

EXECUTIVE

5 DECEMBER 2017

Present:

Councillors Christophers (Leader), Clemens (Deputy Leader), Goodey, Bullivant, Lake and Russell.

Members in attendance:

Councillors Haines, Hook, Dewhurst, Gribble and Nutley.

Apologies:

Councillor Barker.

Officers in Attendance:

Phil Shears, Interim Head of Paid Service
Neil Aggett, Democratic Services Manager & Monitoring Officer
Sue Aggett, Business Lead - Health & Wellbeing
Martin Flitcroft, Finance Manager
Andrew McKenzie, Democratic Services Officer
Fergus Pate, Principal Delivery Officer
Phil Shears, Interim Head of Paid Service
Tony Watson, Business Manager - Economy & Assets

These decisions will take effect from 10.00 a.m. on Tuesday 12 December 2017 unless called-in or identified as urgent in the minute

231. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 31 October 2017 were approved and signed as a correct record.

232. MATTERS OF URGENCY/MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN

The Leader advised that the Teignbridge Sports and Community Awards were held on Friday, 1 December and was the first year the event had seen recipients and volunteers from community groups in addition to sports people. A record attendance of 280 made it a night to remember and was testament to recognising the amount of good work that was happening throughout the district. Teignbridge was the fittest district in Devon according to Active Devon.

233. DECLARATIONS OF INTEREST

There were no declarations of interest.

234. TO NOTE ACTION TAKEN UNDER DELEGATED POWERS AS SET OUT IN PART III OF THE AGENDA (IF ANY)

Members noted the following actions taken under delegated powers:

The following Financial Waiver had been approved since the last meeting of the Executive.

- Financial Instruction and Contract Procedure Rules Waiver Request – New Furniture for the Department of Work and Pensions (DWP) customer area to be charged to DWP.

The following Portfolio Holder Decisions had been made since the last meeting of the Executive:

- PH 20 -2017 **Land and Pavilion at Forde Park, Newton Abbot - PH for economy skills and tourism** - 25 year lease to the intended Forde Park CIO to facilitate the creation of a community café in the Pavilion and adjoining land at Forde Park, Newton Abbot.
- PH 21 – 2017 **Teignbridge District Council response to external consultations (DCLG Planning for the right homes in the right places; and TCPA Raynsford Review)** approve the response supplied by Teignbridge District Council to two external consultations relating to national planning policy. These are the DCLG consultation on ‘Planning for the right homes in the right places’ and the TCPA consultation on the ‘Raynsford Review’. _ PH planning and Housing
- PH 22-2017 **Discretionary Rate Relief - PH corporate service** approve the proposed policy for delivering the new Government funded Discretionary Rate Relief scheme and for this to be incorporated into the Council’s existing Discretionary Rate Relief Scheme to form one comprehensive policy document.

235. PUBLIC QUESTIONS (IF ANY)

The following questions regarding parking at Dawlish Warren were asked by Andrew Bulpin – Dawlish Warren Tourism; Mr Bulpin was not in attendance at the meeting.

1. How will this proposal effect the new Nature Reserve Visitor Centre?

The adopted South East Devon European Site Mitigation Strategy is referred to in the Item 10 officer report. The Strategy proposes both (1) the Habitat Regulations Executive Committee (HREC) recommendations to amend parking arrangements at Dawlish Warren; and (2) the new relocated visitor centre. The two projects were considered together during preparation of the Strategy. The HREC recommendations would not impact on the proposed

new visitor centre apart from resulting in a potentially longer walk from the car park.

There is a current bid for Heritage Lottery Funding (HLF) towards the visitor centre, which makes it clear that the intention with the new visitor centre is not to increase visitors to the site but to ensure that those visitors that do come have a greater understanding of the site having been attracted to a more visible, higher profile building.

2. Businesses at Dawlish Warren are very concerned at the proposal to close part of the seaward side car park at any time. Is this the thin end of the wedge which will extend to the summer, or even worse, a total car park closure and a dog ban?

The 2014 Mitigation Strategy neither anticipates summer closure of the car park, total closure of the car park nor a dog ban. Total closure of the seaward car park was considered during Mitigation Strategy preparation but ultimately ruled out. Instead, closure of the existing gates was favoured and included in the Strategy. It was considered likely to result in the least impact on local traders, hence the HREC recommendation.

The Mitigation Strategy is a public document where all planned measures are listed. Decisions relating to implementation of the Strategy are made in public and published quarterly.

I don't feel that any consideration has been given to providing better signage or even fencing to restrict the areas you would like people to avoid rather than taking the drastic measure of closing the car park. How do we know that closing the car park for a period will actually work? I feel that education is the key to the issue, making sure holiday makers and locals are all informed of any restrictions and by-laws at Dawlish Warren, also the council need to provide funding to enforce restrictions that are imposed. Has this been taken into consideration?

The impacts of population growth on the Dawlish Warren and Exe Estuary European Sites is a matter that Teignbridge has been taking very seriously. The measures suggested through this question are sensible and, in fact, already largely feature within the Mitigation Strategy. Appendix 2 of the Item 10 report summarises the status of each Mitigation Strategy measure. It includes confirmation that an information board and signage review is underway and that new car park boundaries are planned.

A more widespread approach of fencing to restrict access to sensitive areas could mean fencing off most of the site apart from the area between groynes 1-9 on the beach and the resort area but this was ruled out of the Strategy.

If the car parking arrangements are changed, visitor counters could be used before and after to monitor the impact of the proposed car park changes. Consideration is being given to whether this could be done in

conjunction with a repeat of the “Assessment of recreational impacts at Dawlish Warren SAC” survey. The Survey considers the specific issues related to visitor impact on matters like species diversity, habitat, and nutrient load. This kind of monitoring would help to accurately gauge any changes to impacts on the site and, therefore, whether the HREC proposals have succeeded.

Education is a very important aspect of influencing visitor behaviours. There has been a ranger presence on the Warren since the late 1970’s and they have always had an educational remit but recreational impacts are still evident. Without effective changes to management, vulnerable sites such as the Warren simply cannot accommodate the anticipated visits from a significantly increased local population whilst also maintaining its ecological integrity as an internationally important site. Teignbridge has a legal responsibility to ensure that these likely impacts are mitigated.

Nevertheless, the Mitigation Strategy provides for an enhanced programme of education and the Warren Rangers are now complemented by the Habitat Mitigation Officers and the Devon Loves Dogs scheme. Other projects include regular newsletters, redesigned signage and an increased social media presence; all of which will promote key messages about the sensitivity of the site and how relatively small changes in behaviour can help to protect it from harm. However, our mitigation partnership with Exeter City and East Devon councils is in its relative infancy and it will take time for the impact of our education programme to grow.

The following questions were asked by Mr Howard Evans:

- 1. Has the Council established that gas, electricity, water, sewage systems and treatment have adequate capacity to ensure continuity of supply for the NA1 development and other developments in the Local Plan? Can you confirm that some Torquay developments use the Buckland treatment plant.**

Teignbridge worked with utility providers during Local Plan preparation to confirm that planned development could be accommodated through enhancements to their networks.

Water and sewage

South West Water were engaged during Local Plan preparation and took account of its proposals when preparing their 2015-2020 business plan. They will do the same for the next investment period 2020-2025. At the planning permission stage, Houghton Barton developers will need to work with South West Water to finalize the designs and costs of a scheme for requisitioning a water supply as well as a sewage solution. Following receipt of this question, South West Water were contacted again.

They reiterated that they will ensure adequate enhancements to their network, including any necessary enhancements to the Buckland treatment plant, to accommodate the impacts of development growth.

South West Water also confirmed that a small proportion of sewage from development in Torbay is treated at the Buckland plant; specifically, development in the Edginswell area.

Electricity and gas

In the case of electricity and gas there are national guaranteed standards of performance relating to the provision of new connections.

We have been in contact with Wales and West Utilities who confirm that the existing medium pressure gas mains near Bovey Tracey Road would currently support the development, and that they will grow their network in order to have capacity ready for future developments. They do however need more certainty (e.g. through planning application submission/approval for the site) that the development is coming forward before they commit to any funding.

We have also been in communication with Western Power who are responsible for electricity supplies and have confirm that the Bradley Lane substation currently has enough transformer capacity to cater for the site. However, the network in the area of the site is not adequate to supply the anticipated load so another circuit will need to be laid from the substation to site. They will be able to help further as soon as proposed site layouts and load estimates become available at the planning application stage.

2. Does the Council envisage any problems with the improvements to the A382 road, especially as the Jettymarsh link is planned to go over underground mining tunnels?

Devon County Council's Engineering Design Group have confirmed that they have investigated and accounted for ground and underground conditions and do not envisage any problems in the construction of the road.

The Leader invited Mr Evans to submit any supplementary questions.

Mr Evans asked whether the Council was aware of the number of sewerage spills in the South West Water area recently reported in a national newspaper which should be of concern for officers. He submitted that although the County Council had deemed the area of NA1 to be a suitable site for development, as a retired mining professional, he was not so sure.

The Leader submitted that authorities had to have a certain element of trust that officers fulfilled their obligations when assessing suitability for sites. He asked if Mr Evans would make available any correspondence he had had with the County

Council on the matter; Mr Evans agreed.

236. NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L) (IF ANY)

There were none.

237. BUDGET MONITORING - INCLUDING REVENUE, CAPITAL AND TREASURY MANAGEMENT - QUARTERLY REVIEW OF BUDGET VARIATIONS AND TREASURY MANAGEMENT

The Finance Manager introduced the agenda report and advised that a revenue surplus of approximately £226K for 2017/18 was forecast arising from variations to the original budget.

During discussion the following questions were asked:

- Councillor Hook asked whether the decision to remove £40,000 in council tax support would be reinstated as there was now a £1M surplus. The Leader advised that the budget setting process for 2018/19 had begun and it would be proper to review previous decisions made. He believed Teignbridge offered the fairest council tax reduction scheme in Devon;
- Councillor Dewhirst asked whether the external auditors' reduction in fees of nearly 18% would mean the quality and efficiency of such audits in the future would be impaired. The Finance Manager advised that auditors were required to conduct their audits in accordance with the audit principles and the question would be better put to them at the forthcoming Audit Scrutiny Committee;
- Councillor Dewhirst asked whether the increase in leisure income of £40,000 had arisen with genuine new memberships or if was made up of persons previously paying on a pay as you go basis. The Finance Manager advised it was a genuine gain;
- Councillor Dewhirst stated the Chancellor had provided an additional £3bn for Brexit and asked what Teignbridge would do with any share it were to receive. The Finance Manager advised that it was not known what central government would do with the additional monies – any information received from government would be made available to Members when possible;
- Councillor Nutley noted that pay and display machines had recently been changed so that it was no longer a requirement to enter the last three digits of a car's registration plate. The Business Manager – Economy & Assets advised that machines had been reprogrammed at a cost of around £10K for all machines across the district following complaints from users and felt the changes would benefit the customer. He advised there were no pay and display machines that gave change in the district which was why card payments and contactless payments were introduced. Teignbridge Council

bore the card fee so that the amount required on the machine was the amount the customer paid if paying by card;

- Councillor Christophers sought clarification on New Homes Bonus (NHB) calculations going forward. The Finance Manager stated that last year the government had introduced a baseline of 0.4%; a figure had been included in the consultation but not at that rate and this had come as a surprise to many local authorities. If this was the same this year, any number could be used which would have budgetary effects going forward.

The Leader noted that with revenue support continuing to reduce by £1M a year with the amount next year being just under £400K, NHB would be important regards the future funding of the council and its priorities.

Resolved

- (a) that the revenue budget variations be approved;
- (b) that the updated capital programme be approved;
- (c) that the updated lending list be noted;
- (d) That Full Council be recommended to note the mid-year review of treasury management.

238. PARKING ARRANGEMENTS AT DAWLISH WARREN

Members considered a report which outlined the Habitat Regulations Executive Committee (HREC) recommendation to amend the parking arrangements at Dawlish Warren and key issues that would need to be considered before determining how to take the proposed changes forward.

The Principal Delivery Officer advised that without mitigation, the European Sites at the Warren would be put at risk. The HREC was implementing the 2014 South East Devon European Site Mitigation Strategy on behalf of Teignbridge and as part of this, 49 measures had been identified which would need to be implemented in order to overcome the significant effects on the European Sites as required by the European Habitats Directive and the Conservation of Habitats and Species Regulations which applied in England and Wales. The Mitigation Strategy anticipated the implementation of several measures at any one time rather than project by project delivery.

One of those measures put forward by the HREC would be to raise winter parking charges, charge on Sunday's throughout the year and close the existing seaward gates in the winter. The officer advised that Teignbridge had a covenant with some of the local traders which had not been known by the HREC when it made its recommendations and this would be a significant impediment to implementing the proposals.

The recommendation before Members was therefore to receive a further report which appraised the practical and legal implications of the covenant and whether alternative mitigation measures should be suggested.

The Business Manager – Economy & Assets stated that whilst any intervention would be gradual, it would be pertinent to consult with local traders and look at the community and equalities impact such measures could have.

Following discussion it was noted that the recently opened Suitable Alternative Natural Green Space (SANGS) at Dawlish had been a success and it was hoped it would continue to encourage residents away from The Warren.

Resolved

- (a) That the recommendations from the Habitat Regulations Executive Committee (HREC) be noted;
- (b) That a future report be brought before the Executive once the Business Manager for Economy and assets has appraised the practical and legal implications of implementing the HREC recommendations.

239. HALDON TRAVELLER SITE EXTENSION

The Executive considered a report which sought to enable the development of three additional traveller pitches which received planning consent in April 2017. The development would be funded by way of an offsite provision within the planning application 13/02729/MAJ Matford Home Park, South of A379, Exeter.

The Housing Enabling Officer advised that the Council had tendered for the works to be undertaken which comprised of not only structural works but also geological surveys, all of which impacted on the price of construction.

Resolved

That forward funding of the three pitch extension of the Haldon Traveller site be approved in advance of receipt of the Section 106 offsite affordable housing contribution which will fund the development in full.

240. SUPPLEMENTARY PLANNING DOCUMENT NA1 - HOUGHTON BARTON

Members considered a report recommending the adoption of the NA1 Houghton Barton, Newton Abbot – Development Framework Plan as approved by the Council's Planning Committee on 21 November. This would then become a Supplementary Planning Document (SPD) for planning purposes.

The Principal Delivery Officer submitted that the document would amplify the local plan policies and provided detailed planning guidance which would raise the standards and quality of development going forward.

The recommendation before Members was to adopt the framework plan as recommended by the Planning Committee subject to the Executive addressing concerns raised by Sibelco.

The Principal Delivery Officer advised that a letter of representation had been submitted by Sibelco the day before the Committee which had been tabled for Members information, together with a draft Council response to the pertinent points contained within it.

The Leader stated that this was an important day for the village of Highweek. Delivering a bypass had been a long term aspiration in addition to the winning of funds to upgrade the road from Drum Bridges into Newton Abbot. Together with works at Forches Cross, the economic benefit would be greater than that provided by the South Devon Link Road for Newton Abbot and the District as a whole.

The Head of Paid Service advised that Teignbridge was working with Sibelco and the County Council in negotiating a positive outcome for all concerned and would continue to do so.

Resolved

- (a) That the NA1 Houghton Barton, Newton Abbot, Development Framework Plan Supplementary Planning Document be adopted as a Supplementary Planning Document (SPD) subject to any amendments arising from Planning Committee;
- (b) That the findings of the Strategic Environmental Screening Report which determines that no Strategic Environmental Assessment is required be noted;
- (c) That the findings of the Habitats Regulation Assessment Screening Report which determines that the Development Framework Plan will not have a likely significant effect on the South Hams Special Area of Conservation (SAC), subject to appropriate mitigation, be noted;
- (d) That delegated authority be granted to the Business Manager – Spatial Planning in consultation with the Leader to address any outstanding issues relating to the letter of representation submitted by Sibelco.

JEREMY CHRISTOPHERS
Leader