indeed the NPPF. It has already been noted in this Report that there has been no amendment to Section 106 of the Town and Country Planning Act 1990 and the ability to enter into agreements remains unchanged. However, the Council cannot disregard the change in Guidance and would have to demonstrate in every case where it did not follow the Guidance that it was able to justify its position. In such circumstances It is not unreasonable to anticipate the Council being put to additional expense in the event of an appeal.

- 3.7 The Development Plan has primacy and Section 34 of the Planning & Compulsory Purchase Act 2004 requires decisions to be based upon development plan policies unless material planning considerations indicate otherwise. Despite the recent change in national policy, the Council is bound to continue to determine applications in line with its development plan, unless material planning considerations indicate otherwise.
- 3.8 Given the new national policy, the Council must consider how it will determine applications where the Development Plan would require the provision of affordable housing. A decision is required as to whether applications would be considered on a case by case basis, refused because affordable housing can no longer be required, or approved as market housing.
- 3.9 The Council may choose to continue to apply its existing adopted policies for the time being or adopt the new thresholds during the interim period prior to adopting a new Local Plan.

Current Legal Challenges

- 3.10 In considering the Council's position, Members should be aware of a legal challenge by two Berkshire Councils. Reading Borough Council and West Berkshire Council have jointly applied for a judicial review of the new policy. The Councils have served the claim including grounds of challenge on DCLG and as at 1st February are awaiting a response.
- 3.11 In addition to the above legal challenge, a Private Members Bill has been proposed and sponsored by Tim Fallon MP. The Bill is designed to give local planning authorities the power to determine the requirements for affordable housing contributions from sites of fewer than 10 units as part of planning obligation agreements under Section 106 of the Town and Country Planning Act 1990; and for connected purposes. This Bill was presented to Parliament on 9 September 2014 and is expected to have its second reading debate on 6 March 2015.

Options / Proposed Thresholds

- 3.12 The Ministerial Statement and revised guidance in the NPPG are material planning considerations and the Council must have regard to them in respect of planning applications where affordable housing or other contributions are sought. The intention of the Guidance is to enable development and to ensure that local authorities are not placing an undue burden on applicants, particularly in terms of viability. Were the Council to continue with its existing position it would need to demonstrate, with evidence in respect of every application, that local circumstances justified a different approach.
- 3.13 Given the suggested weight of the new guidance and the risks associated with an appeal, it is recommended that the Council adopt the new national threshold guidance.
- 3.14 It is unclear when the outcome of the legal challenge by Reading Borough Council and West Berkshire Council will be known. It seems sensible therefore to adopt the new thresholds on an interim basis. This approach provides the opportunity to review the position prior to adopting the new thresholds within the new local plan.

4. LEGAL IMPLICATIONS

- 4.1 The legal implications have been discussed in the report.

5. FINANCIAL

- 5.1 Implications include the potential loss of financial contributions from previously approved planning applications together with a loss of contributions from future planning applications which fall below the proposed new thresholds. The potential future loss arising from the new thresholds amounts to an estimated £140,000 p.a in respect of affordable housing. For other tariff style contributions there will no longer be an ability to require contributions for schemes in Tavistock and Okehampton between 6 and 10 units.

6. RISK MANAGEMENT

- 6.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

7. OTHER CONSIDERATIONS

Corporate priorities engaged:	Homes, Economy, Health and wellbeing.
Statutory powers:	
Considerations of equality and human rights:	None. This matter is assessed as part of each specific project.
Biodiversity considerations:	This matter is assessed as part of each specific project.
Sustainability considerations:	This matter is assessed as part of each specific project.
Crime and disorder implications:	None. This matter is assessed as part of each specific project.
Background papers:	Capital Programme Report, Executive 6 th December 2012.
Appendices attached:	None

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Retaining existing thresholds	Should the Council decide to retain its existing threshold of 1 dwelling, there is a significant risk of appeal which may have financial implications.	4	3	12	↔	Any planning application which is determined in accordance with existing thresholds would need to demonstrate that it was able to justify its position.	Affordable Housing Manager Development Manager, Environment and Recreation Manager
2	Adopting new thresholds	The adoption of the new thresholds provides the opportunity to secure contributions from schemes of 6 – 10 units in the rural areas.	2	2	4	↔	Appropriate assessment of sites will be required to ensure new applications deliver an efficient use of land and are not phased or under developed in order to avoid the provision of financial contributions.	Affordable Housing Manager Development Manager, Environment and Recreation Manager

Direction of travel symbols ↓ ↑ ↔

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Report to: **West Devon Borough Council Hub Committee**

Date: **22 September 2015**

Title: **Health and Safety Management**

Portfolio Area: **Resources and Performance**

Wards Affected: **All wards**

Relevant Scrutiny Committee: Overview & Scrutiny (Internal)

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

Implementation of substantive decision – **29 September 2015**

Author: **Honey Foskett** Role: **Internal Health & Safety Service**

Contact: **07980 011797** honey.foskett@swdevon.gov.uk

Recommendations:

That the Hub Committee RECOMMENDS to Council that:

1. the Health and Safety Statement of Policy is accepted and signed by the Head of Paid Service and the Leader of the Council; and that
2. the Health and Safety Statement of Policy is reviewed and signed annually on the occasion of the Annual Council Meeting.

1. Executive summary

1.1 The Council has a legal duty under the Health and Safety at Work etc. Act 1974 to prepare a statement of policy on health and safety which is required to be communicated to employees and reviewed as often as appropriate.

1.2 The Health and Safety Statement of Policy at Appendix A conveys the Council's commitment to achieving legal compliance and to continuously improving its performance in occupational health and safety management.

1.3 The Policy sets out the Council's organisation and arrangements for ensuring the health, safety and welfare at work of its employees and others affected by the Council's undertaking.

1.4 The Policy will be supplemented by a number of Safety Codes dealing with specific issues relevant to particular Service Groups and/or activities, e.g., Work at Height, Working Alone, Incident Reporting, etc. These Codes will have the same status as the Policy.

1.5 The Policy adopts a sensible approach to managing risk which reflects best practice and is based on integrated management principles enabling the Council to achieve a correct balance in managing health and safety as part of an overall risk management system.

1.6 The Policy commits the Council to an on-going programme of training; inspection and audit; and, occupational health provision for its employees. These programmes will be designed to promote greater involvement and commitment from employees and the management team resulting in improved health and safety culture which in turn should improve employee morale, reduce absenteeism and lead to greater efficiency.

1.8 The Policy is the vehicle by which the Council's trading arm(s) will demonstrate operating standards for health and safety on a par with commercial competitors. This will enhance the Council's reputation and customer satisfaction, increase opportunities to gain new business, minimise risks of downtime through accidents, and potentially create cost savings from public liability insurance premiums.

2. Background

2.1 In 2013 the Health and Safety Executive revised its guidance for managing health and safety to reflect a Plan Do Check Act format, effectively moving the requirement to evidence performance auditing forward to a requirement to demonstrate that a process auditing cycle is in place.

2.2 On T18 launch the Directors commissioned an initial status review and gap analysis of the Council's Health and Safety Management system in terms of:

- Minimum standard (legal compliance); and
- Best practice (continuous improvement).

2.3 To achieve the minimum standard under the Health and Safety at Work etc. Act 1974 (HASWA) and the Management of Health and Safety at Work Regulations 1999 (MHSW) we need to evidence

- A policy document which is signed by the Head of Paid Service and Leaders of both Councils, communicated to all staff, contractors and visitors, and available to interested parties – HASWA s.2(3)
- Suitable and sufficient documented assessment of risks to employees, contractors, customers, partners and any other people who could be affected by Council activities – MHSW Regulation 3

- Arrangements for effective control of preventive and protective measures that come from risk assessment –HASWA s.2(1) general duty
- Appointment of competent health and safety person – MHSW Regulation 7
- Provision of information and training and instruction and supervision for staff on protection from workplace risks – MHSW Regulations 10 and 13
- Consulting with employees (and with the Unions) about their risks at work and current preventive and protective measures – the H&S (Consultation with Employees) Regs 1996 and the Safety Representatives and Safety Committees Regs 1977

3. Outcomes/outputs

3.1 Acceptance and signing of the Policy by the Head of Paid Service and the Leaders of the Councils is the first step towards legal compliance.

3.2 Since T18 launch, SLT has fully supported the Internal Health and Safety Service to actively engage in updating the Council's hazard identification programme and in reviewing the risk assessment schedule. A prioritised timetable of health and safety training and safety control implementation is in place which has initiated progress towards best practice.

4. Options available and consideration of risk

4.1 Councils cannot rely on a responsible workforce and a low accident rate to justify not having a robust documented management system in place which evidences that they are committed to managing health and safety performance.

4.2 The move towards best practice will be achieved through successful implementation of the process audit system which will introduce additional key critical factors into the audit process including:

- Assessment of routine and non-routine activities
- Human behaviour, capabilities and failings
- Effect of aging plant and infrastructure
- Mechanism for responding to feedback and updating management system.

4.3 To reach a position of best practice will take a period of approximately 18 months to coincide with the introduction of ISO45001 (OHSAS18001 update) which is a health and safety industry standard aligned with ISO 9001 and ISO 14001 which are quality and environmental standards respectively.

4.4 ISO 45001 is an externally accredited standard which will recognise that the Council has considered health and safety issues which directly impact on the Council as well as how those issues impact on the wider society in surrounding communities.

4.5 The cost of external accreditation through the British Safety Council is currently (2015 price schedule) approximately £795.00 per day and includes:

- Stage 1 audit: 2 days when the Safety Management System is reviewed against the standard to identify any gaps and when management interviews are scheduled
- Stage 2 audit: 3 days to scrutinise the implementation process across all activities and workforce interviews are scheduled
- Year 1 Surveillance: 2 days to ensure that processes are embedded
- Year 2 Surveillance: 2 days to monitor on-going progress and ensure continued accreditation in future years.

Cost of initial accreditation: £3975.00

Cost of initial accreditation and surveillance in years 1 and 2 to ensure accreditation standard is maintained: £3180.00

TOTAL COST = £7155

The cost will be split 80% SHDC and 20% WDBC, which reflects the ratio of the number of manual and office staff employed by each Council.

5. Proposed Way Forward

5.1 A robust Health and Safety Statement of Policy is the first step in moving forward towards integrating health and safety into the Council's management system. The purpose of this report is to ask that the Hub Committee recommends to Council that the Policy is accepted and signed by the Head of Paid Service and the Leader of the Council and that it is reviewed and signed annually at the Annual Council Meeting.

6. Implications

Legal/Governance	<i>Health and Safety at Work etc Act 1974</i> <i>The Policy conforms to the 2013 HSE guidance in order to ensure that the Council is legally compliant. Accordingly, the Policy needs to be formally adopted by the Council.</i>
Financial	<i>Achieving legal compliance will require the Council's officers to actively engage in carrying out health and safety responsibilities intrinsic to their job role. The cost will be officer time which is accounted for within existing budgets.</i> <i>Achieving best practice will require an on-</i>

	<p><i>going commitment to continuously improve the health and safety management system which will add moderately, to the cost of officer time.</i></p> <p><i>Cost of external accreditation is shown above at 2015 prices – potential cost in January 2017 could rise to £10,000</i></p>
Risk	<p><i>The potential cost of not achieving legal compliance includes:</i></p> <p><i>i HSE enforcement costs</i> <i>ii legal and court cost</i> <i>iii compensation costs</i> <i>iv loss of credibility.</i></p>
Equality and Diversity	<p>The Policy applies to all members of staff and has considerations of the effect of Council activities on non-employees. Effective management of health and safety should ensure that equality and human rights are not infringed.</p>
Safeguarding	<p>Indirect impact derived from suitable and sufficient risk assessment of activities associated with vulnerable groups</p>
Health, Safety and Wellbeing	<p>As above, indirect impact on wellbeing derived from suitable and sufficient assessment of risk of work activities, e.g., lone working</p>
Crime and disorder implications:	<p>No direct impact</p>
Background papers:	<p><i>SLT Minutes of 14/07/15</i></p>
Annexes attached:	<p><i>Health and Safety Statement of Policy</i></p>

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HEALTH AND SAFETY STATEMENT of POLICY

1. Statement of Intent

- 1.1 This is a statement of policy by South Hams District Council and West Devon Borough Council (the Councils) about their commitment to and involvement in the organisation and arrangements for ensuring the health, safety and welfare at work of their employees, and the health and safety of any other person working in, visiting the Councils, or who may be affected by the Councils' activities.
- 1.2 It is the intention of the Councils to do all that is reasonably practicable to provide safe and healthy working conditions for their employees and to enlist employee support in achieving this. The Councils also recognise their collective responsibility to ensure the health and safety of elected members, members of the public, visitors and contractors when on their premises and others who may be affected by the Councils' activities.

2. Policy

- 2.1 It is the policy of the Councils, and their trading arms(s), that they will comply so far as is reasonably practicable, with the requirements of the Health and Safety at Work etc. Act 1974 and all other relevant statutory provisions.
- 2.2 This policy is supported by Safety Codes that apply throughout the Councils and their trading arm(s) and which reflect:
- Legal compliance; and
 - continual improvement in occupational health and safety management and performance.
- 2.3 The Councils and their trading arm(s) will do all that is reasonably practicable to prevent personal injury and illness, loss and damage to premises, plant and equipment arising from their undertakings by:
- Appropriate identification of hazards and assessment of risk to eliminate risk or reduce risk to a tolerable level;
 - ensuring appropriate competence of all employees in health and safety by the provision of information, instruction, training, supervision, management support and performance appraisal; and

- ensuring close co-operation and participation of management and staff through routine working relationships, consultation with employee representatives and employee health and safety representatives.
- 2.4 This Policy will be reviewed annually, in consultation with employees and Union representatives, by the Internal Health and Safety Service who will advise the Senior Leadership Team (SLT) on improvements.
- 3. Organisation and responsibilities**
- 3.1 Health and Safety issues are line management responsibilities alongside and of equal importance to responsibilities for the provision of services and the management of resources.
- 3.2 **Head of Paid Service** has overall responsibility to ensure, so far as is reasonably practicable, the occupational health, safety and welfare at work of all the Councils' employees and to ensure, so far as is reasonably practicable, the health and safety of others who work in and visit the Councils or may be affected by the Councils' activities.
- 3.2.1 The **Head of Paid Service** will include Health and Safety in the annual report to Council.
- 3.3 **Group Managers** are responsible for the implementation of this policy in the areas over which they have control.
- 3.3.1 **Group Managers** may nominate officers with Day to Day Responsibility for Health and Safety in their respective teams and inform their staff and the Internal Health and Safety Service accordingly but this will not remove the Head of Services' responsibilities.
- 3.4 **Community of Practice Lead Specialist – Environmental Health** will be responsible for providing an Internal Health and Safety Service to the Councils. The competent assistance role required by the Management of Health and Safety at Work Regulations 1999, Regulation 7 will sit with the nominated Internal Health & Safety Servicer.
- 3.5 **Managers/supervisors** are responsible for ensuring the implementation, co-ordination and monitoring of this policy and associated Safety Codes, and the overall occupational health and safety management of staff within their control. In particular, they must, with assistance from the Internal Health and Safety Service when necessary:
- carry out risk assessments and implement the resulting control measures to ensure that safe working conditions are maintained;
 - ensure that staff within their control are trained and instructed in safe operating procedures and comply with them;
 - ensure that all accidents, incidents and near misses are reported and investigated and control measures implemented to prevent reoccurrence within appropriate timescales agreed with the Internal Health and Safety Service; and
 - manage contractors.

3.6 **Employees** shall:

- take reasonable care for the occupational health and safety of themselves and the health and safety of other persons who may be affected by their acts or omissions;
- co-operate with their manager in the implementation of this policy;
- follow safe working practices at all times;
- report accidents, incidents and near misses to their line manager; and
- report unsafe working conditions and unsafe acts to their line manager or other appropriate person.

3.7 **Key staff with additional health and safety responsibilities are as follows:**

3.7.1 **Community of Practice Lead Specialist – Environmental Health (Internal Health and Safety Service)** provides competent advice to the Councils on matters relating to health, safety and welfare at work across the Councils. Their objectives include:

- providing specialist support and guidance to the Councils on the effective management of health and safety;
- to help promote and maintain a high standard of total health (physical and mental) for all persons working in the Councils;
- the safeguarding of all staff from health and safety hazards arising from their work or the environment by means of accident prevention, environmental control and prevention of injury and illness;
- to receive all Incident/Near Miss reports, maintain an Incident/Near Miss database and publish performance statistics;
- fulfil the 'responsible person' role in relation to Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, Schedule 1; and
- ensure a process for continual improvement is integrated into the health and safety management system.

3.7.2 In addition the **competent person** will ensure that:

- The Dartmouth Lower Ferry operates in accordance with the South Hams District Council's approved Domestic Safety Management Code as required by the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001 and that reviews of the Code take place when necessary and at not less than 3 yearly intervals; and
- The Salcombe Harbour Safety Management System as required by the Department for Transport Port Marine Safety Code is produced and reviewed at the prescribed intervals.

3.8 **Community of Practice Lead Specialist – Human Resources** will have responsibility for:

- Advising elected Members and Officers on the personnel implications of the Councils' Health and Safety Policy;

- Consultations and negotiations with representatives of the staff on those aspects of the Health and Safety policy which affect the staff and their conditions of employment;
- provide for suitable induction and other training for staff in health and safety matters, including the administration of the training programme and the organisation of training courses within the Councils; and
- Ensure that an appropriate paragraph concerning risk management and health and safety is included in each job description.

4. Arrangements for implementation

4.1 **Strategic aims, objectives and the three year action plan** set out the Councils' commitment to and involvement in providing a healthy and safe environment for all those who work in and visit the Councils. The plan reflects a sensible approach to managing risk which reflects best practice and is based on integrated management principles enabling the Council to achieve a correct balance in managing health and safety as part of an overall risk management system.

4.1.1 This approach is designed to address the health and safety implications of the various activities undertaken by the Councils through – hazard profiling; risk mapping and assessment; and application of control measures following the general principles of prevention in the order shown:

- Eliminating or avoiding risk;
- Evaluating the risk which cannot be avoided;
- Combating the risks at source;
- Adapting the work to the individual with respect to workplace design, choice of work equipment and work methods, alleviating monotonous work and work at a predetermined work-rate to reduce their effect on health;
- Adapting to technical progress;
- Replacing the dangerous by the non-dangerous or the less dangerous;
- Developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
- Giving appropriate training and instructions to employees; and
- Consulting with staff and integrating feedback into the system to promote continuous improvement.

4.2 **Safety Codes.** Where a need is identified, through legislation, risk assessments, health and safety auditing, the proceedings of committees, industry standards, or other means, a Safety Code will be established to set the standard of implementation and operation for the identified topic. These Safety Codes will be reviewed as and when legislation changes or practice dictates.

4.2.1 Safety Codes shall have the same status as the main policy document.

4.2.2 Safety Codes will be reviewed by the Internal Health and Safety Service as and when legislation changes, best practice dictates or when otherwise necessary.

- 4.3 **Training.** Each Service will ensure that health and safety is included as an integral part of their annual business plan.
- 4.3.1 Each Service will ensure that good working arrangements for health and safety training exist. This training will include attendance at corporate induction training and appropriate special to job induction training.
- 4.3.2 The identification of health and safety training needs is to be part of the performance related appraisal process. Managers are responsible for identifying the training needs of individuals and communicating to HR.
- 4.3.3 Records of safety training provided will be maintained on Team Spirit by HR who will keep Service Leads updated.
- 4.4 **Health and safety standards, audit and inspection.** Each Service will make their own arrangements for reviewing their level of health and safety achievement annually which will be reported in their service plan.
- 4.4.1 The Internal Health and Safety Service will develop a programme of audits to identify whether the management of risk has been carried out in each service area. The programme should be designed to reflect the needs of the Councils and the individual Service and will take into account the particular kinds of hazard or health and safety issues encountered. The timing of health and safety audits will appear in the annual safety plan and will be proportionate to the level and scope of the hazards and risks present.
- 4.4.2 The combination of the review of safety standards and the audit process is designed to ensure that we can demonstrate our level of health and safety management. The results will be analysed, considered, prioritised and shaped into an action programme.
- 4.5 **Occupational health** is concerned with work-related problems and health and safety in the work place. An occupational health service for staff is provided under arrangements made by Human Resources. Further details may be obtained from the Human Resources Office.
- 4.6 **Eye tests for display screen equipment users.** Members of staff who are users of display screen equipments (computers etc) are eligible for a voucher/ refund of the cost of an eye test. A further voucher/ refund may be provided for the cost of a basic pair of spectacles. Details are available from the Internal Health and Safety Service and on the Health and Safety pages of the Intranet.
- 4.7 **Security.** Responsibility for security within the Councils' premises rests with the manager of each site. Staff are expected to exercise all reasonable vigilance and in particular, are responsible for any visitors they may bring onto Council premises.
- 4.7.1 Where there is a need to provide staff with name badges and access cards or for access control the Facilities service will make the necessary arrangements.
-

This document is supported by Safety Codes (SC) including:

- Communication of Safety Statement and Policy
- Risk Assessments
- Work at Height
- First Aid
- Control of Substances Hazardous to Health
- Personal Protective Equipment
- Display Screen Equipment
- Manual Handling
- Driving for Work
- Lone Working
- Personal Resilience
- Incident Reporting

.....
 Steve Jordan
 Head of Paid Service

.....
 John Tucker
 Leader of the Council

 South Hams District Council
 Follaton House
 Totnes
 TQ9 5NE

.....
 Philip Sanders
 Leader of the Council

 West Devon Borough Council
 Kilworthy Park
 Tavistock
 PL19 0BZ

Date..... September 2015

South Hams District Council and West Devon Borough Council aim to ensure equality of opportunity in the delivery of their policies, services and employment practices. South Hams District Council and West Devon Borough Council will challenge discrimination, and encourages other organisations within South Hams and West Devon to act in accordance with Equality legislation.

This Policy is available in large print or Braille upon request.

Report to: **Hub Committee**
Date: **22 September 2015**
Title: **Joint Data Protection Policy**
Portfolio Area: **Support Services**
Wards Affected: **All**
Relevant Scrutiny Committee: **Internal**

Urgent Decision: **N**

Date next steps can be taken: **22 September 2015**

Author: **Catherine Bowen** Role: **Community of Practice Lead Specialist (Legal) and Monitoring Officer**

Contact: Catherine.Bowen@swdevon.gov.uk

Recommendations:**That COUNCIL be RECOMMENDED:**

1. To approve the Joint Data Protection Policy attached at Appendix A and supporting Codes of Practice and documentation at:
<http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>
2. Delegation to the Monitoring Officer to make minor amendments to the Codes of Practice and supporting policy documentation to reflect the emerging working practices of the Council.

1. Executive summary

- 1) The purpose of this report is to bring before Members a revised Joint Data Protection Policy for approval. A Joint Data Protection Policy has been drafted to support the Council's T18 ways of working.
- 2) The Data Protection Policy needs to be reviewed and updated in order to reflect current legislation and current working practices and a revised Joint Data Protection Policy is attached at Appendix A.
- 3) The supporting and underpinning Codes of Practice are available on the Council's intranet at: <http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy> and comprise the following:
 - Guidance on Data Protection
 - Data Protection and Elected Members

- Rights of Individuals
- Obtaining Personal Information
- Managing Personal Information
- Disclosing Personal Information and Information sharing
- Data Protection and Procurement
- Information Security
- Use of Surveillance Cameras
- Privacy and Electronic Communications regulations

4) It is important to have an up-to-date Policy to ensure that:

- Compliance with the principles of the Data Protection Act is maintained
- Personal information is well-managed, held securely and that the rights of individuals are respected
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction
- We have effective codes of practice, procedures, staff reporting and training in place to ensure this policy works in practice.

2. Background, Outcomes and outputs

- 1) The Data Protection Act applies to anyone in the Council who has access to, uses or passes on personal information in their day-to-day work, and applies to personal information that is held by the Council about living, identifiable individuals. It may be automatically processed, such as on a computer, recording device or closed circuit tv system, or on paper such as hand-written meeting notes stored in a folder.
- 2) The Act comprises eight principles, which require that personal information must be:
 - Fairly and lawfully processed
 - Held only for specified and lawful purposes
 - Adequate, relevant, and not excessive
 - Accurate and where necessary kept up to date;
 - Kept for no longer than necessary;
 - Processed in accordance with the rights of individuals
 - Kept secure, with appropriate security measures taken to prevent the loss, destruction or unauthorised disclosure of the information;
 - Only transferred to countries outside the European Economic Area with adequate protections in place.
- 3) In adopting an up-to-date Policy and underlying Codes of Practice, the Council can demonstrate that it has a relevant and fit for purpose set of practices and guidelines understood by Members, Officers and the public, which will be consistency applied to ensure compliance with the legislation.

- 4) Following the T18 restructure it is intended to rollout a programme of training for all staff and Members to ensure understanding of the Data Principles and application of the policy. It is anticipated that this will be on-line training to minimise costs.
- 5) The Codes of Practice have been prepared over the last twelve months and will require some further modifications to ensure that they reflect the emerging working practices of the Council and it is recommended that these minor amendments are delegated to the Monitoring Officer. Any significant changes will be brought back before Members.

4. Options available and consideration of risk

- 1) The alternative is to rely on the existing policy which has not been recently reviewed with the consequent risk that it does not reflect all legislative requirements or current best and working practice.
- 2) It is important that the Policy is regularly reviewed and updated; Data Protection Act breaches may result in complaints to the Information Commissioner's Office and finding of breaches could result in the Council facing monetary penalties of up to £500,000, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.
- 3) For employees, it is a criminal offence to obtain or disclose personal information without the Council's authorisation or consent, and, when providing information in response to a subject access request, if they alter, deface, block, erase, destroy or conceal any information that the requester is entitled to.
- 4) It is suggested that an annual report is taken to the Audit Committee on the application of the Policy as Audit currently has responsibility for an overview of Data Protection.

5. Proposed Way Forward

- 1) In order to ensure compliance with the Data Protection Act and to protect the Council and members of the public, it is recommended that Members approve the Data Protection Policy attached at Appendix A together with the supporting Codes of Practice available on the Council's website at:
<http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Data Protection Act 1998 sets out legislative requirements to ensure compliance with Data Protection principles to make sure that personal information is well-managed and that the rights of individuals are respected.</p> <p>It is therefore important that the Council has in place effective codes of practice and procedures and that those policies are approved by Members. The Hub Committee is responsible for adopting the Council's Policies (unless otherwise provided for in the Constitution).</p>

Financial	Y	There are no direct financial implications arising from this report but as mentioned in the report, there are serious financial implications if the Council does not comply with the Data Protection Act whereby the Information Commissioner's Office may impose fines up to a maximum of £500,000. There will be ongoing training costs to ensure compliance and understanding but it is anticipated that these will be kept to a minimum through on-line training.
Risk	Y	There are serious risks associated with failing to adopt a current Data Protection Policy which are identified within the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		Where relevant these have been identified within the Policy documents
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		n/a
Other implications		None

Supporting Information

Appendices:

Appendix A: Data Protection Policy

The underlying and associated Data Protection Policy **Codes of Practice** are available at: <http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>

If Members require copies please contact Member Services

South Hams District Council

&

West Devon Borough Council

Data Protection Policy

Data Protection Overview

What is Data Protection?

The Data Protection Act 1998 ('the Act') applies to personal information that is held by the Council about living, identifiable individuals. Information may be automatically processed, such as on a computer, recording device or closed circuit TV system, or on paper such as hand-written meeting notes stored in a folder.

The Act comprises **eight principles**, which require that personal information must be:

- Fairly and lawfully processed, and shall not be processed unless certain conditions for processing are met;
- Held only for specified and lawful purposes, and not processed in any way that is incompatible with those purposes;
- Adequate, relevant, and not excessive;
- Accurate and where necessary kept up to date;
- Kept for no longer than necessary;
- Processed in accordance with the rights of individuals, which includes the right to see a copy of information held about them;
- Kept secure, with appropriate security measures taken to prevent the loss, destruction or unauthorised disclosure of the information;
- Only transferred to countries outside the European Economic Area with adequate protections in place.

How does the Data Protection Act affect me?

The Act applies to all Councillors, Staff, Partners, Agents and Contractors - anyone who has access to, uses or passes on personal information in their day-to-day work.

Breaches of principle may result in the Council facing monetary penalties of up to £500,000, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.

For users of the Policy, it is a criminal offence to obtain or disclose personal information without the Council's authorisation or consent, and, when providing

information in response to a subject access request, if they alter, deface, block, erase, destroy or conceal any information that the requester is entitled to.

Data Protection Policy

What is the Council's Data Protection Policy?

The Council's aims are to make every effort to ensure:

- Compliance with the Principles of the Act
- Personal information is well-managed, held securely and that the rights of individuals are respected.
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction.
- We have effective Codes of Practice, procedures, staff reporting and training in place to ensure this Policy works in practice.

This Policy is supported by Councillors and the Senior and Extended Leadership Teams and commits the Council to providing the necessary resources to ensure that this Policy's goals can be achieved.

Codes of Practice and procedures that support and underpin this Policy are available on the Council's website.

Who is Responsible for Data Protection?

Data Protection Officer

The Data Protection Officer is the lead officer with overarching responsibility for Data Protection. The Data Protection Officer will report to the Audit Committee as necessary, and is responsible for:

- Ensuring the objectives of the Act and related legislation are achieved and assisting the Council with its compliance and maintaining standards of good practice.

- Ensure the Policy objectives are achieved and reporting progress to the Senior Leadership Team.
- Providing advice to the Council for the resolution of queries and maintaining the accuracy of the Council's register entry and keeping it up to date.
- Managing data protection procedures, policies, Codes of Practice and revised documentation.
- Arranging training opportunities for Councillors and those who work for the Council.
- Constructing and reviewing compliance monitoring programmes; ensuring their completion and reporting findings

Extended Leadership Team

The Extended Leadership Team and its nominated officers will support the Data Protection Officer to meet the Council's overall Policy objectives, and endeavour to ensure that adequate funding is available to enable compliance.

This includes:

- ensuring that personal information held within their area of responsibility is managed in a way which meets the aims of the Council's Data Protection Policy.
- submitting all changes to processing of personal information to the Data Protection Officer
- identifying training needs and cascading information to staff,
- ensuring procedures and policy are supported
- dealing with compliance queries/issues and responding to subject access requests,
- reporting deviations from this Policy and supporting Codes of Practice to the Data Protection Officer
- handling enquiries or assessments from the Information Commissioner relating to their area of responsibility.

People who work at the Council

All people who work for the Council who create, receive and use personal information, have responsibilities under this Policy, its Codes of Practice and the Act.

It is the responsibility of the Extended Leadership Team to ensure that anyone who is sub-contracted or employed on a temporary or voluntary basis is made aware of this Policy and underlying Codes of Practice and practice procedures.

Where personal data is disclosed to our service providers (or anyone else acting on our behalf) we will ensure that there is a written agreement in place that includes the requirement for them to comply with the Data Protection Act (in particular Principle 7 - Security).

What happens if I contravene this policy?

Disciplinary action, including dismissal, may be taken against any member of staff who contravenes this Data Protection Policy and supporting Codes of Practice and procedures.

On discovering that this Policy is not being complied with or if an intentional breach of the Data Protection Principles, undertaking, or criminal offence has taken place under the Act, the Data Protection Officer shall have full authority to take such immediate steps as considered necessary.

Is this policy linked to any other policies and procedures?

This policy is linked to the following policies and information available on our website:

- Data Protection Codes of Practice
- ICT Policy
- Freedom of Information Policy
- Regulation of Investigatory Powers Act Policy
- Records Management Policy

Is there any guidance to help?

There is Guidance on the Data Protection webpage and you can ask for further guidance from your Manager and the Data Protection Officer.

Will this policy be monitored or reviewed?

Compliance with the Data Protection Policy will be monitored and reviewed every three years (or earlier if required) to ensure that it takes account of new legislation and best practice.

This Data Protection Policy has been approved by the Council on

Report to: **Hub Committee**
Date: **22nd September 2015**
Title: **Write Off Report**
Portfolio Area: **Health & Wellbeing – Cllr L Samuel**
Wards Affected: **All**
Relevant Scrutiny Committee: Internal O&S

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

Author: **Lisa Buckle** Role: **Section 151 Officer**

Contact: **Ext. 1413 lisa.buckle@swdevon.gov.uk**

Recommendations:

The Committee notes that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual West Devon Borough Council debts totalling £65,532.49 as detailed in Tables 1 and 2.

The Committee approves the write off of individual debts in excess of £5,000 totalling £25,244.26 as detailed in Table 3.

1. Executive summary

The Council is responsible for the collection of: Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates.

The report informs members of the debt written off for these revenue streams. Debts up to the value of £5,000 being written off by the s151 Officer, under delegated authority. Permission needs to be sought from the Committee to write off individual debts with a value of more than £5,000.

This report covers the period 1st April 2015 to 30th June 2015.

2. Background

The Council's sound financial management arrangements underpin delivery of all the Council's priorities, including the commitment to providing value for money services.

This report forms part of the formal debt write-off procedures included in these financial arrangements.

West Devon Borough Council's collection rates for 2014/15 were; Council Tax 97.6% & Business Rates 98.3%.

In the first quarter of 2015/16 the Council has collected £10,011,345 in Council Tax and £3,398,390 in Business Rates. The total collectable debt for 2015/16 (as at 30th June) for Council Tax is £33.9 million and for Business Rates is £10.9 million.

Debts are recovered in accordance with the Council's Recovery Policy which is published on our website.

3. Outcomes/outputs

In accordance with good financial management principles the Council has, for the revenue streams detailed in this report, made a total bad debt provision of £1,591,449. This provision recognises that a proportion of the Authority's debts will prove irrecoverable and ensures that the value of debtors within the Authority's accounts is a fair reflection of the amount that will eventually be recovered.

All debts, taxes and rates within the Service's control are actively pursued, and in most instances are collected with little difficulty. In cases where payment is not received on time, a reminder will be issued promptly to the debtor. If this fails to secure payment, a final reminder and/or a summons will also be issued and if necessary the debt passed to an appropriate collection agent such as the Civil Enforcement Agents or the Council's Legal Department in order to secure payment.

Sometimes, however, if the debtor is having difficulty making the payment, special arrangements are used to effect recovery, and this may mean extending the period of time to collect the debt.

In some cases pursuit of an outstanding debt is not possible for a variety of reasons, such as bankruptcy or liquidation and such cases with arrears under £5,000 are written off by the Section 151 Officer under delegated authority. Cases where the debt exceeds £5,000 must, however, be approved by the Committee prior to the debt being written off.

A record is kept of debts written off, together with the reason for doing so, so that if there is a realistic chance of recovery in the future a debt may be resurrected and pursued again.

The Service has access to Experian’s Citizenview database which is currently the most reliable means of tracing absconded debtors. Each case is checked against this system before a decision is taken to write off the debt. A periodic review of write offs against this system may also be carried out to resurrect debts where appropriate.

4. Proposed Way Forward

The Committee approves the write off of individual debts in excess of £5,000 totalling £25,244.26 as detailed in Table 3.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The relevant powers for this report are contained within the following legislation; Section 151 Local Government Act 1972 Section 44 Local Government Finance Act 1988 (Non Domestic Rate) Section 14 Local Government Finance Act 1992 (Council Tax)
Financial	Y	West Devon Borough Council debts totalling £90,776.75 to be written-off
Risk	Reputation Write Off	Any risk to reputation is managed carefully by prompt recovery of amounts due wherever possible. This risk is also mitigated by taking a balanced view and ensuring that resources are not expended on debts which are not cost effective to pursue The obvious risk of debtors subsequently being able to pay a debt which has been written off is mitigated by the activity outlined in issues for consideration. Any individual debt exceeding £5,000 is referred to members for consideration prior to write-off which accords with Financial regulations.

Comprehensive Impact Assessment Implications		
Equality and Diversity		All enforcement action that is taken prior to this point is undertaken in accordance with legislation and accepted procedures to ensure no discrimination takes place.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		A bad debt provision is built into the financial management of the Authority

Supporting Information

Appendices:

Table 1 – Council debt under £5,000 written off by the Section 151 Officer

Table 2 – Non-Domestic Rate debt under £5,000 written off by the Section 151 Officer

Table 3 – Summary of items over £5,000 where permission to write off is requested

Table 4 – National & Local Collection Statistics re 2014 / 15 Collection Rates

Table 5 – Quarterly income in 2014 / 15 relating to all years

Table 6 – Previous Year Write Off Totals

Background Papers:

Section 151 Local Government Act 1972

Section 44 Local Government Finance Act 1988 (Non Domestic Rate)

Section 14 Local Government Finance Act 1992 (Council Tax)

Recovery Policy

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes

TABLE 1 SUMMARY OF WEST DEVON BOROUGH COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
			Quarter 1	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
			Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
HOUSING BENEFIT	34	Overpaid Entitlement	14,329.49	34	14,329.49	12	8,241.99	107	47,706.29
COUNCIL TAX BENEFIT	-	Bankruptcy/DRO/IVA/CVA etc	-	-	-	2	3,067.36	5	6,617.23
	-	Deceased	-	-	-	-	-	1	755.04
	-	Other	-	-	-	-	-	-	-
	4	Absconded	3,459.91	4	3,459.91	2	1,766.56	14	15,213.17
	5	Not Cost Effective to Pursue	8.27	5	8.27	1	1.00	27	2,263.49
	6	Uncollectable Old Debt	5,210.62	6	5,210.62	6	915.54	10	4,922.65
Total	49		23,008.29	49	23,008.29	23	13,992.45	164	77,477.87
COUNCIL TAX	26	Absconded	18,206.99	26	18,206.99	28	2,649.52	70	19,555.90
	12	Bankruptcy/DRO/IVA/CVA etc	16,801.93	12	16,801.93	17	15,686.17	36	33,436.79
	2	Deceased	3,029.31	2	3,029.31	2	92.76	11	2,725.90
	2	Other	1,943.44	2	1,943.44	5	1,688.08	11	3,414.68
	4	Small Balance	143.06	4	143.06	51	1,218.10	198	7,030.35
	-	Uncollectable Old Debt	-	-	-	-	-	-	-
	-	Administration	-	-	-	1	1,108.21	1	1,108.21
Total	46		40,124.73	46	40,124.73	104	22,442.84	327	67,271.83
SUNDRY DEBTS	1	Small Balance	0.15	1	0.15	-	-	5	80.49
	-	Bankrupt/DRO/IVA/CVA etc	-	-	-	-	-	-	-
	1	Not Cost Effective to Pursue	60.00	1	60.00	-	-	2	191.98
	-	Uncollectable Old Debt	-	-	-	-	-	1	435.00
	-	Absconded	-	-	-	-	-	1	180.00
	-	Other	-	-	-	-	-	-	-
Total	2		60.15	2	60.15	-	-	9	887.47
Grand Total	97		63,193.17	97	63,193.17	127	36,435.29	500	145,637.17

**Breakdown of Absconded Council Tax Debt
(Some cases have debts over more than one year)**

Year	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08	2006/07	2005/06	Pre 2005/06	Total
Value	8.42	602.54	1,585.98	3,246.31	4,973.05	2,811.19	3,068.50	1,503.70	407.30	-	-	18,206.99
Number	1	4	4	10	10	7	5	2	1	-	-	44

TABLE 2 SUMMARY OF NON DOMESTIC RATE DEBT UNDER £5,000 WRITTEN OFF BY THE S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
			Quarter 1		Cumulative Total	Equivalent Quarter 2014/15		Grand Total 2014/15	
			Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	1	Bankruptcy/DRO/IVA/CVA etc	1,582.78	1	1,582.78	1	282.83	1	282.83
	-	Absconded	-	-	-	1	464.29	1	464.29
	-	Deceased	-	-	-	1	3,003.89	3	3,629.93
	-	Liquidation	-	-	-	3	1,189.26	5	6,472.58
	1	Other	756.54	1	756.54	1	502.00	4	1,925.76
	-	Small Balance	-	-	-	-	-	-	-
	-	Uncollectable Old Debt	-	-	-	-	-	2	1,009.40
	-	Administrative Receivership	-	-	-	2	1,168.00	4	3,914.33
Total	2		2,339.32	2	2,339.32	9	6,610.27	20	17,699.12

TABLE 3 SUMMARY OF ITEMS OVER £5000 WHERE PERMISSION TO WRITE OFF IS REQUESTED

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
			Quarter 1		Cumulative Total	Equivalent Quarter 2014/15		Grand Total 2014/15	
			Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	1	Liquidation	9,559.16	1	9,559.16	1	18,128.27	1	18,128.27
	-	Administrative Receivership	-	-	-	-	-	-	-
	-	Absconded	-	-	-	-	-	-	-
	-	Bankruptcy/DRO/IVA/CVA etc	-	-	-	3	31,346.48	4	46,810.48
	-	Deceased	-	-	-	1	15,851.37	1	15,851.37
	-	Other	-	-	-	-	-	1	8,715.95
Total	1		9,559.16	1	9,559.16	5	65,326.12	7	89,506.07
HOUSING BENEFIT	1	Bankruptcy/DRO/IVA/CVA etc	5,898.04	1	5,898.04	-	-	-	19,443.12
	1	Overpaid Entitlement	9,787.06	1	9,787.06	-	-	-	6,045.46
Total	2		15,685.10	2	15,685.10	-	-	-	25,488.58
COUNCIL TAX	-	Bankruptcy/DRO/IVA etc.	-	-	-	1	5,265.60	-	-
	-	Absconded	-	-	-	-	-	1	5,265.60
Total	-		-	-	-	1	5,265.60	1	5,265.60
Grand Total	3		25,244.26	3	25,244.26	6	70,591.72	10	120,260.25

TABLE 4 NATIONAL & LOCAL COLLECTION STATISTICS RE 2014-15 COLLECTION RATES

	Council Tax			Non Domestic Rates		
	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age
All England	24,793,215	24,052,365	97.0	23,510,378	23,066,362	98.1
Shire Districts	11,352,031	11,116,705	97.9	7,583,172	7,459,915	98.4
East Devon	85,274	84,274	98.8	32,297	31,805	98.5
Exeter	53,152	50,708	95.4	78,004	77,030	98.8
Mid Devon	43,470	42,492	97.8	15,179	15,023	99.0
North Devon	50,667	49,170	97.1	31,940	31,280	97.9
Plymouth	104,466	100,423	96.1	90,908	88,999	97.9
South Hams	58,325	57,352	98.3	29,491	29,082	98.6
Teignbridge	72,698	71,511	98.4	31,560	31,296	99.2
Torbay	65,837	62,871	95.5	37,440	35,772	95.5
Torrige	35,102	34,489	98.3	10,745	10,571	98.4
West Devon	32,794	32,008	97.6	10,658	10,481	98.3

* Net Cash Collected is total 2014-15 receipts net of refunds paid, in respect of 2014-15 only

TABLE 5 QUARTERLY INCOME IN 2014-15 RELATING TO ALL YEARS

	Council Tax Net Cash Collected* £000s	Non Domestic Rates Net Cash Collected* £000s
Quarter 1 - Receipts collected between April 2014 - June 2014	9,788	3,591
Quarter 2 - Receipts collected between July 2014 - September 2014	9,102	2,772
Quarter 3 - Receipts collected between October 2014 - December 2014	9,232	2,710
Quarter 4 - Receipts collected between January 2015 - March 2015	4,272	1,331

* Net Cash Collected is total receipts in 2014-15 net of refunds paid, irrespective of the financial year (previous, current or future years) to which they relate

TABLE 6 PREVIOUS YEAR WRITE OFF TOTALS

		2014 - 15	2013- 14	2012 - 13	2011 - 12
HOUSING BENEFIT	Under £5,000 cases	77,477.87	48,315.96	47,636.80	21,103.31
HOUSING BENEFIT	£5,000 or over cases	25,488.58	0.00	0.00	0.00
Total		102,966.45	48,315.96	47,636.80	21,103.31
COUNCIL TAX	Under £5,000 cases	67,271.83	33,385.96	199,475.48	133,748.27
COUNCIL TAX	£5,000 or over cases	5,265.60	15,940.10	25,924.46	5,658.27
Total		72,537.43	49,326.06	225,399.94	139,406.54
SUNDRY DEBTS	Under £5,000 cases	887.47	818.09	4,449.99	5,719.72
SUNDRY DEBTS	£5,000 or over cases	0.00	0.00	0.00	0.00
Total		887.47	818.09	4,449.99	5,719.72
NON DOMESTIC RATES	Under £5,000 cases	17,699.12	35,095.48	18,780.31	32,463.90
NON DOMESTIC RATES	£5,000 or over cases	89,506.07	38,882.41	26,680.71	55,949.62
Total		107,205.19	73,977.89	45,461.02	88,413.52
GRAND TOTAL		283,596.54	172,438.00	322,947.75	254,643.09