

OVERVIEW AND SCRUTINY COMMITTEE 2

Overview and scrutiny of:
Economy; Business and Tourism; Planning
Corporate Resources; Sport, Recreation and Culture

A meeting of the **Overview and Scrutiny Committee 2** will be held on **Monday, 14th November, 2022** at **10.00 am** in the Buckland Athletic Football Club, Kingskerswell Rd, Newton Abbot, TQ12 5JU

PHIL SHEARS
Managing Director

Membership:

Councillors Bullivant (Chair), Swain (Vice-Chair), Austen, D Cox, Daws, Eden, Gribble, Hayes, G Hook, Morgan, Nuttall, L Petherick and Tume

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 meeting room you are consenting to being filmed.

A G E N D A

Part 1 (Open to the public)

1. **Apologies**

2. **Minutes**

(Pages 3 - 6)

To approve the Minutes of the meeting held on 21 June 2022

3. **Declaration of Interest**

4. **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 three clear working days before the date of the meeting.

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

Members of the Council may ask questions of the Chair of the Committee subject to procedural rules. The deadline for questions is no later than three clear working days before the meeting.

6. **Executive Forward Plan**

To note forthcoming issues anticipated to be considered by the Executive over the next 12 months. The Executive Forward Plan can be found [here](#).

7. **Work Programme**

(Pages 7 - 10)

To review the Committee's work programme

8. **Executive Member presentations**

- Councillor Jefferies – Jobs and Economy
- Councillor Nutley – Sport, Recreation and Culture

9. **Enforcement Task and Finish Group report**

(Pages 11 - 32)

To consider the report of the Task and Finish group. Chair of the Group, Councillor Swain to present.

10. **Council Strategy Q1 Performance Monitoring report**

(Pages 33 - 48)

11. **South and East Devon Habitat Regulations Executive Committee 17 May 2022**

(Pages 49 - 52)

To receive the Minutes

12. **Exclusion of the press and public**

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

OVERVIEW AND SCRUTINY COMMITTEE 2

TUESDAY, 21 JUNE 2022

Present:

Councillors Austen, Bullivant, Daws, Gribble, Hayes, G Hook, Morgan, Nuttall, L Petherick, Swain and Tume

Members Attendance:

Councillors Keeling, Nutley, Taylor and Goodman-Bradbury

Apologies:

Councillors D Cox and Eden

Officers in Attendance:

Jack Williams, Performance Data Analyst
Trish Corns, Democratic Services Officer
Christopher Morgan, Trainee Democratic Services Officer

110. ELECTION OF CHAIR 2022/23

I was proposed by Councillor Tume and seconded by Councillor Gribble that Councillor Bullivant be elected Chair for the ensuing municipal year.

There were no other nominations.

RESOLVED

Councillor Bullivant is elected Chair for the 2022/23 municipal year.

111. ELECTION OF VICE CHAIR 2022/23

I was proposed by Councillor Bullivant and seconded by Councillor Nuttall that Councillor Swain be elected Vice Chair for the ensuing municipal year.

There were no other nominations.

RESOLVED

Councillor Swain is elected Vice Chair for the 2022/23 municipal year.

112. MINUTES

It was proposed by Councillor Swain, seconded by Councillor Tume and

RESOLVED

The minutes of the meeting held on 26 April 2022 are confirmed as a correct record and be signed by the Chair.

113. DECLARATION OF INTEREST

None.

114. PUBLIC QUESTIONS (IF ANY)

None.

115. COUNCILLOR QUESTIONS (IF ANY)

None.

116. EXECUTIVE FORWARD PLAN

The Executive Forward Plan detailing issues to be considered over the next few months, including to which overview and scrutiny committee remit each issue fell was noted.

117. WORK PROGRAMME

The committee's work programme as circulated with the agenda was noted.

118. EXECUTIVE MEMBER BIENNIAL UPDATE - CORPORATE RESOURCES - COUNCILLOR KEELING

Councillor Keeling gave his biennial corporate resources services update to Committee which included the following:

- £62 million paid to local business under the business grant scheme. This was a significant amount with applications being dealt with efficiently and effectively. The Committee paid tribute to and thanked the service manager for revenue, benefits and customer support, and staff.
- The 2022/23 budget and the close down of the 2021/22 budget.
- Core government funding.
- Key challenges., such as business continuity and resilience, bridging the budget gap.
- Key projects and objectives, such as business plans reviews, pursuit of local procurement, asset projects, disposals and acquisitions,

- Below average Council tax for Devon Districts.
- Business Plans and performance indicators.
- The geographical spread of assets of which the rental income managed by the estates team helped to fund services and therefore keeps the Council tax down.

The full presentation can be viewed at the following link.

[Agenda for Overview and Scrutiny Committee 2 on Tuesday, 21st June, 2022, 10.00 am - Teignbridge District Council](#)

119. EXECUTIVE MEMBER BIENNIAL UPDATE - COUNCILLOR TAYLOR - PLANNING

Councillor Taylor gave his biennial planning services (development Management, delivery, strategic planning, and building control) update to Committee which included the following:

- The Council's 5 year land supply was currently at 6.14yrs
- The current housing need for the area was 750 homes
- Over 5,800 representations had been received during the Local plan public consultation. Consultation on the final plan will take place in 2023.
- Development Management has ongoing high volumes of work.
- The garden community projects for Newton Abbot and Kingsteignton, and model design code pilot projects were progressing
- Infrastructure delivery included the Matford ridgetop park, progression with section 2 of the Dawlish sea wall, and the A382 corridor
- Walking and cycling priorities
- Increased building control applications year on year since 2018

The full presentation can be found at the link below.

[Agenda for Overview and Scrutiny Committee 2 on Tuesday, 21st June, 2022, 10.00 am - Teignbridge District Council](#)

120. QUARTER 4 2021/22 COUNCIL STRATEGY PERFORMANCE REPORT

The Chair referred to the agenda report covering the period January to end March 2022 which updated performance of the Council's Strategy 2020- 2030 T10 priorities, under the auspices of the Committee. Details of the programmes, projects and performance indicators with a concern or caution status together with an explanation of the performance and improvement plan was detailed in the appendix of the agenda report.

Further information would be circulated to Members in regards to PI CSWE 6.4.

RESOLVED

The report be received, and actions being taken to rectify performance issues detailed in the agenda report appendix be noted.

121. SOUTH AND EAST DEVON HABITAT REGULATIONS EXECUTIVE COMMITTEE

The Minutes of the meeting held on 3 March 2022 were received and noted.

CLLR P BULLIVANT
Chairman

OVERVIEW & SCRUTINY COMMITTEE (2) WORK PROGRAMME 2022/23

Economy, Business and Tourism; Planning; Corporate Resources; Sport, Recreation and Culture

Portfolio Holders

Corporate Resources (Cllr Keeling)

Planning (Cllr Taylor)

Jobs & Economy (Cllr Jeffries)

Sport, Recreation & Culture (Cllr Nutley)

The Overview and Scrutiny Committee Work Programme details the planning activity to be undertaken over the coming months.

The dates are indicative of when the Committee will review the items. It is a flexible programme however and it is possible that items may need to be rescheduled and new items added with new issues and priorities.

Standing item

South and East Devon Habitat Regulations Executive Committee

14 November 2022 Deadline for reports 26 October	Report	Lead Officer / Next Steps
Council Strategy Q1 performance monitoring report	Report	EM Cllr A Connett Performance and Data Analyst
Executive Member Presentation	Presentation	Councillor Nutley (Sport, Recreation and Culture)
Enforcement Task and Finish Group	Report	Business Manager Development Management / Cllr Swain Chair of the group EM Cllr Taylor
Executive Member Presentation	Presentation	Councillor Jefferies (Jobs & Economy)

10 January 2023 Deadline for reports – 16 December 2022	Report	Lead Officer / Next Steps
Initial Financial plan Proposals 2023/24 to 2025/26	Report	Chief Finance Officer Executive member corporate resources.
Executive Member Presentation	Presentations	Councillor Keeling (Corporate Resources)
Car Parks Review Group	Report	Task and Finish Group members Head of place and Commercial Services Councillor Jefferies- Jobs and Economy

2 February 2023 2.30pm	Report	Lead Officer / Next Steps
Final Financial plan Proposals 2023/24 to 2025/26	Report	Chief Finance Officer Executive member corporate resources.
Executive Member Presentation	Presentations	Councillor Taylor (Planning)

Task & Finish Groups

Group		Lead Officer
Car Parks		Head of Place & Commercial Services
Planning Enforcement		Head of Place & Commercial Services
Management of Open Spaces		Head of Place & Commercial Services

Historic Group		Lead Officer
COVID 19 Community Impact		Head of Community Services and Improvement
Employment sites		Head of Place & Commercial Services
BAME	Joint with OS(1)	Head of Community Services and Improvement

Past Meetings

21 June 2022	Report	Lead Officer / Next Steps
Council Strategy Performance Monitoring Q4	Report	EM Cllr A Connett Performance and Data Analyst
Executive Member Presentation	Presentations	Councillor Taylor (Planning)
Executive Member Presentation	Presentation	Councillor Keeling (Corporate Resources) (deferred from last meeting)
South and East Devon Habitat Regulations Executive Committee	Minutes	EM Cllr Nutley

19 September 2022 cancelled

**PROPOSAL FORM FOR ITEMS FOR
FOR CONSIDERATION BY
OVERVIEW & SCRUTINY**

Submitted by:

Item for Consideration:

Expected outcome i.e. new policy, new action, new partnership, review and/or scrutinise the performance of other public bodies or of the Council in relation to its policy objectives, performance targets and/or particular service areas:

Priority for matter to be considered:

High (up to 3 months) Medium (3-6 months) Low (over 9 months).

Basis on which priority has been set

The suggested item should be included in future programme(s) because: (please tick as appropriate)

- (a) It is a district level function over which the district has some control

- (b) It is a recently introduced policy, service area of activity which would be timely to review.
- (c) It is a policy which has been running for some time and is due for review
- (d) It is a major proposal for change
- (e) It is an issue raised via complaints received
- (f) It is an area of public concern
- (g) It is an area of poor performance
- (h) It would be of benefit to residents of the district

(i) Which of the Council's objectives does the issue address?

(j) Is there a deadline for the Council to make a decision? (If so, when and why?)

Members are requested to provide information on the following:-

(k) What do you wish to achieve from the review?

(l) Are the desired outcomes likely to be achievable?

(m) Will it change/increase efficiency and cost effectiveness?

Additional information – an explanatory sentence or paragraph to be provided below to support each box which has been ticked.

Please return completed form to Democratic Services Department.

**Teignbridge District Council
Overview and Scrutiny 2
November 2022
Part i**

Report of Planning Enforcement Review Group

Purpose of Report

To Report to Overview and Scrutiny 2 on the findings of the Planning Enforcement Review Group.

Recommendation(s)

The Committee RESOLVES to:

Recommend to the Executive that the Development Management team implements the recommendations of the review group.

Financial Implications

There are no specific financial implications arising out of the report.

Martin Flitcroft Chief Finance Officer

Email: martin.flitcroft@teignbridge.gov.uk

Legal Implications

There are no specific legal implications arising out of the report.

Paul Woodhead Head of Legal Services and Monitoring Officer

Email: paul.woodhead@teignbridge.gov.uk

Risk Assessment

The Recommendations are not considered to change the level of operational risk for the Department

Ros Eastman Business Manager – Strategic Place

Email: rosalyn.eastman@teignbridge.gov.uk

Environmental/ Climate Change Implications

The impact of this report is neutral in this regard

Ros Eastman Business Manager – Strategic Place

Email: rosalyn.eastman@teignbridge.gov.uk

Report Author

Ros Eastman / Cllr Andy Swain

Email: Rosalyn.eastman@teignbridge.gov.uk andrew.swain@teignbridge.gov.uk

Executive Member

Cllr Gary Taylor

Appendices/Background Papers

Full Report Appended

1. Introduction/Background

The Task and Finish Group (the Group) was set up to:

- A) Review TDC planning enforcement policy last updated in 2017. This is necessary to ensure our local enforcement plan is up to date and to recommend amendments to improve the service.
- B) Review progress on promised additional enforcement resourcing. This has not been delivered because of Covid. The group will review options and make a recommendation how best to take this forward given the situation now.
- C) Compare planning enforcement policy and outcomes with neighbouring councils. Mid Devon council recently reviewed their enforcement process, and a detailed report is available dated 14th September 2020. This report includes comparison data on TDC and neighbours, which can be used to shape recommendations to TDC using recent data that is already available.
- D) Invite feedback and suggestions from Parish Councils. The feedback and suggestions will need to focus on the effectiveness of the current enforcement processes and powers, and not an opportunity to comment on specific details of on individual enforcement cases.

Details of the work undertaken by the Group are in the appended report.

2. Recommendations

The Group has made 9 recommendations for consideration by O&S2. These are detailed in the attached report and outlined below with Officer comments:

Recommendation 1: Review of enforcement policy and process documents

Teignbridge Council Should Update the enforcement policy as soon as possible, this is overdue. Current policy states it should be reviewed annually, but it appears to be as it was in 2017.

We recommend it does not need annual review, but every 2 years, or in response to relevant changes in law, would be adequate.

We recommend some indicative timescales added to the Process document, to clarify the expected level of service for reporters, but also to manage expectations, in allowing for compliance periods, and legal processes where simple resolutions are not achievable.

We recommend where possible adjusting the language in the policy e.g., "enquiry" rather than "complaint", "subject" rather than "offender", and consider "compliance" rather than "enforcement".

We recommend the Policy should include or refer to the new national powers relating to concealment

We recommend reviewing the template wording for responses and especially strengthening that used to notify "breach no merit in pursuing". Wording should convey the risks that may result, following a breach, and should reserve the option of future action. The current wording states that Teignbridge Council will take no further action,

thereby in effect, indemnifying the subject in writing.

Officer Comment: Officers agree the Enforcement Policy needs updating in light of the time that has passed and are looking to programme this work.

Officers also agree that greater use of template documents is needed and this work should follow on from the Policy review to ensure co-ordination but will prioritise wording of “outcome” templates to take this recommendation into account.

Recommendation 2: Review of Teignbridge Council website content

We understand that a review of the web site is already anticipated. This is welcomed.

The web site does contain information on enforcement and permitted development. Where possible Teignbridge Council Signposts national information rather than repeating it (this avoids the burden of maintaining the information, and the risk of offering out of date advice) Signposted information needs to be clear and navigable to support people “self-serving” and to minimise “Failure load” where a user cannot find the information they need, so they contact officers or members instead.

Moving content from documents to inline in web pages makes accessing the content more direct and flexible. When a web page is edited, the previous version may be lost. We must be able to audit what advice Teignbridge Council was offering at any given time so take steps to ensure that archive information is retained.

Officer Comment:

(This is a web management not a Planning Issue – I have asked Media / Comms for their input)

Recommendation 3: Social media output

Public perception of enforcement is important and social media is a good channel for this. We should consider offering planning and enforcement news on our social media channels. Members and community newsletters etc.

Where an enforcement notice has been raised, the privacy issues no longer apply. We should publish information about successful notices and good outcomes as we did recently for the high-profile fly tipping incident. This will help build confidence that enforcement actions do happen, even if we don't see any in our immediate neighbourhood. That builds confidence in general and reinforces the deterrent.

Officer Comment: The Planning Enforcement team does provide information through the Members’ Newsletter when sites are cleared and Enforcement Appeal decisions are public and circulated to Members through our decision lists. We can work with Media and Comms to continue to do so and to highlight more widely as appropriate.

Recommendation 4: Communication with reporters

The New online portal should include some mechanism for updating reporters, ward

councillors and parish councils on compliance queries.

This should not offer any information that breaches confidentiality, and so information will be limited. We consider there is still significant value even in simply confirming that a case is still open, and it has not been forgotten.

Wherever possible simple cases should be resolved rapidly.

Teignbridge Council should consider making better use of parish and town councils. These are competent bodies and statutory consultees. They are often willing to assist. It would be helpful to clarify the role of parish and town councils within the enforcement policy.

We recommend some follow up contact to parish councils, sharing the revised policy, to build understanding of the process, and draw their attention to the timescales and other additions to manage expectations. Explain the CLOPUD and CLEUD processes and recommend their use to avoid enforcement problems.

Officer Comment: The proposed Review of our Policy provides an opportunity to be clear about the role of all parties in the enforcement process and will an updated framework about how we communicate with all parties once an enforcement matter has been logged with the LPA.

This can acknowledge the important role of Town and Parish Councils in the community.

We are planning T&PC training for the new year and can tie enforcement training into that. Other suggestions for possible briefings / topics for explaining would be welcome.

Recommendation 5: Consider the use of bonds

Teignbridge Council should consider the use of bonds in large developments, considering the limitations set out above in the section “completion issues on larger sites”.

Officer Comment: Officers do not believe current powers allow this to take place. This can be kept under review.

Recommendation 6: Quarterly meetings on larger sites

The policy of quarterly meetings on larger sites has been limited due to covid and priority settings. These meetings should be actioned to help eliminate post development completion issues.

District councillors should be made fully aware of this procedure and encouraged to ensure that the meetings happen.

Officer Comment: Dates are being set for relevant sites. This process will continue to be embedded in our reviewed Policy for large major sites.

Recommendation 7: Drone Trial

We Recommend Teignbridge Council look at possible benefits of drone use and consider

identifying an operator to run a trial.

Officer Comment: Current operational constraints are likely to preclude this however best practice and the legality around the use of drones will be monitored.

Recommendation 8: Planning training to reference enforcement

Some planning decisions are open to interpretation, some conditions are harder to enforce than others.

We should ensure that enforcement considerations are adequately reflected in the planning training for members so that planning decisions can be structured to reduce the likelihood of enforcement problems.

Training should also help members understand the limitations of enforcement and enable them to represent to process positively and realistically to councils and the public.

Officer Comment: Member training for Members interested in Planning and / those on Planning Committee specifically focussed on enforcement matters in 2021 and can do so again in the future. Other external training providers such as Ivy Legal, the LGA etc or others also offer training opportunities for Members that Councillors can investigate. Relevant opportunities identified by Officers are noted in the MNL.

Recommendation 9: Review progress

An Overview and Scrutiny committee should review the outcomes or progress of these recommendations 1 year after this report is adopted and if appropriate resolve to review again.

Officer Comment: This can be added to the Forward Plan for Member consideration.

October 2022

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Planning Enforcement In Teignbridge District Council

October 2022

A review by a task and finish group of
Overview and Scrutiny committee 2.

Final Report
Final version 1.0

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Abstract

A task and finish group has looked at the planning enforcement function in Teignbridge both the actual performance and the public perception of enforcement as an incentive to compliance. The work has included a review of neighbouring councils, Gathering evidence from Parish and Town councils in Teignbridge, Feedback from industry, and a review of the current Teignbridge Council operations. A number of recommendations have been identified.

Terms of reference

Terms of reference for this group can be found online at:

<https://democracy.teignbridge.gov.uk/documents/s14240/TNF%20Enforcement%20ToR%20v4.pdf>

Method

Review of neighbouring councils

A similar investigation was carried out in Mid Devon District Council MDDC about 18 months earlier than this work. This included evidence of the different approaches adopted by neighbouring councils and the up-to-date evidence and conclusions have been used to inform this work.

Documents from that review are available online:

<https://democracy.middevon.gov.uk/documents/s18374/Scrutiny%20Planning%20enforcement%20Sept%202020.pdf>

[Appendix 3 Other Council data.pdf \(middevon.gov.uk\)](#) contains details of the numbers of officers and cases for neighbouring councils. For comparison Teignbridge Council currently has around 300 cases open. This equates to 100-150 per enforcement officer. It is felt that Teignbridge Council performance in terms of staffing and caseload is broadly in line with other councils, especially after considering differences in reporting methods. Cornwall do not register trivial “no breach” cases, Teignbridge Council records all complaints that come in. This may mean a higher level of cases reported but is considered more accurate.

MDD has introducing [fees for compliance checks](#) similar to the fees charged by Teignbridge Council.

The final report is available at:

<https://democracy.middevon.gov.uk/documents/s22810/Planning%20Enforcement%20final%20report.pdf>

Community feedback

A request was sent to all parish and town councils in Teignbridge, including some background on the current approach and policies, and the scope of this task and finish group.

Responses were received from Newton Abbot Town Council, 2 other town councillors, and 9 parish councils.

Qualitative analysis has been used. This is appropriate, because sample size is small consisting of just 12 emails, but the responses are detailed and specific, in some cases a single email response represents the outcome of debate involving a parish council, and some include specific recommendations which we have considered. The results are analysed to identify helpful comments and suggestions and draw out repeating themes. These have fed directly into the recommendations offered by our group.

The following themes have been identified...

Positives

4 responses recognised the difficult job of carrying out enforcement in a constructive way, balancing sometimes conflicting needs, and remaining realistic and constructive.

e.g.

"...the hard-working staff within the Planning Department who have always been very courteous and professional in our interactions."

"[Teignbridge Council Enforcement policy] is a good document and should be publicised more widely."

Enforcement should be more robust

5 responses expressed concern that enforcement is not robust and effective.

e.g.

"The Councillors feel that a more robust approach in a speedier manner might achieve results"

"The community does not have trust that the Planning Enforcement will take action if a potential planning breach is reported."

"It was noted, that on occasion enforcement can be lacking."

Updates on specific cases

5 responses expressed concern and frustration that parish and town councils and the reporter are not kept informed of the progress of enforcement investigations, even though they may have raised the concern and have a duty to see that it is followed through.

e.g.

"It would be helpful for the Clerk to receive regular updates - especially on matters reported by themselves to Teignbridge Council."

"A recognition of parish council's role and the development of a Teignbridge Council/parish communication policy in this respect."

"There is virtually no emphasis on the complainant or reporter. I believe this policy needs a significant rewrite so that throughout, there is some consideration of the level of service we expect to offer to a community member who believes that harm is being done to the community through a planning breach and has taken the step of requesting action from the council."

This is a widely reported frustration. There is a clear tension between the quality of service in the form of updates to reporters, and the need for "innocent until proved guilty" confidentiality for the subject.

Slow

5 responses were concerned that the process is very slow.

e.g.

“This Policy also sets out ‘complaint’ priorities/timescales, with the ‘lowest priority having an investigation commenced and the complainant informed of progress within 25 working days. From the parish council’s experience and our local residents’ feedback, this clearly does not happen.”

It is noted that Enforcement inevitably works on long timescales. It must be established if a breach has occurred at all. If enforcement notices are issued time must be allowed for compliance, before court proceedings begin.

The long timescales coupled with the need for confidentiality, given that the subject may have done nothing wrong clearly leads to frustration.

Resolving cases quickly will clearly benefit all concerned.

Public confidence

5 responses referred to a lack of public confidence in the enforcement process.

e.g.

“Currently there is very little faith in the enforcement process and the system needs to be improved.”

“There are too many cases when conditions are not met and there are no consequences.”

While enforcement actions serve a purpose in rectifying an individual non-compliance, enforcement serves a wider purpose in incentivising compliance and maintaining public faith in the planning system. There is evidence that perception of the enforcement process needs improvement.

More enforcement resourcing needed

3 Responses indicated the view that further enforcement resourcing is needed.

e.g.

“My biggest concern is the lack of staff in this team and the underfunding that makes it extremely difficult to allow this Group to work effectively”

“There is not enough enforcement or planning officers.”

Resourcing is considered later after discussion with officers.

Teignbridge Council is too trusting

One response expressed concern that Teignbridge Council was too trusting of information from the developer, in assessing enforcement cases.

“in one of the cases the case officer was content with the developer’s answer that only a track was built in a forested area, even if the parish council sent several emails showing that there is a building there, with kitchen equipment having been delivered, a second building is being built, etc. The parish council’s emails were ignored.”

More information about policies and rights

3 responses asked for Teignbridge Council to provide more information about policies, processes and definitions of permitted development on the web site. These comments were specific to publishing the policies more freely, not expressing concern at the content of the policies.

e.g.

“Teignbridge Council to include a clause in 2.0 Objectives and General Principles that would make records of permitted development rights publicly available to inform wards and parishes.”

A Need for Planning decisions to anticipate enforcement needs

“The Enforcement team can only enforce what has been agreed by the Planning Permission documents issued”

It is noted that planning conditions are subject to 6 tests and should be...

- (i) Necessary.
- (ii) Relevant to planning.
- (iii) Relevant to the development.
- (iv) Enforceable.
- (v) Precise.
- (vi) Reasonable in all other respects.

Lack of cooperation with Building Control

2 responses were concerned at an apparent lack of cooperation between enforcement and building control.

Following Building Regulations is a requirement for any development and may not be explicitly referenced on any Planning Application. Developers have a separate duty to comply with building regulations, this is not the responsibility of planning enforcement.

Lack of cooperation with town and parish councils

In some cases, it was felt parish councils were under used.

e.g.

“The development of a consistent and valued working relationship between Teignbridge

Council's planning department management team and parish councils."

but in other cases, it was felt too much was asked of the parish council

"We are asked to provide photographs despite having told the department that this has led to physical and verbal intimidation. We were told that no action would be taken over this, but if it did become a dwelling, we were to report it. In view of [physical and verbal intimidation while] gathering evidence, this is not acceptable."

Parish and town councils currently have no special place or privilege in the enforcement policy, yet they are statutory consultees, democratic representatives of the community and typically have access to good local information. Parish councils can, if necessary, handle confidential information by invoking "part 2" during meetings.

Councils should be viewed as "valued colleagues" in the enforcement process, informed and listened to, but not placed at risk of harm. More clarity in this relationship would be welcome.

Confrontational Language

At times the language around enforcement is more confrontational than necessary, and what could be a simple enquiry can become a dispute.

"We do not and would not request enforcement action as we clearly understand that this is your statutory responsibility. Our requests for a 'determination' is intended as either a request for advice and guidance or to bring to your attention potential issues which have arisen. In either instance we would not consider these requests as being complaints."

There is a tendency to say, "Enforcement complaint" and "offender" when we could be saying "compliance enquiry" and "subject". If we can de-escalate the language around these cases, it becomes more acceptable to issue public updates on progress.

Amendments, deviations or non-completions in larger developments

"With one of the larger Developers [] we have footpaths shown on the original Plans connecting the new estate with the existing developments and providing a safe passage for those on foot with children to the centre of the town. It would appear that [the developers] have no intention of providing these footpaths!! This has been raised with Planning on multiple occasions, but we feel we are just being ignored."

"We see "Minor Amendments" being signed off just with a letter from Planning with no communication to those properties that it might affect and no opportunity for those residents to make any comments on these "Minor Amendments". Our local example was an original stone Barn to Garage / Games Room conversion that became a three-bedroom house. Walls originally were the original stone barn walls and now a two-story cement rendered wall facing the conservation area. None of the original Barn was preserved."

There are two issues here, amendments to the planning consent, and non-compliance with that consent. This seems to be a particular issue in larger developments and is considered in more detail later.

Other comments

“We also need to be a bit more relaxed on listed buildings where there is very little building change, like adding solar panel, and using different materials that last, but keep the same design. Thinking of climate change.”

"I understand the need to protect the anonymity and the innocence until proven otherwise of the subject of the complaint, but we must also offer some level of service to the complainant."

Feedback from industry

The group informally contacted 4 large developers. None were willing to offer formal written feedback to the council, but a general view was offered that enforcement has no teeth, no tools we can apply that have any impact. Developers can ride roughshod over the process and site managers do what they need to do, to get the site built. It was thought that site managers may be rebuked in public but congratulated in private for getting the job done.

Review of Teignbridge Council current operations

Privacy vs quality of service

Several of the themes raised by town and parish councils relate to the clear tension between the quality of service in the form of updates expected by reporters including parish councils and the need for "innocent until proved guilty" confidentiality for the subject, who may have done nothing wrong. This is a concern that comes out in a number of the themes and could be improved in several ways.

- Resolving cases more quickly, especially simple cases.
- Providing some limited and appropriate feedback to the reporter. Just a record that the case is still open would help.
- Calming of the language from "complaint" to "enquiry" will reduce the need for privacy and make it more acceptable to update reporters in more detail.

Resourcing

The Enforcement team under Ros Eastman is Steve Hobbs Snr enforcement officer. Peter Howell who has moved in from environmental health, and Maria Spragg. There is some crossover between enforcement and planning officers.

Additional resourcing for planning was promised by the current administration in 2019.

A two-year budget was identified but due to covid no progress was made for a year. By May 22 there was still no-one in post with less than a year of funding remaining. An additional member of planning team starting on 28/3/22 as a planning officer with a view to re-shaping the team to best advantage.

Unfortunately, some long-term sickness and a staff departure mean that little benefit has been seen in this area. It is felt that additional resource would still be helpful, but it may not be cost effective to aim for a new full-time officer, and there may be other methods can offer as much improvement.

Teignbridge Council Enforcement policy and process documents

These policies have been reviewed by the group. The intent laid out in the [Teignbridge Council](#)

[Enforcement policy](#) was considered good. The [Teignbridge Council enforcement process document](#) is a leaflet that summaries the policy in an accessible way. This is also considered helpful.

In the policy document...

1.1 States that this policy will be reviewed annually. The current policy available on the Teignbridge Council Website appears to be dated 2017 and is labelled Draft.

The planning enforcement process document on the website includes a flow chart. More could be made of indicative timescales in these documents. This would give a clear performance target to the team but would also manage expectations given the nature of the enforcement process which does inevitably take time if enforcement orders, and court action are needed.

Enforcement policy 1.3 and 1.4

“Maintaining public confidence in the planning system” is an important part of the enforcement process. This is well stated in the policy, but the public perception of performance in this area is poor.

It is noted that “keeping all interested parties updated” and “Takes action... that is timely” are good aspirations, but as noted elsewhere, these are areas for improvement.

Template Wording

Planning use template wording to advise about planning outcomes including possible future problems after "Breach no merit in pursuing". This wording was reviewed.

“The failure to submit a planning application in these circumstances is not of itself an offence. I must therefore consider whether it is expedient to take enforcement action to remedy the breach of planning control. In this instance, having considered the situation carefully and taking into account Government advice I am of the view that there is no enforcement action that I would recommend therefore no further action will be taken by the Authority and the case will be closed.”

“It should be noted that unless planning permission is obtained for the development, it may affect any future sale of the property.”

This wording was considered too mild and does not adequately convey that a breach has occurred. It is also noted that telling the subject in writing that no further action will be taken has in effect given them immunity from the very problem we are supposed to be warning them about. Other options include telling the applicant by phone that no further action will be taken, and charging them for written confirmation, or stating in a much more qualified way that action could follow in future, to make it clear that the option remains open and to avoid offering free documented immunity.

Completion issues on large sites

There are concerns about loose ends on larger sites, where planning conditions are removed or ignored.

Teignbridge Council are currently preparing a report on Major (>10 houses or 1000m2) section 73 applications. A section 73 application is to deliver a planning application without conditions that were previously imposed.

There is also a project to digitise S106 requirements making it easier for officers to check online if conditions are complied with.

A developer on a large site can be required to create a bond where funds are held by the council as security. If the developer fails to meet their commitments, the bond money can be used. Care is needed, in that planning rules are neutral and compliance with previous applications should not be considered. Bond setting must be transparent and fair. DCC Use bonds in some planning cases where highways development is involved. It may be that there is no legal provision for bond use where there is no highways development.

The enforcement policy was extended in 2017 to include a procedure for monitoring major development sites. Planning officers should organise periodic site tours with developers and the local Ward Councillor(s) to identify issues. This should be included as a planning condition.

It seems that this has not been happening during the pandemic, nor in the years leading up to it. This is being rectified now and a programme of visits in accordance with the policy is being established on the following sites:

- Hele Park, Newton Abbot
- Whitehill, Newton Abbot
- Bradley Barton, Newton Abbot
- Challabrook, Bovey Tracey
- Southwest Exeter
- Rocklands, Chudleigh
- Langdon Hospital, Dawlish
- TE3 West Higher Exeter Road, Teignmouth

Current Outcomes and Breach No Merit in pursuing

One trigger for undertaking this work is the monthly report of enforcement cases closed, which contains what was felt to be a high number of "Breach No Merit in pursuing" outcomes.

We have reviewed the outcomes for 4 months prior to March 2022 and grouped the outcomes into 3 categories by asking - was there actually a breach? and if so, was it remedied?

Breach remedied	Breach, not remedied	No breach
29.8%	20.6%	49.6%

Breach not remedied only accounts for 20% of the outcomes and it should be noted this includes

cases where enforcement is not possible because the breach was historic, and it includes cases where a breach has occurred, but permission would have been granted anyway.

Drones

Drone use has implications including Civil Aviation Authority (CAA) regulations (licensed pilots for drones over 250g in weight) Data Protection regulation, and Liability insurance and Safety issues, however these are all soluble, most easily by contracting a third-party operator with those things in place.

In October 2020 there were 24 local authorities registered with the CAA as commercial drone operators including Torridge District Council, Sandwell and Basildon. More councils are using third-party operators.

In other councils, flights are specific in their intended purpose, gathering evidence for open cases, not speculative or spying. Drones are a tool in the box, used where appropriate, e.g., untidy land, concealment.

Concealment

Recent changes in legislation bring in more powers on concealment. These powers are not reflected in our current enforcement policy. The new powers are detailed in the Government guidelines document <https://www.gov.uk/guidance/ensuring-effective-enforcement>

Pre-application advice

Enforcement policy 2.1 reads *“To reduce the need for enforcement by encouraging the public to seek pre-planning advice.”*

Teignbridge Council no longer offer free planning advice because of the cost in officer time of ensuring that advice is sound. This may lead to more breaches and more enforcement cases. People may be encouraged to take a chance which is likely to result in “Breach, no merit in pursuing” thereby undermining confidence in planning. It was considered if withdrawing free advice might be a false economy.

Offering free advice takes officer time and therefore cost. If advice is to be given, based on the exact case, it takes just as long to formulate as to research a certificate of lawfulness. More general advice can be offered but this is of less value to the enquirer and is likely to result in wrong answers in some cases, further frustration, and ultimately more enforcement. An hour of officer time is valued around £40 when considering chargeable services.

Some councils operate a duty telephone service, where people can pay a fee for a telephone appointment to discuss a case with officers. South Hams do this.

Teignbridge Council offers the Certificate of Lawful Proposed Use or Development (CLPUD also known as a CLOPUD) for £103 or a Certificate of Lawful Existing Use or Development (CLEUD).

There are two government digital programs BoPS (Back-office planning system) and RIPA (Reducing Invalid Planning Applications). These are expected to be accessible by applicants and will digitise the CLOPUD process. It is hoped this will help.

Recommendations

Recommendation 1: Review of enforcement policy and process documents

Teignbridge Council Should Update the enforcement policy as soon as possible, this is overdue. Current policy states it should be reviewed annually, but it appears to be as it was in 2017. We recommend it does not need annual review, but every 2 years, or in response to relevant changes in law, would be adequate.

We recommend some indicative timescales added to the Process document, to clarify the expected level of service for reporters, but also to manage expectations, in allowing for compliance periods, and legal processes where simple resolutions are not achievable.

We recommend where possible adjusting the language in the policy e.g., "enquiry" rather than "complaint", "subject" rather than "offender", and consider "compliance" rather than "enforcement".

We recommend the Policy should include or refer to the new national powers relating to concealment

We recommend reviewing the template wording for responses and especially strengthening that used to notify "breach no merit in pursuing". Wording should convey the risks that may result, following a breach, and should reserve the option of future action. The current wording states that Teignbridge Council will take no further action, thereby in effect, indemnifying the subject in writing.

Recommendation 2: Review of Teignbridge Council website content

We understand that a review of the web site is already anticipated. This is welcomed.

The web site does contain information on enforcement and permitted development. Where possible Teignbridge Council Signposts national information rather than repeating it (this avoids the burden of maintaining the information, and the risk of offering out of date advice) Signposted information needs to be clear and navigable to support people "self-serving" and to minimise "Failure load" where a user cannot find the information they need, so they contact officers or members instead.

Moving content from documents to inline in web pages makes accessing the content more direct and flexible. When a web page is edited, the previous version may be lost. We must be able to audit what advice Teignbridge Council was offering at any given time so take steps to ensure that archive information is retained.

Recommendation 3: Social media output.

Public perception of enforcement is important and social media is a good channel for this. We should consider offering planning and enforcement news on our social media channels. Members and community newsletters etc.

Where an enforcement notice has been raised, the privacy issues no longer apply. We should publish information about successful notices and good outcomes as we did recently for the

high-profile fly tipping incident. This will help build confidence that enforcement actions do happen, even if we don't see any in our immediate neighbourhood. That builds confidence in general and reinforces the deterrent.

Recommendation 4: Communication with reporters

The New online portal should include some mechanism for updating reporters, ward councillors and parish councils on compliance queries.

This should not offer any information that breaches confidentiality, and so information will be limited. We consider there is still significant value even in simply confirming that a case is still open, and it has not been forgotten.

Wherever possible simple cases should be resolved rapidly.

Teignbridge Council should consider making better use of parish and town councils. These are competent bodies and statutory consultees. They are often willing to assist. It would be helpful to clarify the role of parish and town councils within the enforcement policy.

We recommend some follow up contact to parish councils, sharing the revised policy, to build understanding of the process, and draw their attention to the timescales and other additions to manage expectations. Explain the CLOPUD and CLEUD processes and recommend their use to avoid enforcement problems.

Recommendation 5: Consider the use of bonds

Teignbridge Council should consider the use of bonds in large developments, considering the limitations set out above in the section “completion issues on larger sites”.

Recommendation 6: Quarterly meetings on larger sites

The policy of quarterly meetings on larger sites has been limited due to covid and priority settings. These meetings should be actioned to help eliminate post development completion issues.

District councillors should be made fully aware of this procedure and encouraged to ensure that the meetings happen.

Recommendation 7: Drone Trial

We Recommend Teignbridge Council look at possible benefits of drone use and consider identifying an operator to run a trial.

Recommendation 8: Planning training to reference enforcement

Some planning decisions are open to interpretation, some conditions are harder to enforce than others.

We should ensure that enforcement considerations are adequately reflected in the planning training for members so that planning decisions can be structured to reduce the likelihood of enforcement problems.

Training should also help members understand the limitations of enforcement and enable

them to represent to process positively and realistically to councils and the public.

Recommendation 9: Review progress

An Overview and Scrutiny committee should review the outcomes or progress of these recommendations 1 year after this report is adopted and if appropriate resolve to review again.

References

Terms of Reference for this group can be found online at:

<https://democracy.teignbridge.gov.uk/documents/s14240/TNF%20Enforcement%20ToR%20v4.pdf>

Current Teignbridge Council Enforcement policy:

https://www.teignbridge.gov.uk/media/1590/enforcement_policy-updated-30-june-2017.pdf

Current Teignbridge Council Enforcement process:

<https://www.teignbridge.gov.uk/media/1591/planning-enforcement-process.pdf>

Mid Devon Enforcement Investigation Documents:

<https://democracy.middevon.gov.uk/documents/s18374/Scrutiny%20Planning%20enforcement%20Sept%2020.pdf>

also: [Appendix 3 Other Council data.pdf \(middevon.gov.uk\)](#)

Final report:

<https://democracy.middevon.gov.uk/documents/s22810/Planning%20Enforcement%20final%20report.pdf>

Membership

The Task and finish group was composed of:

Cllr Andy Swain (chair)

Cllr Phil Bullivant

Cllr Chris Clarence

Cllr Rob Hayes

Cllr Colin Parker

and was assisted by

Cllr Lin Goodman Bradbury (chair of planning)

Ros Eastman (Planning officer)

Teignbridge District Council Overview & Scrutiny Committee

O&S2 14 November 2022
Part i

Quarter 1 2022-23 Council Strategy Performance

Purpose of Report

To update members on the delivery of the Council Strategy 2020-2030, providing the detailed performance information used to track its delivery. Members are asked to review the performance information and areas where performance is not on track.

Recommendation(s)

The Committee RESOLVES to:

Review the report and the actions being taken to rectify performance issues detailed in Appendix A.

Financial Implications

A summary of the financial information supporting the delivery of the council strategy has been provided as part of this report.

Finance Systems Manager
Email: steve.wotton@teignbridge.gov.uk

Legal Implications

A summary of the legal requirements are contained in the detail of this report.

Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Risk Assessment

Failure to deliver the council strategy or parts of it will be identifiable in both the performance and risks reports, enabling both senior management and members to take action where necessary.

Chief Finance Officer
Email: martin.flitcroft@teignbridge.gov.uk

Environmental/ Climate Change Implications

The council strategy contains a dedicated programme entitled Action on Climate alongside other projects in the strategy that also impact on climate and the

environment. Detailed information about this programme and actions being taken are contained within this performance report.

Climate Change Officer

Email: william.elliott@teignbridge.gov.uk

Report Author

Data and Performance Analyst

Email: jack.williams@teignbridge.gov.uk

Executive Member

Strategic Direction - Cllr Alan Connett

Appendices/Background Papers

1. Introduction/Background

This performance report looks at the Council Strategy 2020-2030 and covers the period from 1st April to 30th June. If you have any queries please ask them in advance of the meeting.

1.1 T10 Finance

[Executive report 8 February](#) 2022 identified budget gaps for future years. Deficits are identified of £2.6 million for 2022/23, £3.3 million for 2023/24 and £2.6 million for 2024/25 and heavy use of earmarked reserves to balance the revenue account in these years and maintain general reserves at just above £2 million. Further representations to Government as part of the fair funding review and continued efforts to generate savings/extra income will need to be made. Further updates on these budget gaps are provided regularly to Executive throughout 2022/23.

1.2 T10 Programmes

7 are on track. The following programmes are reported with a caution status:

- A roof over our heads
- Going to Town
- Out and about and active

1.3 T10 Performance Indicators

A total of 40 PIs included in the report.

- 7 PIs are either ahead or well ahead of target
- 13 PIs are on target
- 6 PIs are underperforming

There are a total of 14 monitoring indicators tracking background data trends that do not have targets.

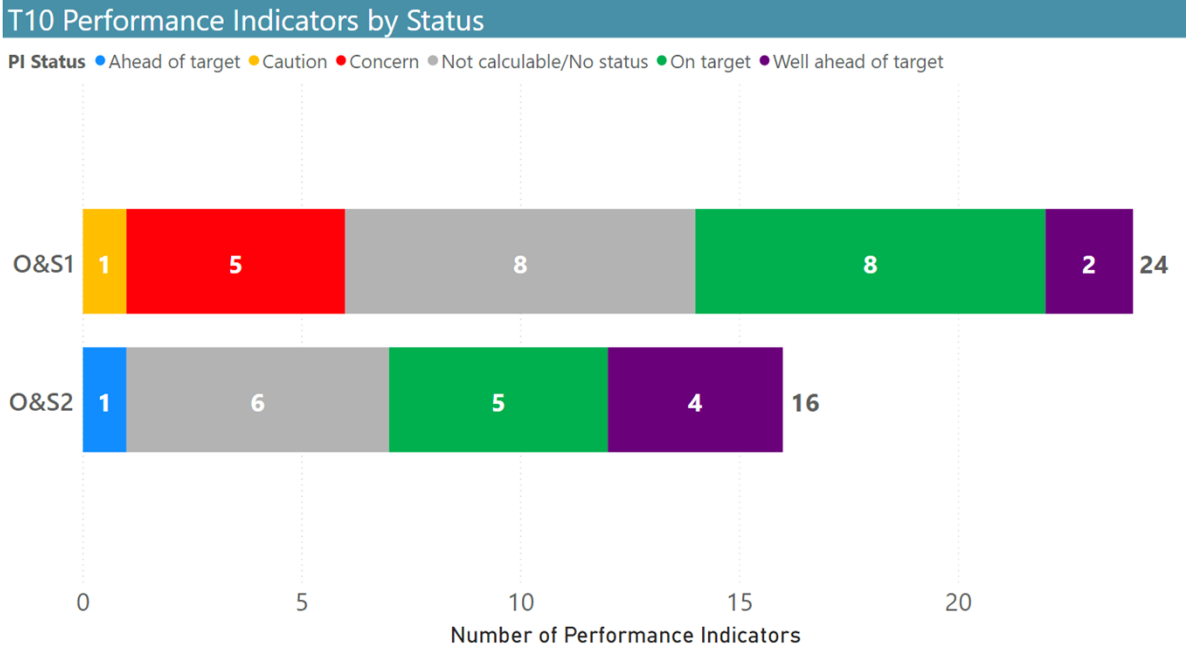


Figure 1 – Performance Indicators by Status

1.4 T10 Projects

A total of 57 projects are included in the report.

- 48 are on track
- 1 on caution status
- 8 are completed

T10 Projects by Status

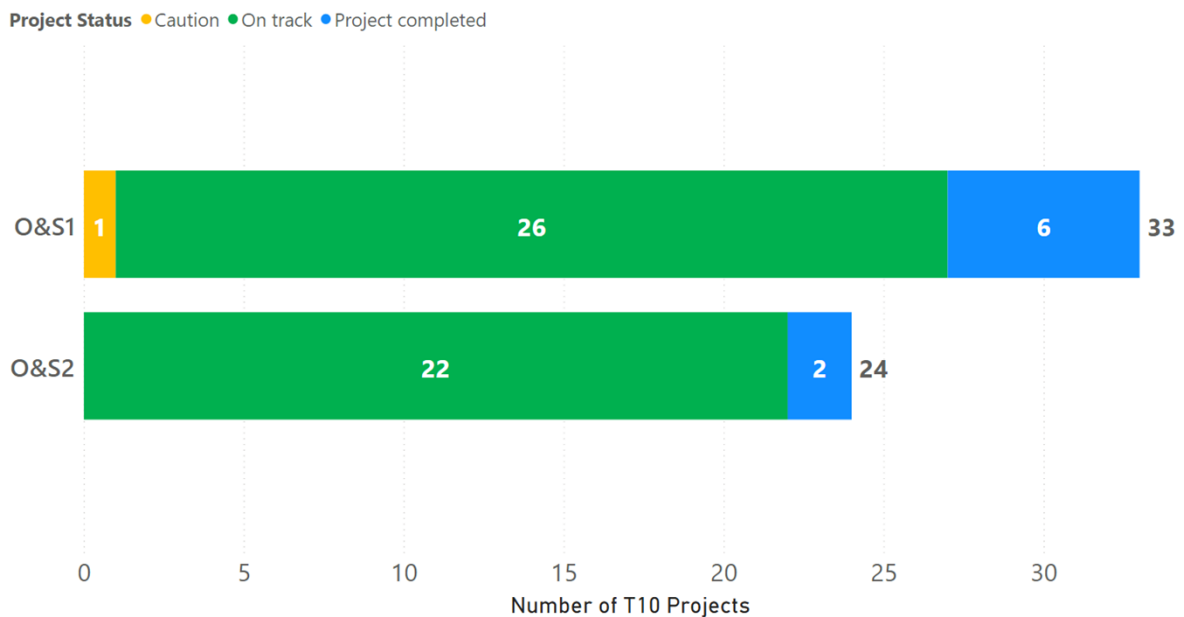


Figure 2 – Projects by Status

Details of the programmes, projects and performance indicators with a concern or caution status together with an explanation of their performance and improvement plan can be found in **Appendix 1**

2. Implications, Risk Management and Climate Change Impact

2.1 Legal

Although there are no direct legal implication regarding this report, it will be appreciated that the Committee has constitutional responsibility to review and scrutinise the performance of the Council in relation to policy objectives and performance targets to which this report refers.

2.2 Risks

The Council Strategy has a comprehensive set of risks associated to its delivery. Each risk has a set of mitigating actions which are reviewed and updated by the officers directly responsible.

These risks are monitored and discussed as part of the strategic and corporate risk reports that are presented regularly to the Strategic Leadership Team and Audit Scrutiny Committee. Any areas of poor performance or unacceptable risk are identified in the reports.

2.3 Environmental/Climate Change Impact

The council strategy contains a dedicated programme entitled Action on Climate. This programme looks at the actions the authority can achieve to

reduce carbon emissions and to increase the district's resilience to the changing climate.

The authority continues to support the Devon Climate Emergency, which is seeking to achieve net-zero carbon emissions across Devon at the earliest credible date.

ALTERNATIVE OPTIONS

None

CONCLUSION

The Council Strategy performance report provides Members with an overview of performance for the Teignbridge Ten Programmes including details of any areas of poor performance.

The Council Strategy runs from April 2020 to 2030.

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04 Going to Town

Lead Contact: Neil Blaney, Cllr Nina Jeffries

Programme Status:

Caution

Summary Statement

The projects within 'Going to Town' are mostly on track, but some projects related to the Future High Street Fund are now experiencing delays that give the overall status of 'caution'. The status will be reviewed in light of the work being undertaken over the next three months in relation to the Future High Street Fund project.

39

Designing and delivering small and large scale schemes:

The Council is in negotiations with the NHS regarding land at Brunswick Street, Teignmouth following Full Council's agreement to sell the land subject to planning permission.

The recent decision by Full Council to request that plans for the Market Hall and Alexandra Cinema elements of the Future High Street Fund projects has created a significant risk in relation to the timescale to draw down and spend the grant by March 2024. Officers are working to consider options, but the timescale for the project did not allow for such a delay. A report will be taken back to Council following a review of options.

A planning application for a new four screen cinema in the Market Square has been submitted and work is underway to prepare for construction and delivery within the timescales of the funding.

Running and improving Newton Abbot Markets:

The business case for the Markets Quarter project was approved by Council in February 2022, but the Full Council decision to request a review of plans means that the work undertaken to date will need to be paused and reviewed. There is a risk to this project as set out above.

Appendix A2 - O&S2 – Q1 Teignbridge Ten Programmes Exception report April – Jun 2022

Footfall into the Market Hall hasn't recovered since the end of covid restrictions and occupancy remains lower than the pre-Covid period.

The Council's Investment Plan for the UK Shared Prosperity Fund includes a bid for funding to support markets and town centre promotion and coordination.

Town centre health checks:

Regular liaison with the local chambers of commerce or equivalent takes place to monitor vacancy and business experience. Town centre 'health checks' have not been undertaken this year.

The Council's Investment Plan for the UK Shared Prosperity Fund includes a bid for funding to support markets and town centre promotion and coordination.

Working with and supporting continued town centre management:

Officers continue to work with those responsible for managing or leading on projects within the towns across Teignbridge. The Council's Investment Plan for the UK Shared Prosperity Fund includes a bid for funding to support markets and town centre promotion and coordination.

Using our powers to bring about improvements and support business growth:

The Environmental Health team provides significant support to businesses and uses its powers to deal with breaches, which helps consumer confidence. The Planning Department is prioritising enquiries and applications related to employment and job growth.

Improving accessibility and encouraging more town centre living:

The Future High Street Fund proposals for pedestrian enhancements along Queen Street in Newton Abbot have been supported by the Teignbridge Highways and Traffic Orders Committee and a report will go to Devon County Council's Cabinet for final approval. Opportunities for more residential development in town centres continue to be investigated.

The proposal for a Health and Wellbeing Centre in Teignmouth will provide accessible health facilities for the community.

Supporting evening cultural and leisure opportunities:

The Future High Street Fund projects will bring forward a wide range of evening activities that will complement the town centre. As noted above, there is now an increased element of risk to delivery for this project.

The Council's Investment Plan for the UK Shared Prosperity Fund includes a bid for funding to support exhibiting, performing, and participating in art.

05 Great places to live and work

Lead contact: Rosalyn Eastman, Cllr Gary Taylor

Programme Status:

On track

Summary Statement

As with previous reviews, all teams within the Council continue to work hard towards ensuring that we are able to keep Teignbridge as a Great Place to Live and Work.

Individual projects and indicators reflect the variety of the work undertaken as part of this Super Project and the wide range of issues involved from Town Centre and transport improvements through to ensuring through our development management and enforcement functions that development is undertaken in the right way and to the benefit of existing and future communities.

We continue to review our practice to take account of feedback received and work hard to maintain performance with regard particularly to our key Government indicators, although this is especially challenging at present as the effects of periods with low resources as well as changing demands in terms of workload and the impact of Covid-19 continue to be felt.

Two Member Working Groups / Task and Finish Groups have been established that will report in 2022/23. These are reviewing our Enforcement function and the delivery and management of open spaces.

06 Investing in prosperity

Lead contact: Stephen Forsey, Cllr Nina Jeffries

Programme Status:

On track

Summary Statement

Investment in commercial property projects

The Council continues to invest in active projects with ongoing investigations and feasibility work for the commercial development at the Aldi and Forches Cross sites. In addition, work is ongoing with T100 opportunities on Council owned land. The Beachcomber Restaurant in Teignmouth has recently been marketed and discussions are ongoing with the selected tenant which will see a comprehensive refurbishment and enhancement of the building over the winter of 22/23.

The Future High Streets project is progressing which will see investment in the regeneration of Newton Abbot Market a new 4 screen Cinema (planning application has been submitted), together improvements to Queen Street, the gate way to the Town from the Railway Station and part of the National Cycle Network 2.

There are a number of other opportunities that will be put forward in future project proposals identifying the Councils investment requirements, priorities and level of proposed investment.

Greater Exeter Greater Devon

This project is ongoing although made slightly more difficult now as Exeter City Council no longer have a formal Economic Development Team, we do however share information with our Colleagues at ECC. We also continue to be part of the wider Exeter and the Heart of Devon Economic Development group.

Facilitating links between businesses and education providers

This project is ongoing as we continue to work with Building Greater Exeter (BGEX) as a partner. BGEX send Employers and apprentices into schools in an effort to enlighten young people about the variety of careers in construction from Architect to bricklayer. We aim for all Teignbridge senior schools to be included in this programme. The Economic Development Officer also visits schools to talk about life in the workplace.

Appendix A2 - O&S2 – Q1 Teignbridge Ten Programmes Exception report April – Jun 2022

The Economic Development Officer is an Ambassador for the Careers and Enterprise Service and works with local schools to provide inspirational speakers from the world of work.

Improved broadband provision

Connecting Devon and Somerset (CDS) is a local government-led partnership which helps to deliver next generation broadband infrastructure to areas where the market has failed to invest.

Internet Service Provider Airband is delivering the second phase of the broadband infrastructure rollout.

Within Teignbridge there is now access to the live network in areas of Exminster, Kenn, Kennford, Kenton, Powderham, Starcross, and Teignmouth.

Build is due to be completed in Powderham and Starcross, as well as remaining contracted areas of Exminster, Kenn, Kenton, Powderham and Starcross.

Design is being carried out in Abbotskerswell, Buckfastleigh, Cockwood, Dawlish Warren, Holcombe, parts of Kingsteignton, Mamhead Park, Newton Abbot, and Teigngrace.

The Council has committed £250,000 towards the programme, but that funding has not yet been requested. The Council is represented on the board by Cllr Nuttall.

07 Moving up a gear

Lead contact: Fergus Pate, Cllr Gary Taylor

Programme Status:

On track

Summary Statement

The overall programme is on track. Priority infrastructure projects are being delivered, including major strategic pedestrian and cycle schemes and a key bus improvement scheme.

Improving the A382 into Newton Abbot and a Forches Cross A383 link

Appendix A2 - O&S2 – Q1 Teignbridge Ten Programmes Exception report April – Jun 2022

The entire length of the A382 scheme benefits from planning permission. Phase 1 works between Forches Cross and Whitehill Cross have been completed. Teignbridge committed £5.1 million of developer funding towards the £13m project, which will include a new off road pedestrian and cycle route.

The A382 is due to benefit from an announced £45 million package of funding that has been awarded in order to deliver the rest of the scheme by around 2025. All the land needed to deliver the remainder of the scheme has been secured.

The planning application for the Jetty Marsh link has been approved by Devon County Council. This will provide the essential connection between Whitehill Cross and Newton Abbot Hospital. The land has been secured Berry Knowles development planning permission. Full Council approved a £600,000 funding contribution towards the link in April 2022.

The main street through Houghton Barton benefits from planning permission. The first phase between Forches Cross and Howton Road is complete. Teignbridge and Devon approved £1.25m forward funding of future developer contributions in order to deliver the scheme.

Bus improvements and park and ride services

Much of the work associated with bringing forward new park and ride facilities is in the hands of external partners, including Devon County Council as transport authority.

An updated scheme for an A30 park and ride is not anticipated in the short term. Devon County Council have identified potential for a Park and Ride facility at Peamore, which may need to be considered through the Local Plan Review.

Further analysis from the transport authority indicates that plans for park and ride in Newton Abbot are not viable. There may still be limited scope for park and change at locations including Forches Cross.

£200,000 funding for a bus only route between Ashburton Road and Newton Abbot town centre has been awarded. This involves Teignbridge land and public consultation was undertaken in July. Comments are being reviewed and next steps will be set out in Autumn 2022. Devon County Council has also been awarded £14 million to improve bus provision and services across the County but further details of how this may benefit communities across Teignbridge are awaited.

Initial work on bringing forward a transport hub for Newton Abbot has paused because there has been a focus on other transport priorities.

Appendix A2 - O&S2 – Q1 Teignbridge Ten Programmes Exception report April – Jun 2022

Supporting new railway stations

Work is progressing on Marsh Barton station. The station is due to be operational by late 2022.

Phase 1 Dawlish Sea Wall defences now are constructed, with phase 2 nearing completion. Heath Rail Link are continuing to work with Network Rail, GWR and Devon County Council on potential to reopen the branch line from Newton Abbot to Heathfield.

Encourage a cycling revolution

The Teign Estuary Trail planning application has been approved. The scheme remains a key priority but was not suitable for the Levelling Up Fund. Other funding opportunities will be considered as they arise, and meanwhile technical work and land negotiations are continuing.

Innovative transport schemes

Development frameworks for development allocations propose electric car charge point facilities in key public areas. The Local Plan Review is considering innovative transport opportunities.

The Newton Abbot and Kingsteignton Garden Community programme is bringing forward evidence on potential innovative public transport and walking/cycling improvements in the Newton Abbot area. Consultation on a Local Cycling and Walking Infrastructure Plan (LCWIP) for the Newton Abbot and Kingsteignton area was undertaken in summer 2021 and, following overall positive feedback, is due to be approved later in 2022.

The LCWIP led to a £14.5 million Levelling Up Fund bid being submitted to government for a South Devon Cycleway between Newton Abbot, Kingskerswell and Torbay Hospital in Summer 2022.

Development supported by sustainable transport facilities

Individual new developments continue to be supported by improved transport facilities. The Development Frameworks for development allocations across the district incorporate sustainable transport facilities (including walking and cycle routes) as a centrepiece of their proposals.

The Infrastructure Delivery Plan and capital programme also continue to prioritise sustainable transport, including through funding commitments towards Marsh Barton station and more than £1 million being identified as a contribution towards pedestrian and cycle facilities by 2025. Work is ongoing to ensure that sustainable transport remains at the forefront of future Local Plans.

Appendix A2 - O&S2 – Q1 Teignbridge Ten Programmes Exception report April – Jun 2022

Bids were submitted to the Government's Housing Infrastructure Fund for funding to support delivery of key transport infrastructure at Dawlish and South West Exeter. Funding totalling £4.9 million has been approved for the Dawlish link road and a planning application for the bridge there has now been approved. Cost inflation is expected to have implications for the overall scheme, and this is likely to be the subject of a future Full Council report.

The £55 million South West Exeter Housing Infrastructure Fund programme is progressing, including major junction, pedestrian, and cycle improvements.

08 Out and about and active

Lead contact: James Teed, Cllr John Nutley

Programme Status:

Caution

Summary Statement

The programme status remains as a caution, whilst the previous quarter saw the lifting of the covid-imposed operating restrictions, we are building back from the associated impacts by building our programmes and participation base.

PIs on still on hold whilst we return programme and build back from the covid, and decarbonisation works that have limited facility availability.

- CSOAA 6.1 Number of young people (under 18) who participate in activities we organise.
- CSOAA 6.2 Number of older (over 60) people participating in events we organise
- CSOAA 6.3 Number of people 30-60 participating in activities we organise.

The programmes are disrupted with partial facility closures and the impact of staff losses and membership losses post-covid.

One Project is still on hold due to Covid 19 restrictions

CSOAA 1.1 Refurbishment of Broadmeadow and Dawlish Leisure Centres. On hold until service recovered. Income streams need to be re-established to support the business case, a time frame for this is not currently identifiable.

10 Vital, Viable Council

Lead contact: Amanda Pujol, Cllr Alan Connett, Cllr Richard Keeling

Programme Status: **Ahead of schedule**

4 of the performance indicators are well ahead of target at the end of the quarter. Two of the indicators relate to the uptake of digital accounts and transactions undertaken online by customers and the other two are financial indicators relating to the cost per head of population of Council services and the amount of external funding we receive. The amount of income generated by the Council is ahead of target and a further 4 performance indicators are on target.

Work is progressing well in relation to the two projects. This quarter further work has been undertaken on the rollout of Microsoft 365 to improve the digital tools available to staff both working in the office and remotely and the decarbonisation work is continuing at Forde House. We are continuing to review the complaints process and policy and will be undertaking an equality impact assessment on the revised policy next quarter.

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at Council Chamber, Teignbridge District Council, Forde House, Brunel Road, Newton Abbott TQ12 4XX on 17 May 2022

Attendance list at end of document

The meeting started at 3.00 pm and ended at 4.04 pm

90 **Public speaking**

There were no members of the public registered to speak.

91 **Minutes of the previous meeting held on 3 March 2022**

RESOLVED

The Minutes of the SEDHREC held on 3 March 2022 are confirmed as a true record and be signed by the Chair.

92 **Declarations of interest**

Cllr Martin Wrigley: personal interest - his property overlooks the estuary, and he is a member and Treasurer of Cockwood Boat Club.

Cllr Geoff Jung: personal interest- he is a Board member of the Pebblebed Heaths NNR Advisory Board and also a member of Woodbury Parish Council, the area of which includes part of the pebblebed heath and marsh.

93 **Matters of urgency**

There were no matters of urgency.

94 **2022-23 Annual Business Plan and 5 Year Delivery Plan**

The agenda report set out the principles for the projects which had been recommended as a priority for delivery over the next 12 months by the Habitat Regulations Delivery Manager. The recommendations had been reviewed and agreed by the respective organisations which constitute the Officer Working Group. The projects were contained within Appendix A to the agenda report, as the Annual Business Plan.

It was considered that further justification was required in relation to: the proposed expenditure for the car parks and what this would achieve; and clarification on drones and the code of conduct and avoidance of disturbance to wildlife.

It was unanimously

Resolved that the Executive Committee:

1. Approves the 2022-23 Annual Business Plan (Appendix A) and the commitments and actions set out therein, subject to:
Delegated authority be granted to the Principal Projects Manager, Growth, Development and Prosperity in consultation with all members of the Executive

Committee for approval following clarification on drones and justification for expenditure for the car park.

2. Notes the updated 5 Year Delivery Plan also shown in Appendix A.
3. Receives a further report relating to any proposed changes to the mitigation strategy regarding Dawlish Warren and the Exe estuary in relation to the Dawlish Warren Beach Management Scheme. Timing dependent on completion of a review by the Environment Agency.

95 **Financial report April 2022**

The report updated the Executive Committee on the overall financial position of developer contributions received by the partner authorities as mitigation payments towards measures identified in the South East Devon European Site Mitigation Strategy. This included details of the contributions received from inception to date and anticipated income from contributions where planning permission had been granted but the contribution has not yet been paid. Details of expenditure against the 2020/21 Annual Business Plan, as well as total expenditure to date were also provided.

It was unanimously

Resolved that the Executive Committee:

1. Notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed S106 and CIL).;
2. Notes the expenditure against budget for the 2021-22 Annual Business Plan and reasons given for any variance.

96 **South East Devon Visitor Survey 2020-21**

Consideration was given to the agenda report which informed the results of the first South East Devon Visitor Survey monitoring programme undertaken as part of the mitigation Strategy and compared them with the initial visitor surveys carried out to establish the original evidence base for the Strategy. The objective is to determine the efficacy of the approach to preventing recreational disturbance across the protected sites. This is important because without robust and effective mitigation which enables the partner authorities to be certain of no net impact to protected sites, continued development as outlined in respective local plans and within 10km of the estuary is at risk of legal challenge. The 10km “zone of influence” within which new residential dwellings are considered likely to cause a likely significant effect as a result of increasing recreational demand. The zone of influence identifies an increase of approximately 30,000 dwellings from the respective Local Plans.

Members commended the work and acknowledged the achievements with the current resources.

It was unanimously

Resolved that the Executive Committee:

1. Notes the results from the South East Devon Visitor Survey 2020-21 report.
2. Notes the interpretation and discussion relating to proposed operational changes in light of the report.
3. A review is undertaken as part of the strategy process within 24 months.
4. A post meeting is held for an explanation of differences.

97 **2021-22 Annual Business Plan - Annual Report**

The Committee commended the Plan which outlined the delivery of ongoing measures established in previous ABPs as well as a range of additional measures. In total, the plan released funding for projects estimated at £369,954.

It was unanimously

Resolved that the Executive Committee:

1. Notes the progress made in delivering the 2021/22 annual business plan.
2. Notes the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates.

98 **Habitat mitigation team update report April 2022**

The chair referred to the agenda report which updated Members on the initiatives, partnership working and day to day activities of the public-facing staff. Continued and effective delivery of the Strategy and the development this enables remains of very high importance to all partners.

It was unanimously

Resolved that the Executive Committee:

1. Notes the updates provided by the Wildlife Warden and Devon Loves Dogs project co-ordinator.
2. Receives a further update at the next meeting of the Executive.

99 **Risk Register Report 2022**

The agenda report updated Members on the status of the risk management register, which was set out in Appendix A to the report, and the status of risk management across the partner authorities at this time.

It was unanimously

Resolved that the Executive Committee:

1. Notes the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with delivery of the South-east Devon European Site Mitigation Strategy.
2. Notes the control measures in place to mitigate the risks identified.
3. Receives an updated Risk Register report in 12 months.

100 **Communications report April 2022**

The report provides the results of the communications report for August 2021 – February 2022. It provided useful and interesting information on the current and new website and impact of work before the launch of the new website, South East Devon Wildlife (SEDW), the public facing brand for the South East Devon Habitat Regulations Partnership.

It was unanimously

Resolved that the Executive Committee:

1. Notes the results of the communications report for the period August 2021 – February 2022, further to earlier communications report for this period.
2. Will receive future communications reports on an annual basis with the next report due in March 2023.

101 **Warden vehicle**

It was noted that the wardens' vehicle was recently involved in an accident. Fortunately, the warden suffered only minor injuries, but the vehicle would not be repaired, and a replacement vehicle was required.

It was unanimously

Resolved that the Executive Committee:

1. Approves funding for the temporary hire of a work van, preferably an electric vehicle (Citroen eBerlingo or similar) for a period of up to 26 weeks or until a replacement vehicle is available to purchase.
2. Approves funding for outright purchase of a replacement work van (Electric Vehicle, Citroen eBerlingo or similar), with associated livery, vehicle tracker and dashcam.
3. Approves funding for replacement of equipment (telescope, gazebo, body cameras, etc.) held in the storage compartment of the damaged vehicle – if required.
4. Receives an update at a future meeting relating to the insurance settlement and actual costs of replacing the vehicle and/or equipment.
5. A review of the insurance cover be undertaken to ensure it covers the three authorities.

Attendance List

Councillors present:

R Sutton ECC

G Jung EDDC

M Wrigley (Chair) TDC

Officers in attendance:

Trish Corns

Jill Day, Principle Project Manager (Strategic Policy) Exeter City Council

Ed Freeman, Service Lead Planning Strategy and Development Management

Naomi Harnett, Enterprise Zone Programme Manager

Fergus Pate, Prinicap Growth Point Officer, Teignbridge District Council

Alison Slade

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)