

**Full Council 27 Feb 2024
Members Questions**

Questions from Cllr Macgregor

Planning - Strategic Planning team in respect of stakeholder responses - Environment Agency.

Their response below

Chapter 1 LP Introduction

This authority received submission from the Environment Agency (EA) as part of the development process of the Local plan. In that request, although they noted support for the developing local plan, they noted under chapter 1 response, that "the approach taken to understand flood risk is NOT sufficiently robust because the Strategic Flood Risk Assessment (SFRA) work is not complete." They also considered "that data on water quality and resources should be used to underpin (your) development strategy and site selection."

1. When was the SFRA work completed in respect of site selection?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

2. Will evidence of robust decision making in respect of each site selected be made available before submission of the Local Plan?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

3. What data on water quality and resources were used to underpin the strategy and site selection?

Chapter 2 - LP Development Strategy: In the request for a submission to the EA, page 17 of the information provided for them to respond to, the EA noted "that Environmental capacity is NOT one of the criteria listed." They specified they "consider that water quantity and water quality should be criteria which can help to determine which areas of the district are better able to accept new development without causing additional strain on the environment."

They further note "local plans should make sufficient provision for infrastructure for water, supply, wastewater and flood risk and coastal change management. The planning practice guidance states that water cycle study can help LPA plan for sustainable growth. It can help identify environmental issues and potential solutions, gather evidence for strategic development sites and inform wider planning policy requirements."

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

4. What assessment was made for water quantity (including supply) when selecting sites?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

5. Will this data be made available to elected members as a matter of urgency?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

6. What assessment was made in respect of water quality including consequential wastewater disposal facilities for each site selected?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

7. Was a full and detailed water cycle study carried out for each site in accordance with the Planning Practice Guidelines?

Response from the Executive Member for Planning

Under this submission, the EA included data which "considers the capacity of catchment in terms of water quality" which included specific evidence that some sewage systems may become hydraulically overloaded, with Newton Abbot and surrounding areas noted as a particular hotspot. They note South West Water infrastructure would need to be improved to ensure no increased risk to the environment.

8. When selecting sites, was the hydraulic capacity assessed based on EA data?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

9. Have any ongoing detailed and robust discussions taken place with SWW to ensure the infrastructure and capacity has been planned for improvement before sites are allocated?

Response from the Executive member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

10. Have specific provisions been made for new developments to make a financial contribution to capacity improvements?

Response from the Executive Member for Planning

At the end of their submission, which sadly noted a number of areas where information was lacking, the EA expressed a desire to be involved "in future consultations in relation to the infrastructure required to support the level of growth proposed in the plan"

11. The letter from the EA was dated 9th August 2021. What further consultations have taken place regarding infrastructure required to support the level of growth proposed in the plan - between August 2021 and October 2023?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

12. What further involvement in those consultations was offered to the EA and what was their view and advice?

Response from the Executive Member for Planning

In the monitoring information provided for spills and releases, SW Water were the third highest average number of spills and third for average duration of spill.

13. Bearing in mind the comments regarding hydraulically overloaded systems, wouldn't it be critical to ensure capacity is a leading consideration for site selection?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

14. The increase in releases and duration of releases has been fourfold between 2016 and 2020. Bearing this in mind, it's clear capacity is already stretched beyond its ability to deal with new developments. What steps have been taken using EA advice to gain SWW commitments to improve capacity?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

15. What specific requirements have been included in the LP for Newton Abbot for surface water separation?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

16. Royal Mail have raised the potential for its service to cease to be universal, as well as raising the idea of a third world - sorry third class service option.

This authority communicates by letter on a number of issues, some of which are deadline based. The likely result of a reduced (for example) 3 day per week delivery schedule has the potential to impact both the authority and residents negatively. Will an assessment of the risk be taken and measures put in place to mitigate should Royal Mail cease to provide a universal service?

Response from the Executive Member for Corporate Resources

We review all areas of risk and would also consider what actions need to be taken in such a scenario if this takes place.

17. The recent completed social rent homes at East Street and Drake Road have had the buildings given names. Can you confirm the names of the buildings and the process for selecting the names?

Response from the Executive Member for Housing, Communities and Human Resources

Drake Road houses were built on a garage site the nearest property was 107 Drake Road so they became 107A and 107B.

The East Street development has its main entrance accessed from Carlisle Street at the rear so the Post Office requested that this was the postal address.

The site had an historic well in the middle of it so Well House was chosen as the name which was approved by the PH at the time, Cllr Martin Wrigley.

The Council has a Street Naming & Numbering Policy which is also currently out to consultation with Town and Parish Councils.

To the Executive Member for Planning

Biodiversity Net Gain (BNG) becomes law this year with development sites required to achieve a 10% Net Gain in biodiversity and/or habitat.

The requirement becomes law under the Town & Country Planning Act 1990, for larger development sites as off the 12th February 2024 with smaller development sites effective from 2nd April 2024.

1.. Will this authority seek to have the BNG kept within the district where possible?

Response

Verbal response to be given at the meeting, or a written response to be provided later

2.. Will this authority be putting in place staffing resources to ensure pledged BNG benefits are delivered?

Response

Verbal response to be given at the meeting, or a written response to be provided later

3. Will this authority ensure the use of 'earlier dates' by developers is robustly challenged and kept to a minimum?

Response

Verbal response to be given at the meeting, or a written response to be provided later

4 Ensure no application is validated without the required statements and biodiversity value of on site habitat etc?

Response

Verbal response to be given at the meeting, or a written response to be provided later

5. Take a robust enforcement stance where BNG agreements are not met?

Response

Verbal response to be given at the meeting, or a written response to be provided later

Questions from Cllr Lake to the Executive Member for Planning

1. Can I ask the PH how much progress in percentage terms is the previous untenable back log in applications been made since employing out side consultants?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

2. What now is the average process time for a planning application and what if any in terms of weeks has it been reduced?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(3) what was the cost of employing the Consultant in relation to employing full time officers and thus is this proving to be a cost effective decision ?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(4) Can the PH answer his critics in parish councils and ever increasing residents who complain about the planning process under his leadership Around the length time processing of applications takes with little sign of any improvement in fact they perceive negatively it is actually increasing and is this a direct relationship to his departments low staffing a third of past administrations ?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(5) Can the PH confirm or deny this could be a result of his administrations culture towards officers as highlighted by the recent peer review resulting in difficulty in both retaining and attracting new officers ?

Response from the Executive Member for Planning

Verbal response to be given at the meeting, or a written response to be provided later

6 What is the current total daily cost of using contractors or consultants for planning

Response from the Executive Member for Planning

£2748.39 per working day. (This covers the external staffing arrangements currently in place in Development Management)

7. What was the cost of employing the Consultant in relation to employing full time officers and thus is this proving to be a cost effective decision?

Response

Verbal response to be given at the meeting, or a written response to be provided later

8 How many contractors or consultants are being used within planning currently to cover vacancies?

Response from the Executive Member for Planning

6 (this figure also includes agency staff)

Questions to the Executive Member for Housing, Communities and Human Resources

9. What targets are set for contractors or consultants to ensure best value?

.Response from the Executive Member for Housing, Communities and Human Resources

An agreed, monitored work programme is in place for team members and the team

10. What due diligence was carried out before hiring contractors/consultants for planning?

Response from the Executive Member for Housing, Communities and Human Resources

Carried out in line with the adopted TDC Recruitment Policy and Procedure.

11 Will we get a commitment that this authority will avoid using contractors & consultants who are former employees for a minimum of 12 months from the end of their restrictive covenant or notice period, whichever is longer.?

Response from the Executive Member for Housing, Communities and Human Resources

It is not our normal practice to engage former staff under the terms and timeframe referred to.

Questions to the Executive Member for Open Spaces, Leisure, Sport, Resorts and Tourism

1. Can the PH explain why the Administration met in private presumably not public? with the Intercom Trust supporters of mixed spaces to discuss issues of trans and non binary rights and not other interested groups ?

Response

The Intercom Trust offered some guidance many years ago around access to changing areas. This was years before the recent public consultation regarding the Broadmeadow sports centre refurbishment and decarbonisation plans. The only private meeting was held with the Women's Network Group, who also attended the January 2024 Executive meeting.

2. In light of recent FOI requests by woman's rights groups and subsequent answers should therefore council be consulting with other local Devon authorities eg Exeter who already operate ullage unisex facilities to facilitate a more comprehensive and robust response to the original request?

Response

The Council has undertaken a public consultation and has sought a wide range of feedback. Unisex facilities are operated internationally and not limited to neighbouring authorities.

3. Can the PH comment and respond to national data and advice on single sex facilities are recognised as regards school groups and clubs to be easier to monitor and thus can accommodate more users ?

Response

The facility has been designed to make the best use of the available footprint.

4. Does the PH recognise and therefore accept national data recognises that sexually predate incidents are significantly higher in unisex and village facilities than single sex and therefore is absolutely paramount these facts are taken into consideration during the planning process ?

Response

The full range of feedback has been taken into consideration, which includes advice from the Devon & Cornwall Police regarding the design and safety of the facility.

5. Has the PH along with the Leisure officer agree that careful planning here is utmost and essential for women and children's safety planning the facilities is paramount

Response

The planning has been considerate to the range of needs. The changes to the facility will offer a more flexible and usable space for the facility users. The debate at the Executive meeting in January 2024 concluded with an agreement to introduce village changing.

To the Executive Member for Recycling, Household Waste and Environmental Health;

1. Can the PH state that despite two contradictory statements to Parish Councils in my ward of recent past and bearing in mind considerable disruption to collections of all categories in 23 what number of staff are long term sick and are work related?

What is the cost therefore met by agency staff and are these sufficient to fill the forementioned absenteeism?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(2). Where is the current position of TDC in DCC recycling table and what measures is he considering to challenge the top spot held during his past administrations and current?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(3). What is the cost to TDC council tax payers to electrifying the fleet as opposed to the current conventional fleet?

Response

Verbal response to be given at the meeting, or a written response to be provided later

(4) Is there any planned increase to green waste collection charges forthcoming as it has consistently under this administration have risen as residents are expressing concerns over future affordability?

Response

Verbal response to be given at the meeting, or a written response to be provided later

Questions form Cllr P Parker

1 Ashburton Main Street is having a gas pipe upgrade and it is causing considerable inconvenience to the town's traders. There is a compensation package available to all traders that have suffered a downturn in trade as a consequence of the works.

If the Queen Street Pedestrianisation goes ahead will the traders effected by the physical works be compensated if they suffer a downturn as a result of the works?

Response

Gas companies are private commercial profit making organisations. This situation is not comparable to councils.

2 The gas works in Ashburton Main Street are being carried out between Jan to March, after consultation that time period would have the least impact on the traders. Have the Traders Of Queen Street been consulted on which months would have the least impact on their businesses?

Response

Implementation plans will be developed to have the least possible impact through the process. These plans will be shared with all involved.

3. At a recent O&S we had a presentation's from the PH of planning and the PH of estates,assets and parking. I asked about the vision for the future of our commercial assets particularly the market walk/square. One of the premises has been closed for nearly 18 years.

What is our present policy for the lettings of the buildings?

Response

There is a new Assets management strategy in progress that will update the policies for the various categories of buildings.

4. The old Wilko building, I know that the administrators have the lease and they are liable for the rates, did you have a clause in the lease that allowed you to reclaim the property if the tenant went into administration? Have you tried to market the property?

Response

Verbal response to be given at the meeting, or a written response to be provided later

5. 1 A Northumberland Place has been empty for over two years, there is considerable interest in this property, for several months TAAG are supposed to be signing a new lease. Why has this not been done?

Response

It would not be appropriate to discuss individual sites and commercial arrangements in this forum.

5. Do we have a vision for our commercial property considering we have a substantial percentage unoccupied?

6.

Response

Verbal response to be given at the meeting, or a written response to be provided later

6. A question for Martin Wrigley, the Informal Advisory Group for the FHSF and the Alex, are there officers on the group, and if not why not? I only ask this because you are on a tight time schedule and it would probably save time.

Response

Officers are invited to the group but have not had the time to attend to date.