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5 March 2020

## **FULL COUNCIL**

To all Members of Teignbridge District Council

A meeting of the **Full Council** will be held on **Tuesday, 17th March, 2020** in the **Council Chamber - Forde House on the rising of Planning Committee.**



Phil Shears  
Managing Director

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **AGENDA**

### **Part I**

1. **Apologies for absence**
2. **Minutes** (Pages 3 - 14)  
To approve as a correct record and sign the minutes of the previous Council meeting.
3. **Chairman's announcements**
4. **Declarations of interest**

**5. Public Questions (if any)**

Members of the public may ask questions. A maximum period of 15 minutes will be allowed with a maximum period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

**6. Councillor Questions (if any)**

Members of the Council may ask questions of the Council subject to procedural rules.

The deadline for questions is no later than three clear working days before the meeting.

**7. Chudleigh & Kenton Neighbourhood Plan Adoption** (Pages 15 - 20)

**8. Houghton Barton link road** (Pages 21 - 36)

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## **FULL COUNCIL**

**24 FEBRUARY 2020**

Present:

Councillors Austen, Bradford, Bullivant, Clarence, Connett, Cook, D Cox, H Cox, Daws, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Jenks, Keeling (Chairman), Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall, Orme, Parker-Khan, Parker, Patch, Peart, J Petherick (Vice-Chairman), L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne and Wrigley

Apologies:

Councillors Colclough and Tume

Officers in Attendance:

Christopher Morgan, Trainee Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Phil Shears, Managing Director  
Simon Thornley, Business Manager - Spatial Planning  
Karen Trickey, Solicitor to the Council and Monitoring Officer

### **11. MINUTES**

The Portfolio Holder for Sport, Recreation & Culture, seconded by Councillor Nutley proposed that the Minutes of the Full Council on 14 January 2020 were approved as correct and signed by the Chairman.

### **12. CHAIRMAN'S ANNOUNCEMENTS**

The Portfolio Holder for Climate Change, Coastal Protection, and Flooding thanked the Teignbridge Council staff who had responded to the repercussions of Storm Dennis.

### **13. DECLARATIONS OF INTEREST**

Councillor D Cox declared an interest as an employee of Teignbridge CVS, the Secretary and a Trustee of HITS Foodbank and a Trustee of Coastal Action Youth.

Councillors Dewhirst, G Hook and J Hook declared an interest in respect of minute no. 17 – Notice of Motion regarding the Local Electricity Bill - as members of Teign Energy Company.

Councillor Bullivant declared an interest in respect of minute no. 17 - Notice of Motion regarding Langford Bridge Planning Decision and left the room during consideration of the motion.

#### **14. PUBLIC QUESTIONS**

The public questions and members responses are attached to minutes.

Members of the Public asked the following supplementary questions, the answer to which some would be provided in writing later in the week. [*For ease of reference these answers are set out in square brackets below*]:-

*In response to the supplementary question regarding the Environment – coastline dynamic* [response from the Portfolio Holder for Business, Economy & Tourism - further detail and/or effects (in regard to sediment movement, beaches and coastal defences) will be only be available to be assessed after publication of modelling as highlighted in the original response. The Council in conjunction with the Environment Agency have committed to commission an independent peer group review of Network Rail's modelling output when this is made available].

*In response to the supplementary question regarding a Statutory Objection* [response from the Portfolio Holder for Business, Economy & Tourism - the Council would need more detail regarding the proposal (including but not limited to the publication of the Environmental Statement and modelling results) but it would be likely be a statutory objector.]

*In response to the supplementary question of the case of non-designated heritage: the Department of Culture Media & Sport has stated that Network Rail is still required to take advice regarding asset value. Will the council work pro-actively with Historic England and Devon Archaeology Service to raise statutory objection ?* [response from the Portfolio Holder for Business, Economy & Tourism - the Council will work with Historic England and Devon Archaeology Service to assess the impact of the proposed development on the non-designated historic asset. Until we have more details about what the proposed development will look like and technical advice from both the Council's Conservation Officer and Historic England we are unable to confirm that we would raise a statutory objection on this ground.]

*In response to the supplementary question of would the council negotiate a financial contribution from Network Rail so that Teignmouth can develop improvements to offset amenity asset restrictions during the lengthy construction years?* [response from the Portfolio Holder for Business, Economy & Tourism - the Council is negotiating with Network Rail but at this stage in the process it is not possible to confirm whether any offset if agreed would be financial or physical in nature or a combination of both.]

#### **15. COUNCILLOR QUESTION**

The member question and response is attached to minutes.

In response to the supplementary question the Leader he confirmed he would let Councillor Clarence know of any decisions as soon as they were made.

## **16. FINAL BUDGET PROPOSALS 2020/21**

The Portfolio Holder for Corporate Resources proposed that the Executive Budget as set out in the agenda papers and that the recommendations as per the circulated report be approved.

In presenting the budget, the Portfolio Holder for Corporate Resources thanked officers for their preparation of the budget and the Overview and Scrutiny Committee for their work and input into the budget proposals.

He stated that the budget addressed the councils funding shortfall whilst delivering its commitment to addressing climate change, increase planning enforcement and affordable housing and continuing to provide a capital programme which met the requirements in the Council Strategy. He was grateful to the Overview & Scrutiny Committee for the review of the rural aid which would continue with a budget of £26,000 and a revised criteria. He commented that the criteria would not include the reserves that the smaller parishes had set aside for Elections. With the changes to business rates, new homes bonus and the ceasing of right to buy payments from Teign Housing the Council had to look to become more commercial going forward.

This was seconded by the Leader.

Councillor Clarence as budget spokesperson for the opposition commented that the unpalatable cuts that were being proposed could be avoided if less funds were transferred from the revenue account to the capital account and the reduction in funding from the capital account be made up by increasing borrowing.

Some Members who objected to the proposed budget raised concerns regarding the negative impact of charging for Sunday parking; the cuts in the councillor's community funds and rural aid and the charge for parish/towns to empty dog bins.

Members in support of the budget commented that this was a balanced budget to bridge the funding gap that had to be addressed by the reduction in central government funding.

### **RESOLVED:-**

- a That the Teignbridge band D council tax for 2020/21 is increased by 2.94% or £5 to £175.17 per annum
- b That general reserves are increased to 12.3% of the net revenue budget for 2020/21 or just under £2.0 million

- c That £100,000 of the general reserve balance in any one year continues to be available to the Executive to meet unexpected expenditure in addition to the agreed revenue budget
- d That all other decisions with regard to budgetary change will be approved by reference to virement rules in the financial instructions
- e That the summary revenue budget for 2020/21 is £16.1 million as shown at appendix 4. In particular the revenue budget includes:
- Assumptions of a 2% pay deal with higher increases for those on lower grades from 1 April 2020
  - Revenue contributions to fund capital at £0.6 million in 2020/21 and increasing slightly thereafter
  - Rural aid reducing to £26,000 from 1 April 2020
  - A reduction in the councillors community fund grant to £1,000 each
- f That fees and charges are approved as shown summarised at appendix 6. This includes an increase in parking income of £185,000 from last years base budget
- g That the capital programme as shown at appendix 7 is approved. In particular this includes:
- Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning
  - Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces
- Three major town centre investments will be funded mainly from prudential borrowing. There is also a provision for potential Future High Street fund projects. These would be funded from a combination of government grant and other co-funding, including CIL, grant and prudential borrowing. There are also provisions for employment site investment to be funded through prudential borrowing. Both the Future High Street fund and employment site projects are indicative projects only. They are described as provisions and are not being approved in this budget. Individual business cases will be brought to members for consideration as they are
- h That the prudential indicators are noted and the prudential limits approved all as set out in appendix 11
- i That the updated treasury management strategy statement and authorised lending list as set out in appendix 12 is approved together with the capital strategy in appendix 12a

- j That each scheme will be considered on its merits as explained at the end of appendix 12 to decide the calculation of minimum revenue provision for capital expenditure in 2020/21
- k That the treasury management mid-year review for 2019/20 as taken to Executive on 28 November and shown in appendix 13 is noted
- l That the council tax resolutions as recommended in appendix 16 are approved
- m That the Commercial Strategy in appendix 8 is approved and authority is delegated to the Chief Finance Officer to approve the purchase of assets meeting the criteria in section 6 of the Strategy.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the recorded vote was as follows:-

Voting for:-

Councillors Austin, Connett, Cook, (D) Cox, (H) Cox, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Hayes, (G) Hook, (J) Hook, Jefferies, Jenks, MacGregor, Keeling, Morgan, Nutley, Nuttall, Parker, (J) Petherick, (L) Petherick, Purser, Rollason, Swain, Taylor and Wrigley.

(28 Members)

Voting against:-

Councillors Bradford, Bullivant, Clarence, Daws, Gribble, Haines, Hocking, Jeffrey, Kerswell, Mullone, Orme, Parker-Khan, Patch, Peart, Phipps, Russell and Thorne.

(17 Members)

Absent:-

Councillors Colclough and Tume

(2 Members)

**17. NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)**

**Notice of Motion for Local Electricity Bill**

Councillors Dewhirst, G Hook and J Hook declared an interest as members of Teign Energy Company.

Members considered a Notice of Motion submitted by Councillor Jenks and supported by Councillors H Cox, Hayes, G Hook, J Hook, Keeling, MacGregor, Morgan, Nutley and Wrigley.

Councillor Jenks in presenting his Notice of Motion stated that the bill's purpose was to enable local electricity generators to become local electricity suppliers. This bill would make a huge difference to the increase in renewable energy and support councils and communities to become renewable generators.

This was seconded by the Portfolio Holder for Climate Change, Coastal Protection, and Flooding and carried unanimously.

**RESOLVED** that Teignbridge District Council:-

- (i) Acknowledges the efforts that this council is making to reduce greenhouse gas emissions and promote renewable energy;
- (ii) Recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;
- (iii) Further recognises,
  - That very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
  - That making these financial costs proportionate to the scale of a renewable electricity suppliers operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, business and organisations, and
  - That the revenues received by councils that become local renewable electricity providers could be used to help fund local greenhouse gas emissions reductions measures and to help improve local services and facilities;
- (iv) Accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of MPs (including our local MP), and which, if made by law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and
- (v) Further resolves to inform the local media of this decision, Write to local MPs, asking them to support the Bill, and Write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London, NW1 7NN or [info@powerforpeople.org.uk](mailto:info@powerforpeople.org.uk)) expressing its support.

The meeting recessed from 11.50am until 12.50pm.

Councillors Hayes, Hocking, Orme and Parker left the meeting at this point.

### **Notice of Motion regarding Facilitating Open and Accountable Decision Making**

Members Considered a Notice of Motion submitted by Councillor Patch and supported by Councillors Bradford, Daws, Jenks and Mullone.

Councillor Patch in presenting his Notice of Motion, stated that the reasons for the proposals were to increase accountability and transparency in decision making and voting in particular at Planning Committee.

This was seconded by Councillor Mullone.

The Portfolio for Planning whilst being supportive of the need for the council to be transparent and open in its decision making process proposed an amendment to read as follows:-

- (a) this Council is committed to the principles of open and accountable decision making;*
- (b) The council's electronic voting system is used for all votes on planning applications taken during meetings of the Planning Committee and the record of how each councillor voted is recorded with the minutes of the meeting.*
- (c) The right of every councillor to ask for their own personal vote to be recorded in the minutes after a vote has been taken and before the meeting moves to the next business, as has been the case for many years, is enshrined within the Teignbridge constitution.*
- (d) Arrangements for voting/recorded voting at all other council and committee meetings are referred for urgent review to the Constitutional Review Group and to report back to the next meeting of Council on 21 April.*

This was seconded by the Portfolio Holder for Sport, Recreation & Culture.

During debate the Members raised the following points:-

- Number of members required for a recorded vote
- Use of the electronic voting system
- The Constitution Review Working Group to look at recorded voting and report back to full Council.

The amendment was put to the vote and carried unanimously.

The amendment being the substantive motion, this was put to the vote and carried.

**RESOLVED** that:-

- (a) this Council is committed to the principles of open and accountable decision making;

(b) The council's electronic voting system is used for all votes on planning applications taken during meetings of the Planning Committee and the record of how each councillor voted is recorded with the minutes of the meeting.

(c) The right of every councillor to ask for their own personal vote to be recorded in the minutes after a vote has been taken and before the meeting moves to the next business, as has been the case for many years, is enshrined within the Teignbridge constitution.

(d) Arrangements for voting/recorded voting at all other council and committee meetings are referred for urgent review to the Constitutional Review Group and to report back to the next meeting of Council on 21 April.

### **Notice of Motion regarding Langford Bridge Planning Decision**

Councillor Parker-Khan left the meeting before consideration of this item.

Councillor Bullivant declared a personal interest in light of the proposals of this notice of motion and he left the room during consideration of the item.

Members considered a Notice of Motion submitted by Councillor Daws and supported by Councillors Bradford, D Cox, Mullone and Patch.

Councillor Daws in presenting his Notice of Motion stated that this motion was put forward to ensure that all the correct due processes were undertaken with the planning application for Langford Bridge Farm. The processes should be scrutinised to ensure that there was no conflict of interest and that the application had been dealt with in the proper manner.

This was seconded by Councillor Mullone.

Councillor D Cox whilst supportive of the tenor of the motion proposed an amendment to the motion for an external outside body that would be totally independent of the council to review the matter.

The Portfolio for Corporate Services in seconding the amendment stated that to have the Local Government Association undertake a review with independent an officer and councillor would ensure there was impartiality.

Councillor Haines clarified that he was a past board member of the Independent Planning Advisory Service and had undertaken work for them.

The amendment was put the vote and carried.

### **RESOLVED**

To reassure elected members and the general public, the independent Planning Advisory Service is invited by Teignbridge Council to review all relevant matters and processes relating to the granting of application 19/00238/MAJ Langford Bridge Farm, Kingskerswell Road, Newton Abbot, Devon, TQ12 5LA at the Planning Committee meeting of the 21st January and to report its conclusions to the Council.

In accordance with Council Procedure Rule 4.5 (q) (vi) Councillor Haines asked that his abstention from voting be recorded.

## **18. COUNCIL TAX REDUCTION SCHEME 2020/21**

Councillor D Cox, Jenks and Gribble left the meeting before the vote was taken on this item.

The Portfolio Holder for Corporate Resources presented the report to seek Council's approval of the proposal to introduce a new Council Tax Reduction Scheme for working age claimants for the year 2020-21.

The recommendation was proposed by the Portfolio Holder for Corporate Services, seconded by Councillor D Cox and carried.

**RESOLVED** that:-

- (1) The new income-banded Council Tax Reduction Scheme for the year 2020-21 be adopted; and
- (2) The revised Discretionary Discount and Exceptional Hardship Policy for the year 2020-21 be adopted.

## **19. NETWORK RAIL TRANSPORT AND WORKS ACT ORDER CONSULTATION & NETWORK RAIL PRESENTATION**

Network rail gave a presentation (attached to minutes)

In response to Members questions the Network Rail representatives clarified the following:-

- The proposals incorporate a prediction that there would be one meter rise in sea level in the next 100 years
- Information on sea levels has been incorporated during consultation
- It was anticipated that there would be a public inquiry for the scheme
- There could be another cliff collapse or threat in the future, such as in 2014, so it was important that the work was undertaken
- There were multiple types of defences such as nets, nails and buttresses, the aim of the project was to reinforce the cliff line for up to a 100 years
- The scheme allows for built up water to be diverted under the tracks
- It would take approximately three years to divert the tracks and five years to buttress the cliff
- An environmental statement would be produced
- Information regarding the tide spread would be added to the consultation web page and
- The addition of groynes would be discussed with the Environment Agency and the Council

The Chairman thanked Network Rail for their presentation.

The Portfolio Holder for Business, Economy & Tourism presented the report to update Members regarding progress by Network Rail in developing rail resilience proposals for the section between Parson's Tunnel, Holcombe and Teignmouth, and associated Transport and Work Act Order (TWAO) consenting processes and timeframes.

The recommendation was proposed by the Portfolio Holder for Business, Economy & Tourism and seconded by the Portfolio Holder for Climate Change, Coastal Protection & Flooding.

**RESOLVED** that:-

- (1) Progress to date be noted; and
- (2) The relevant Portfolio Holders and Coastal Officer submit a consultation response on behalf of the Council.

## **20. WOLBOROUGH DPD**

The Portfolio Holder for Planning presented the report to recommend that work on the Wolborough Masterplan DPD ceases. Since the decision was taken to prepare a DPD this administration had committed to fast-track a partial update of the Local Plan for the benefit of better development for the whole of the district. This partial update would include many of the issues within the scope of the DPD and in addition matters such as climate change were not due to be incorporated in the Wolborough DPD. Therefore to prepare both the DPD and the Local Plan would duplicate unnecessary work. To cease work on the DPD would provide a saving of £122,000.

A Member commented that local ward members and other interested parties had not been consulted on this proposal and they had serious concerns regarding the cessation of this work. He asked for clarification on the budget spent to date.

The Business Manager Spatial Planning clarified that the budget spent to date was £53,140 for the Bat Survey, £122 Devon Biodiversity Records and £32,960 for a secondment of a Senior Planning Officer from Devon County Council. The DPD had limited remit and the Local Plan Policies Part 1, which Executive would consider for consultation at its next meeting, would have more comprehensive set of policies including those to mitigate climate change.

The recommendation was proposed by the Portfolio Holder for Planning seconded by the Portfolio Holder for Sport, Recreation & Culture and carried.

**RESOLVED** that work on the Wolborough Masterplan DPD be ceased and it be removed from the published Local Development Scheme.

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

The Leader proposed, seconded by Councillor Haines, that because of financial sensitivity the Council go into Part II session and exclude the press and public.

**RESOLVED** that under Section 100 (A) (4) of the Local Government Act 1972 that press and public be excluded from the meeting of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12 A of the Act.

**22. DECOY COUNTRY PARK PLAY AREA REFURBISHMENTS**

Councillors Morgan and Mullone left the meeting before consideration of this item.

The Portfolio Holder for Sport, Recreation & Culture presented the report to recommend investment of capital expenditure of Community Infrastructure Levy (CIL)/Section 106 funding to refurbish play provision at Decoy Countryside Park.

The recommendation was proposed by Portfolio Holder for Sport, Recreation & Culture proposed, seconded by Councillor Bradford and carried unanimously.

**RESOLVED** that:-

- (1) Capital expenditure be approved, to be funded from CIL and S106 contributions, for refurbishment works as outlined for Decoy Country Park; and
- (2) The Head of Operational Services be given delegated authority, in conjunction with the Section 151 Officer and Portfolio Holder for Leisure and Recreation to accept the most economically advantageous tender for the works.

The meeting started at 10.0am and finished at 3.10pm.

Chairman

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**TEIGNBRIDGE DISTRICT COUNCIL**

**FULL COUNCIL**

**17 MARCH 2020**

<b>Report Title</b>	<b>Make (Adopt) the Chudleigh and Kenton Neighbourhood Development Plans</b>
<b>Purpose of Report</b>	The purpose of this report is to inform Full Council of the results of the referenda on the Chudleigh and Kenton Neighbourhood Development Plans and to bring both Plans into force by making (adopting) them as part of the Development Plan for the District.
<b>Recommendation(s)</b>	<p><b>Full Council RESOLVES to:</b></p> <ul style="list-style-type: none"> <li>• <b>Make (Adopt) the Chudleigh and Kenton Neighbourhood Development Plans and bring them into force as part of the suite of Teignbridge Local Development Plan Documents, to be used as a material consideration in planning terms relating to the Chudleigh and Kenton Parished Areas.</b></li> </ul>

<b>Financial Implications</b>	<p>There are no costs arising from this report. The Council receives Government funding of £20,000 for each Neighbourhood Plan adopted. All costs associated with the examination and referendum of the Neighbourhood Plans are paid for by this Government funding. Any remaining funds contribute towards the funding of the Neighbourhood Planning Officer.</p> <p>Martin Flitcroft Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk</p>
<b>Legal Implications</b>	<p>Both the Kenton and Chudleigh Neighbourhood Plans have been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012.</p> <p>Once made (adopted) the Kenton and Chudleigh Neighbourhood Plans will become part of the Development Plan for Teignbridge. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see <a href="#">section 38(6) of the Planning and Compulsory Purchase Act 2004</a>).</p> <p>Strategic Environmental Assessment Screenings have been carried out for both plans and concluded no significant effect arising from the plan. Habitat Regulation Assessments/Appropriate Assessments have also been carried out and have concluded no impact on the integrity of a European Protected Wildlife Site.</p> <p>Paul Woodhead Tel: 01626 215139 Email: paul.woodhead@teignbridge.gov.uk</p>
<b>Risk Assessment</b>	<p>The Council must make (adopt) the neighbourhood plans within 8 weeks of the referendum. The circumstances where the Council is not required to make a neighbourhood plan are where it considers that making it would breach, or otherwise be incompatible with, any EU or human rights obligations. Officers do not believe that this applies to either the Kenton or Chudleigh Neighbourhood Plans.</p> <p>Michelle Luscombe Principal Policy Planner Tel: 01626 215706 Email: michelle.luscombe@teignbridge.gov.uk</p>

<b>Environmental/ Climate Change Implications</b>	Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan which means that the overarching policies of the Local Plan in relation to the environment and climate change will still apply once the neighbourhood plans are adopted. However, the Chudleigh and Kenton Neighbourhood Plans add additional locally produced designations and requirements which seek to conserve and protect the environment, having an overall positive effect on the environment and climate change.  David Eaton, Environmental Protection Manager Tel: 01626 215064 Email: david.eaton@teignbridge.gov.uk
<b>Report Author</b>	Michelle Luscombe, Principal Policy Planner Tel: 01626 215754 Email: michelle.luscombe@teignbridge.gov.uk
<b>Portfolio Holder</b>	Portfolio Holder for Planning (Cllr Gary Taylor)
<b>Appendices</b>	
<b>Part I or II</b>	Part 1
<b>Background Papers</b>	

## 1. PURPOSE

1.1 The purpose of this report is to inform Full Council of the results of the referenda on the Chudleigh and Kenton Neighbourhood Development Plans and to bring both Plans into force by making (adopting) them as part of the Development Plan for the District. This will ensure that these neighbourhood plans form a material consideration in the determination of planning applications in their respective parishes. (Note that neighbourhood plans are 'Made' which has essentially the same meaning as when a Local Plan is 'adopted'). This accords with the provisions of the Planning and Compulsory Purchase Act 2004 Section 38A(4) as amended.

1.2 Copies of the Neighbourhood Plans are available online at:

- Chudleigh Neighbourhood Plan: [www.teignbridge.gov.uk/chudleighnp](http://www.teignbridge.gov.uk/chudleighnp)
- Kenton Neighbourhood Plan: [www.teignbridge.gov.uk/kentonnp](http://www.teignbridge.gov.uk/kentonnp)

## 2. REPORT DETAIL

### 2.1. Financial

2.1.1. There are no costs arising from this report.

2.1.2. The Council receives £20,000 of Government funding following the adoption of each Neighbourhood Plan. Following the adoption of the Kenton and

Chudleigh Neighbourhood Plan (if agreed by Full Council), the Council will be eligible for £40,000. This funding is used to cover the costs of the examination and referendum of the Neighbourhood Plan, as well as the costs associated with any other statutory support provided by the Council. Any remaining funds contribute towards the funding of the Neighbourhood Planning Officer.

- 2.1.3. In parishes where there is a made (adopted) neighbourhood plan, parish or town councils will receive 25% of the receipts from the Community Infrastructure Levy. This is only 15% where there is no made (adopted) neighbourhood plan.

## **2.2. Legal**

- 2.2.1. Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. However, any neighbourhood plans prepared must do so in accordance with the Neighbourhood Planning (General) Regulations 2012.

- 2.2.2. Once it has been approved at a referendum, a neighbourhood plan has the same legal status as the Local Plan. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

- 2.2.3. In accordance with the Regulations, Neighbourhood Plans must satisfy that there are no significant environmental effects arising from the neighbourhood plan or that the plan would impact on the integrity of a European Protected wildlife site. Strategic Environmental Assessment Screenings have been carried out for both plans and concluded no significant effect arising from the plan. Habitat Regulation Assessments/Appropriate Assessments have also been carried out and concluded no impact on the integrity of a European Protected Wildlife Site.

## **2.3. Risks**

- 2.3.1. Following the positive referendum result, the final stage is for the Council to make (adopt) the plan within 8 weeks of the referendum.

- 2.3.2. There are only narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)). No such conflict has been identified by the neighbourhood plan examiners or by Officers of the Council. In addition the Habitat Regulation Assessments and Strategic Environmental Assessment Screening reports did not identify any likely significant effects on the Environment. As such no conflict or breach with the above has been identified and both Neighbourhood Plans should be 'made'.

## **2.4. Environmental/Climate Change Impact**

- 2.4.1. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan which means that the overarching policies of the Local Plan in relation to the environment and climate change will still apply once the neighbourhood plans are adopted.
- 2.4.2. The Chudleigh and Kenton Neighbourhood Plans add additional locally produced designations and requirements which seek to conserve and protect the environment, having an overall positive effect on the environment and climate change. For Chudleigh, this includes policies relating to: biodiversity; the South Hams Special Area of Conservation; landscape; and sustainability (i.e. new development must not increase flood risk and must enable the use of renewable energy technologies). For Kenton, specific environmental policies include: green infrastructure, reducing flood risk; protecting locally important views; designating local green space; and protection of the Exe Estuary Special Protection Area and the Dawlish Special Area of Conservation.

## **2.5. Background**

- 2.5.1. The Localism Act and associated regulations provide the legal framework for the production of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders. These formed part of the suite of planning powers devolved to town and parish councils and neighbourhood forums under the 2011 Localism Act.
- 2.5.2. Following designation of Chudleigh Parish area on 31 August 2016, and designation of Kenton Parish on 17 April 2015, both Town and Parish Councils began work on their respective neighbourhood plans. The development of both plans were informed by extensive community and stakeholder engagement, formally and informally throughout the process of plan development.

## **2.6. Examination and Referendum**

- 2.6.1. Following the formal consultation periods (Pre-submission and Submission), both plans were submitted to the District Council and then subjected to an independent examination to assess whether they met the 'Basic Conditions'. Successful examination on the plan for Chudleigh on 24 September 2019 and Kenton on 29 November 2019 led to both referenda in which the decision to make (adopt) the neighbourhood plans were put to a local vote in their respective parishes on 13<sup>th</sup> February 2020.
- 2.6.2. The Chudleigh referendum resulted in a 19.3% turnout with 89.4% of those casting their ballot voted yes to the question: (the wording of which is prescribed in the regulations):

*Do you want Teignbridge District Council to use the Neighbourhood Plan for Chudleigh Parish to help it decide planning applications in the neighbourhood area?*

- 2.6.3. The Kenton referendum resulted in a 31.54% turnout with 96.82% of those casting their ballot voted yes to the question: (the wording of which is prescribed in the regulations):

*Do you want Teignbridge District Council to use the Neighbourhood Plan for Kenton Parish to help it decide planning applications in the neighbourhood area?*

- 2.6.4. With the successful referendum, Teignbridge Council must make (adopt) the neighbourhood plans unless doing so would breach or would otherwise be incompatible with any EU obligation or any Convention Rights under the Human Rights Act (see 2.3).

## **2.7. Groups Consulted**

- 2.7.1. The Neighbourhood Planning (General) Regulations 2012 require Neighbourhood Development Plans to be locally informed and led. Therefore the production of a Consultation Statement is prescribed by the regulations and assessed by an independent examiner. In addition two prescribed stages of public and stakeholder consultation are required before the plan is examined and can proceed to referendum. These documents are all available on the Council's website:

- Chudleigh Neighbourhood Plan: [www.teignbridge.gov.uk/chudleighnp](http://www.teignbridge.gov.uk/chudleighnp)
- Kenton Neighbourhood Plan: [www.teignbridge.gov.uk/kentonnp](http://www.teignbridge.gov.uk/kentonnp)

## **3. CONCLUSION**

- 3.1.1. Following the successful referenda on the Chudleigh and Kenton Neighbourhood Plans, it is recommended that both plans are made (adopted) and are brought into force as part of the Development Plan for Teignbridge.

## TEIGNBRIDGE DISTRICT COUNCIL

## FULL COUNCIL

TUESDAY 17<sup>TH</sup> MARCH 2020

## PART I

<b>Report Title</b>	<b>Houghton Barton Link Road, Newton Abbot</b>
<b>Purpose of Report</b>	To approve forward funding for the Houghton Barton Link road in Newton Abbot.
<b>Recommendation(s)</b>	<p><b>The Council RESOLVES to:</b></p> <p>1) Provide capital forward funding of up to £1.25 million towards the Houghton Barton Link Road subject to the intention that funding be recoverable so far as is possible from future development infrastructure contributions.</p> <p>2) Grant delegated authority to the Head of Place and Commercial Services (subject to prior consultation with the Portfolio Holder for Planning) to:</p> <p style="padding-left: 40px;">a. complete agreements to facilitate the forward funding and delivery of the Link Road project by Devon County Council including but not limited to:</p> <p style="padding-left: 80px;">i. the forward funding by the Council to Devon County Council;</p> <p style="padding-left: 80px;">ii. the acquisition of mineral rights by the Council on land adjacent to Howton Road, known as Houghton Field; and</p> <p style="padding-left: 80px;">iii. the construction by Devon County Council of a freely and publicly accessible road on land at Houghton Field as referred to in the Report;</p> <p style="padding-left: 40px;">AND</p> <p style="padding-left: 40px;">b. take such other action as he considers appropriate.</p>
<b>Financial Implications</b>	<p>Email: <a href="mailto:martin.flitcroft@teignbridge.gov.uk">martin.flitcroft@teignbridge.gov.uk</a></p> <p>The main financial implications are summarised in Section 2.</p>

<b>Legal Implications</b>	<p>The proposal to provide forward funding is lawful. Nevertheless, given relevant financial contributions will not be received in advance of payment to Devon County Council, it will not possible to secure the recovery of all forward funding in the absence of an indemnity to repay from the funding recipient. This risk to the Council should be recognised within the context of the reported strategic benefits of the project.</p> <p>Email: <a href="mailto:karen.trickey@teignbridge.gov.uk">karen.trickey@teignbridge.gov.uk</a>  <a href="#">Solicitor to the Council.</a></p>
<b>Risk Assessment</b>	<p>Email: <a href="mailto:fergus.pate@teignbridge.gov.uk">fergus.pate@teignbridge.gov.uk</a></p> <p>The main implications are identified at Section 4.</p>
<b>Environmental/ Climate Change Implications</b>	<p>Email: <a href="mailto:david.eaton@teignbridge.gov.uk">david.eaton@teignbridge.gov.uk</a></p> <p>The climate and environmental impacts are described at Section 5.</p>
<b>Report Author</b>	<p>Fergus Pate, Principal Delivery Officer</p> <p>Email: <a href="mailto:fergus.pate@teignbridge.gov.uk">fergus.pate@teignbridge.gov.uk</a></p>
<b>Portfolio Holder</b>	<p>Cllr Gary Taylor, Planning Portfolio</p>
<b>Appendices / Background Papers</b>	<p>Appendix A – Houghton Barton Link Road location plan</p> <p>Appendix B – Houghton Barton Link Road general arrangement plan</p> <p>Appendix C - Houghton Field location plan</p>

## 1. Background

### Location and strategic context

- 1.1. Teignbridge's adopted Local Plan allocates land for 6,000 homes across Newton Abbot and the Heart of Teignbridge over the plan period 2013-2033. Houghton Barton covers an area of 160 hectares of land to the west of Newton Abbot. The site is enclosed by the A382 and A383. The area has been allocated for a mix of residential and employment development, including a new neighbourhood centre, shops and school. Including already permitted homes at Hele Park, the site is expected to deliver 1,800 new homes.
- 1.2. Houghton Barton will be accessed from the A383 (Ashburton Road) to the south and the A382 (Bovey Tracey Road) to the north. The creation of a vehicular route connecting the A382 and A383 is a requirement of Local Plan policy NA1, Houghton Barton. The road already benefits from planning permission.

- 1.3. A location plan and phasing plan is provided at Appendix A.
- 1.4. The A382 and A383 provide the principal connections between Newton Abbot and the A38. Existing roads connecting the A382 and A383 together are single track country lanes that provide access to a small number of properties and the Seale Hayne campus. Due to the low capacity of these roads, access to the A382 from new development at Houghton Barton will be very difficult causing safety and congestion problems.
- 1.5. Mile End Road and Ringslade Road provide a further link between the A382 and A383 through the residential area of Highweek, which is a particularly sensitive area with capacity constraints caused by narrow sections. Despite these constraints the route is attractive as a 'rat run' to avoid delay at junctions on the circulatory route on the A382 and A383 via 'Dyrons roundabout' and 'Churchill's roundabout'. The development at Houghton Barton will exacerbate these problems unless the Link Road is provided.
- 1.6. The Houghton Barton Link Road will support the Houghton Barton development and allow it to be constructed and occupied whilst mitigating the worst of the impacts on the transport network. The Link Road will provide an attractive alternative route between the A382 and A383 which will relieve pressure on the local highway network, including the A383 and through the area of Highweek. It will also provide a pedestrian and cycle route and facilitate new bus services for the development area.
- 1.7. The Link Road will join the A382 at a new roundabout (Forches Cross) which is part of the A382 Corridor Improvement scheme. This scheme will deliver highway widening and realignment from Drumbridges on the A38 into Newton Abbot. These two schemes complement each other by supporting development to the west of Newton Abbot and relieving pressure on the existing road network. The Teignbridge Infrastructure Delivery Plan identifies both projects as being of 'critical' importance.
- 1.8. Following technical masterplanning work and a public consultation, the Link Road was also identified as an infrastructure priority that should be delivered early by the Houghton Barton Supplementary Planning Document (SPD). The SPD also confirmed that unfunded costs of the Link Road must be met by the allocation's developers.

#### *The Link Road Scheme*

- 1.9. The scheme will be delivered in phases (see Appendix A). Phases 1 and 2 will soon be ready to commence the tender process, which is something that Devon County Council will lead. Phase 3 will be delivered by the developer as part of the Houghton Barton development. Phase 4 will involve the upgrade of the priority junction of the Houghton Barton Link Road with the A382 to a roundabout. This is being delivered through the A382 Corridor Improvements scheme by Devon County Council.

1.10. Phases 1 and 2 of the Houghton Barton Link Road comprise the following:

- A 7.3 metre carriageway, 2 metre footway and 3 metre shared use path between the A382 north of Forches Cross and Perry Cross.
- A new priority junction on the A382; and
- A 6 metre carriageway and 3 metre shared use path between Perry Cross and Howton Field.

Growth Deal funding support

1.11. Devon County Council submitted a Business Case to the Heart of the South West Local Enterprise Partnership (LEP) to part fund the Houghton Barton Link Road. This was successful and £2.89 million has been identified. The bid was submitted on the basis that by the time the scheme was ready for construction, a planning application for the housing development would have been submitted and determined. In this event Section 106 planning obligation commitments would have been provided by the developer, which would have offered certainty over funding and land availability and enabled a funding agreement to be signed with the LEP.

1.12. This has not been the case and the planning application is only now about to be submitted. Forward funding for the future developer contribution is therefore required if the £2.89 million grant is to be utilised.

## **2. Financial Considerations**

2.1. The estimated scheme cost of Phases 1 and 2 of the Houghton Barton Link Road is £7.4 million. This includes detailed design, development and delivery of the planning application and discharging associated conditions, land acquisition, Statutory Undertakers works, advance works, scheme construction, supervision and contingency.

2.2. The funding breakdown is shown in the following table. This confirms that Teignbridge would need to provide forward funding of up to £810,000 in 2020/21 and a further £440,000 in 2021/22. If a reduced overall project cost resulted from the competitive tender process, Devon and Teignbridge's forward funding contributions would be reduced equally.

<b>Source</b>	<b>Prior years costs £M</b>	<b>Projected costs 2019/20 £M</b>	<b>Projected costs 2020/21 £M</b>	<b>Projected costs 2021/22 £M</b>	<b>Total £M</b>
Heart of the South West Local Enterprise Partnership (Growth Deal 3 grant)	0.17	0.25	2.45	0	2.87
Government 'Capacity Funding' (TDC)	0.20	0	0	0	0.20
DCC Local Transport Plan grant (LTP)	0.02	0	0.45	0	0.47
National Productivity Investment Fund (NPIF)	0.22	0	0	0	0.22
Section 106 Hele Park	0	0	1.14	0	1.14
DCC forward funding (Anticipated to be recouped through a unilateral undertaking)	0	0	0.81	0.44	1.25
TDC forward funding (Anticipated to be recouped through a unilateral undertaking)	0	0	0.81	0.44	1.25
<b>Total</b>	<b>0.61</b>	<b>0.25</b>	<b>5.66</b>	<b>0.88</b>	<b>7.40</b>

- 2.3. A planning application for most of the remainder of the Houghton Barton allocation that does not already benefit from planning permission is expected by the end of March 2020. The planning application should provide for delivery of Phase 3 of the Link Road by the developer, as well as a financial contribution towards the currently unfunded costs of Phases 1 and 2. On the basis that Houghton Barton is an allocated development site, and on the proviso that the developer funding commitment will be forthcoming, it is recommended to forward fund up to £1.25 million of the future developer contributions in order to ensure the LEP grant funding.
- 2.4. An associated unilateral undertaking is currently being drafted by the developers (Bloor Homes and Redrow Homes), in coordination with TDC and DCC officers. Upon submission of a planning application in March 2020, the unilateral undertaking will need to commit the developer to a financial contribution of up to £2.5 million (index linked) towards the scheme should planning permission be granted for the housing led development. The intention is that, subject to works having commenced on the Link Road Phases 1 and 2, upon the commencement of development, the developers will make their contribution. As with the forward funding, the final amount will be confirmed once construction is complete and the outturn cost of the road scheme is known.

- 2.5. The developers' payment will be dependent on planning permission being granted. Whether this occurs will not be known until after the road scheme has commenced construction but Devon County Council must sign the LEP grant funding agreement before the end of March 2020. Until development comes forward, it is proposed for Teignbridge to forward fund £1.25 million of the developer contribution and for Devon County Council to do the same.

*Teignbridge capital funding*

- 2.6. It is proposed to fund the Teignbridge £1.25 million by internal borrowing (making use of existing cash balances) until such time as the developer contribution is received. The consequence of this is that funds available for the Council to invest will be lower. At current rates this would result in lost investment income of approximately £849 per month, based on the full £1.25 million. This represents better value for money than short-term external borrowing, which at current rates would cost approximately £2,448 per month. The £1.25 million forward funding will not breach the Council's overall borrowing limits.
- 2.7. Paragraph 4.11 describes the intended exit strategy, which would allow the Council to recoup its contribution in the worst case scenario of the scheme being stalled.

### **3. Land Assembly**

- 3.1. Surface land for Phase 1 of the Link Road is within Devon County Council ownership. A section of surface land for Phase 2 is in the ownership of Teignbridge District Council. The remainder of the surface land is currently subject to an option agreement between the developers and the land owners.
- 3.2. Minerals rights underlay the whole road scheme and are currently in the ownership of Sibelco. There is an option agreement between the developers and Sibelco to enable the developers to draw down the mineral rights. This ability can be passed to others, including Devon County Council and Teignbridge.
- 3.3. The Howton Field development site is owned by Teignbridge and indicated at Appendix C. It is proposed for Teignbridge to acquire mineral rights associated with the site in order to overcome the risk of trespass when the road and homes are constructed. Funding for the minerals acquisition has been provided by Homes England and the budget for this was approved by Full Council in March 2017.
- 3.4. Teignbridge will then be able to permit Devon County Council to construct the Link Road phase 2 within the corridor that is indicated with pink shading at Appendix C. It is recommended to delegate authority for the Head of Place and Commercial Services to enter into an agreement with Devon County Council that enables construction of this part of the Link Road to take place.

## 4. Risk

- 4.1. Providing the forward funding and ensuring scheme delivery will support an infrastructure first approach and help to mitigate traffic impacts on the road network that surrounds Houghton Barton. This approach will also help to support sustainable transport choices from an early stage in the new neighbourhood's development.
- 4.2. Failure to bring forward the road scheme now would mean that £2.87 million of Local Enterprise Partnership grant funding would be foregone. This circumstance would not reduce the requirement for the Link Road, which is a Local Plan priority. Instead, it would increase pressure on the viability of development at Houghton Barton. By way of a broad illustrative comparison, the value of the grant could be equivalent to the cross subsidy needed to deliver around 25 affordable dwellings.
- 4.3. Devon County Council will be responsible for managing the Link Road budget. The scheme is subject to the normal engineering risks. A quantified risk assessment has been undertaken and these risk costs have been included in the scheme estimate. The scheme cost is capped at approximately £7.4m.
- 4.4. A high-pressure gas main is present in the north of the site. Extensive discussion has been held between Devon County Council and Wales and West Utilities and the mitigation required has now been agreed.
- 4.5. A number of legal agreements need to be in place in order to proceed with the scheme. Devon County Council is presiding over many of these. All parties are cooperating, and the agreements are currently being drafted. The status of these will be given as a verbal update to the Cabinet meeting.
- 4.6. Unless a planning application for the housing at Houghton Barton is submitted by the end of March 2020, it is likely that the LEP will withdraw the funding. The developers have provided assurances that the planning application is forthcoming.

### *Section 106 planning obligation*

- 4.7. A signed Section 106 unilateral undertaking will need to accompany the housing planning application by the end of March 2020.
- 4.8. The unilateral undertaking must provide legal clarity that the main developers at Houghton Barton (Bloor and Redrow Homes) are willing to pay for the Houghton Barton Link Road funding gap upon the implementation of planning permission. Confirmation has been provided by the developer that the planning application will be submitted by the end of March 2020.
- 4.9. As the site is allocated in the Local Plan, it is reasonable to expect that a suitable scheme for development at Houghton Barton can be brought forward. However, there must be some risk that this will not be the case, that development will not be permitted, and the developer contribution will not be forthcoming.
- 4.10. If the scheme is approved, there still remains some risk that market conditions may change and development will not come forward or will be significantly delayed, in which case the financial contribution would not be forthcoming.

- 4.11. To help mitigate these prospects, officers will work to secure an undertaking from the developer that gives the Council control over land that is of an equivalent value to Teignbridge's contribution. This contingency would be triggered in the event that development at Houghton Barton stalls and the forward funding is not repaid.

## **5. Climate and Environmental Implications**

- 5.1. Houghton Barton is one of the Teignbridge Local Plan's most sustainably located allocations, with good connections to existing homes, facilities and sustainable transport networks.
- 5.2. The Link Road already benefits from planning permission. When the planning application was determined by Teignbridge's Planning Committee environmental considerations relating to the whole scheme were assessed through an Environmental Impact Assessment.
- 5.3. Early delivery of the first two phases of the Houghton Barton Link Road will help to address traffic congestion, as well as an enhanced bus link and providing for local pedestrian and cycle journeys.

## **6. Alternative Options**

- 6.1. The following options are not recommended but have been considered in reaching the recommendation.

*Do not deliver the road*

- 6.2. As the transport authority, Devon County Council considered potential suitable alternative such as demand management, walking and cycling, bus, rail and park and change facilities. They concluded that, in the absence of the Link Road, it was unlikely that any of these measures would achieve the change in travel behaviour needed to support the allocation.

*Do not provide the forward funding*

- 6.3. If funding for the project cannot be assembled by the end of March 2020, Devon County Council will not be in a position to enter into a funding agreement with the Local Enterprise Partnership and will not be able to draw down the £2.89 million grant. As a result, they will not be able to issue invitations to tender for the project and the phase 1 and phase 2 Link Road works will be unlikely to come forward in the short term.

*Developers deliver the link road at a later date*

- 6.4. In the absence of forward funding being provided, the Local Plan and Houghton Barton Supplementary Planning Document expect the developers at Houghton Barton to deliver all of the Link Road.
- 6.5. The Risks section of this report highlights a number of challenges that could prevent the Local Enterprise Partnership funding from being accessed by the end of March 2020. If this happens responsibility for phase 1 and 2 road construction will fall to the developers (Bloor and Redrow).

- 6.6. However, even if it is assumed that all other elements of the project's funding stack are retained, this will increase the financial cost burden to the developers by an estimated £2.89 million. The result of this could be a negative impact on whether other Local Plan targets for the development allocation are fulfilled.

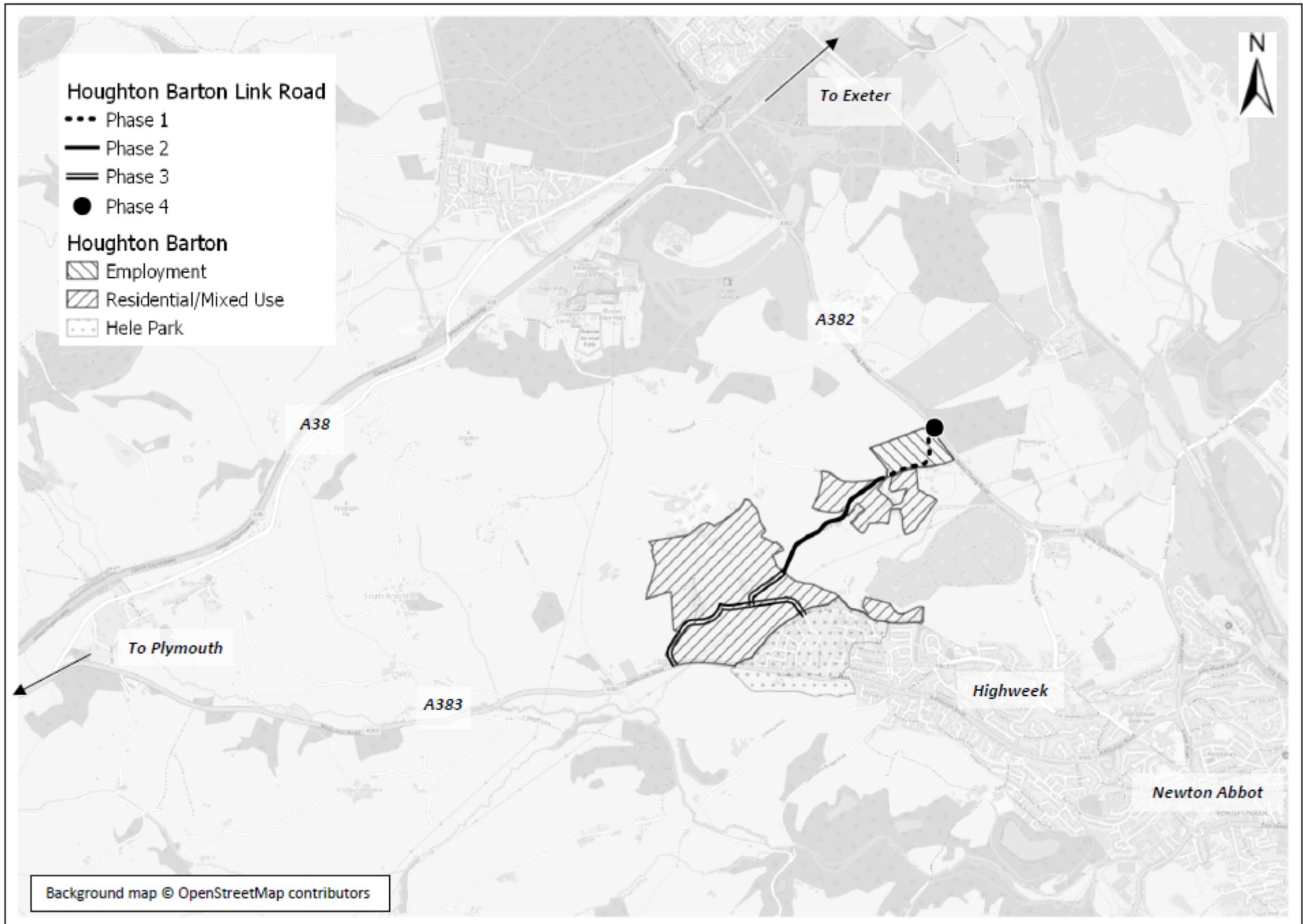
## **7. Conclusion**

- 7.1. Full Council is asked to approve £1.25 million forward funding for the Houghton Barton Link road. This will bring forward an infrastructure first approach to the delivery of an allocated new neighbourhood, support sustainable travel options and help to manage congestion across the wider road network. There are risks to this approach but the greater risk is of losing £2.89 million grant funding and having to manage associated development scheme viability implications.

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# Appendix A—Houghton Barton link road location plan

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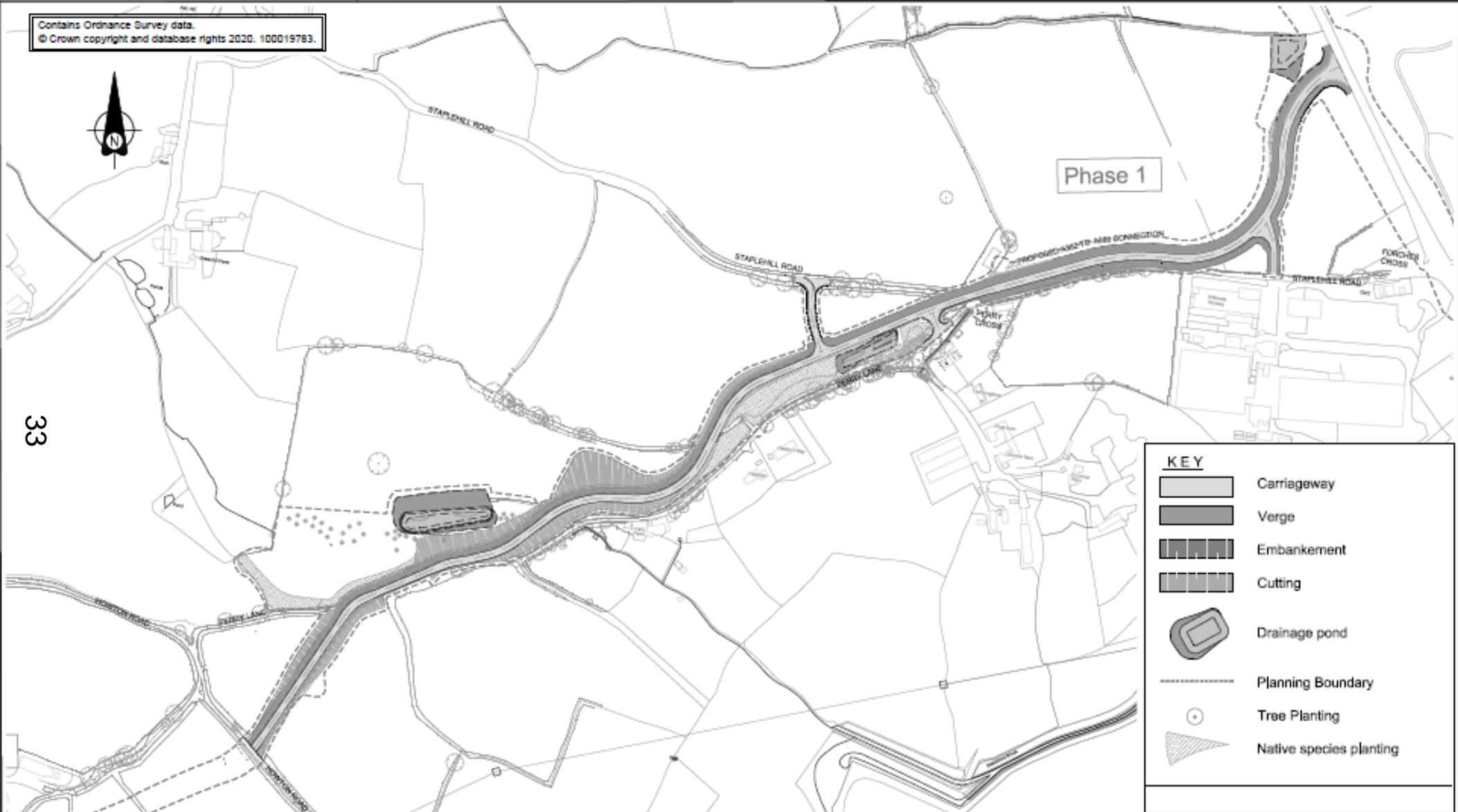


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# Appendix B—Houghton Barton Link Road General Arrangement Plan

Roads A4 FRAME Committee landscape - Version 2.0

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KEY	
	Carriageway
	Verge
	Embankment
	Cutting
	Drainage pond
	Planning Boundary
	Tree Planting
	Native species planting



**Engineering Design Group**

Cabinet  
job/title/proposal

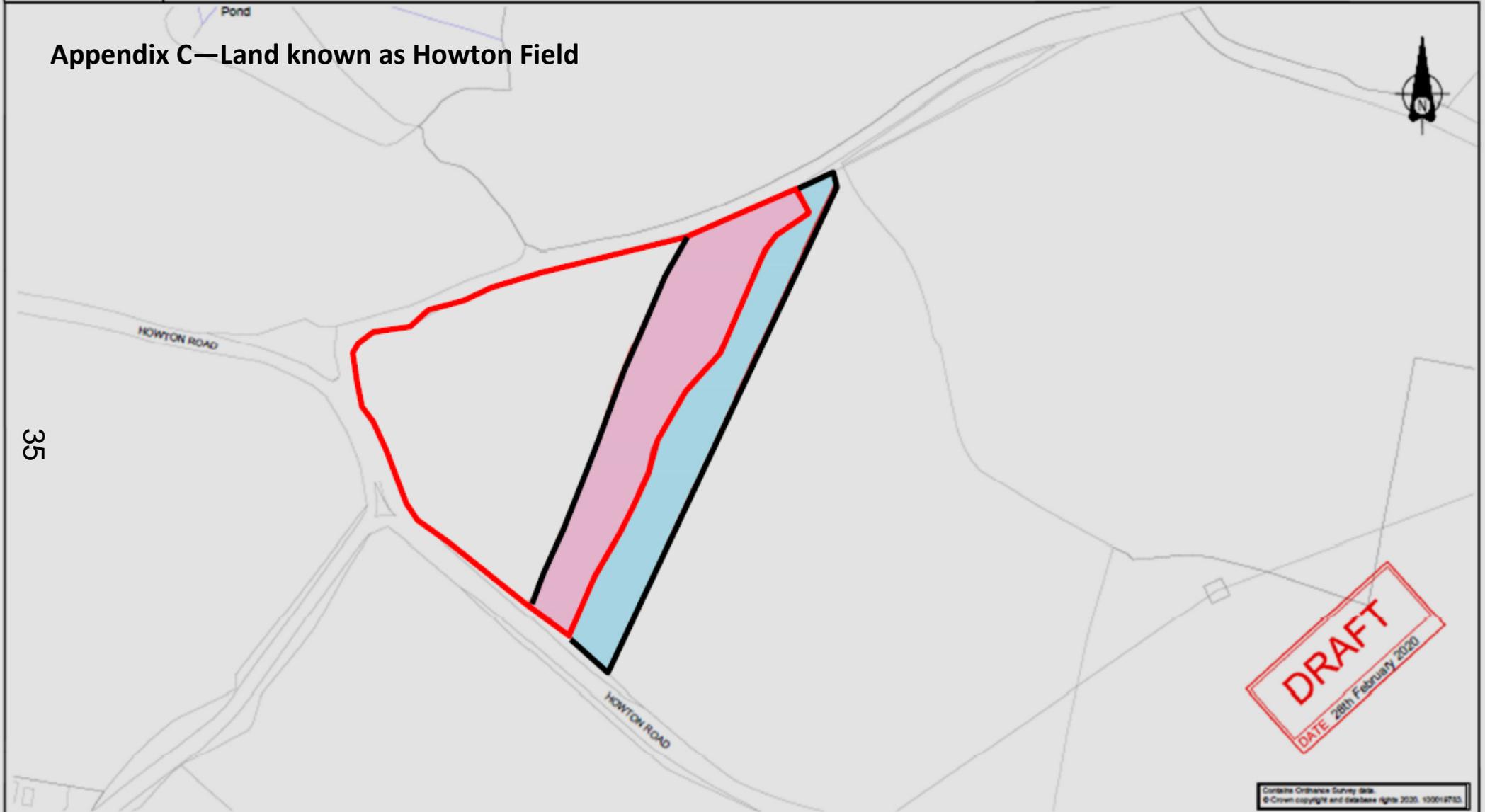
**A382 to A383 LINK ROAD  
PHASE 1 GENERAL ARRANGEMENT**

date	Feb 2020	scale	Not to Scale
number	B11004/ 27		

I:\data\devon.gov.uk\docs\Exeter, County Hall\EEC\Project\EA1\SIP\Plan\FR14609\BMSFiles\Drawings\Working Drawings\B14008\_126 127 Phase 1 General Arrangement.dwg - 20/02/2020 10:

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# Appendix C—Land known as Howton Field



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**Devon County Council**

**Engineering Design Group**

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EX2 4QD

Tel. 0845 155 1004  
Fax 01392 382342

A382 - A383 CONNECTION - LAND AT HOWTON ROAD		
Area m <sup>2</sup>	Requirement	Owner
3292m <sup>2</sup>	Title	Teignbridge District Council Forde House, Brunel Road, Newton Abbot, TQ12 4XX
2491m <sup>2</sup>	Licence	

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