

South Hams Council



Title:	Agenda																														
Date:	Thursday, 14th December, 2023																														
Time:	2.00 pm																														
Venue:	Council Chamber - Follaton House																														
Full Members:	<p style="text-align: center;">Chairman Cllr Pannell</p> <p style="text-align: center;">Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Jackson</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Lawford</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr McKay</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Munoz</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Cooper</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Dennis</td> <td>Cllr Oram</td> </tr> <tr> <td>Cllr Dewynter</td> <td>Cllr Penfold</td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Presswell</td> </tr> <tr> <td>Cllr Edie</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hancock</td> <td>Cllr Steele</td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Yardy</td> </tr> <tr> <td>Cllr Hopwood</td> <td></td> </tr> </table>	Cllr Abbott	Cllr Jackson	Cllr Allen	Cllr Lawford	Cllr Birch	Cllr Long	Cllr Bonham	Cllr McKay	Cllr Brazil	Cllr Munoz	Cllr Carson	Cllr Nix	Cllr Cooper	Cllr O'Callaghan	Cllr Dennis	Cllr Oram	Cllr Dewynter	Cllr Penfold	Cllr Dommett	Cllr Presswell	Cllr Edie	Cllr Rake	Cllr Hancock	Cllr Steele	Cllr Hawkins	Cllr Thomas	Cllr Hodgson	Cllr Yardy	Cllr Hopwood	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Democratic.Services@swdevon.gov.uk																														

1. Minutes	1 - 6
to approve as a correct record the minutes of the meeting of the Council held on 28 September 2023;	
2. Urgent Business	
the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');	
3. Exempt Information	
to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;	
4. Declarations of Interest	
In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;	
5. Business Brought Forward by the Chairman	
to consider business (if any) brought forward by the Chairman;	
6. Public Question Time	7 - 8
7. Plymouth & South Devon Freeport: Report of Task and Finish Group	9 - 36
8. Member Appointments	37 - 48
9. Reports of Bodies	
to receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies: (* Indicates minutes containing recommendations to Council).	
(a) Development Management Committee - 13 September 2023	49 - 60
(b) Salcombe Harbour Board - 18 September 2023	61 - 66

(c) Audit & Governance Committee - 28 September 2023	67 - 72
(d) Overview & Scrutiny Committee - 5 October 2023	73 - 76
(e) Development Management Committee - 18 October 2023	77 - 84
(f) Licensing Committee * - 9 November 2023	85 - 88
(g) Salcombe Harbour Board - 13 November 2023	89 - 92
(h) Development Management Committee - 15 November 2023	93 - 98
(i) Executive * - 30 November 2023	99 - 118

10. Questions on Notice from Members

to consider the following question(s) (if any) received in accordance with Council Procedure Rules.

11. Motions on Notice from Members

to consider the following motion received in accordance with Council Procedure Rules.

(a) From Cllrs Yardy and Birch

'In a move to address the dentistry crisis it is resolved that the Council encourages the Devon Health and Wellbeing Board to work with local dental practitioners and patients to investigate the setting up of a pilot scheme to provide accessible no-frills dental care for all age groups, with the aim of encouraging the relevant NHS services to introduce the scheme across South Hams.'

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Agenda Item 1

MINUTES OF THE ANNUAL MEETING OF THE SOUTH HAMS DISTRICT COUNCIL HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 28 SEPTEMBER 2023

MEMBERS

* Cllr G Pannell – Chairman

* Cllr B Taylor – Vice-Chairman

* Cllr V Abbott	∅ Cllr S Jackson
* Cllr G Allen	* Cllr L Lawford
* Cllr J P Birch	* Cllr M Long
* Cllr L Bonham	* Cllr J McKay
* Cllr J Brazil	* Cllr P Munoz
* Cllr J Carson	* Cllr A Nix
* Cllr B Cooper	* Cllr D M O'Callaghan
* Cllr S Dennis	* Cllr C Oram
* Cllr A Dewynter	∅ Cllr S Penfold**
* Cllr N Dommett	∅ Cllr A Presswell**
∅ Cllr T Edie	* Cllr S Rake
* Cllr D Hancock	∅ Cllr M Steele**
* Cllr J D Hawkins	* Cllr D Thomas
* Cllr J M Hodgson	∅ Cllr G Yardy
* Cllr N A Hopwood	

* Denotes attendance

∅ Denotes apology for absence

** Denotes attendance over Teams in a non-voting capacity

Officers in attendance and participating:

For all items: Senior Leadership Team; Monitoring Officer; Democratic Services Manager; Head of Revenues & Benefits (via Teams) Community Services Operations Manager (via Teams)

24/23 MINUTES

The minutes of the Council meeting held on 29 June 2023 were confirmed as a true and correct record, subject to the correction of the attendance of Cllr S Jackson who was present at that meeting.

25/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.

26/23

PUBLIC QUESTION TIME

It was noted that the following public question had been received in accordance with the Council Procedure Rules, for consideration at this meeting:

From Mr John Grocock:

“With regard to Cllr Julian Brazil’s article in the Totnes Times (September 7) regarding local planning matters, this comment ‘Every week I am contacted by families desperate for a housing solution’ suggests that more have been added to the 766 that was the headline figure in May

Would Cllr Brazil please clarify whether there are now more families needing affordable housing and if so, what is the updated figure?”

Response from Cllr O’Callaghan (lead Executive Member for Housing):

In her response, Cllr O’Callaghan thanked Mr Grocock for his question and made the following statement:

The Housing waiting list has increased since May and we now have 845 households on the housing register in housing need, with a further 680 who wish to be considered for social housing but are currently adequately housed. The figure fluctuates to some degree and, in April of recent years, has been as follows:

April 2023 – 798

April 2022 – 895

April 2021 – 690

April 2020 - 631

Across Devon between April and July 2023, the Housing Register rose by over a thousand households.

This is also reflected nationally and demonstrates the challenges in the private sector housing market and the slowdown in movement in the social housing sector.

As a Council, Housing is a top priority for us for our residents. There are already 19 houses in the Council’s ownership, seven houses at Sherford, which are temporary homes and which will be ready for occupation by Christmas 2023, with a further four other temporary homes being purchased. There are also eight homes at St Anns Chapel which will be ready in late Autumn, and available for Affordable Rent, and these will be advertised on Devon Home Choice, with preference being given to people with a connection to the local area. These properties will be managed by the Council.

At the discretion of the Chairman, the Vice-Chairman sought clarity as to whether or not the figures that had been quoted included temporary winter lets. In response, Cllr O'Callaghan committed to providing a response to this question in writing outside of the meeting and also agreed to provide a copy to Mr Grocock.

27/23

SUPPORTING OUR CARE LEAVERS: COUNCIL TAX

A report was considered that sought approval for the adoption of a Council Tax Discount Scheme relating to Care Leavers.

In discussion, Members welcomed the leading role that had been taken on by the Council in the development of this Scheme and wished to record their thanks to the Chief Executive for being so instrumental in this regard. Some Members also highlighted that this had represented a very good example of the County and District Councils working together in partnership to develop a solution to a shared problem.

It was then:

RESOLVED

That the Council Tax Discount Scheme for Care Leavers as set out at Appendix A of the presented agenda report be adopted with effect from 1 October 2023.

28/23

SCHEME OF MEMBERS ALLOWANCES - REVIEW

The Council considered a report that set out the recommendations of the Independent Remuneration Panel on an updated Scheme of Members' Allowances.

In discussion, the following points were raised:-

- (a) Having tasked an Independent Remuneration Panel with making a series of recommendations on an updated Scheme, some Members felt it to be only appropriate for the Council to then give them full weighting and approve them accordingly;
- (b) In support of the proposed increase in the Basic Allowance, Members highlighted that any such measure to potentially attract (and retain) individuals to stand for election should be supported. Furthermore, Members stated that the role of being a local councillor had never been more demanding or time consuming and, such was the level of commitment required to undertake such an important role, that no Member should feel guilty or embarrassed to accept an increase in their Basic and Special Responsibility Allowances.

It was then:

RESOLVED

That the recommendations of the Independent Panel on Members' Allowances (at paragraph 3 of the presented agenda report) be agreed and that the revised draft Scheme of Members Allowances (as shown at Appendix D of the presented report) be adopted with immediate effect, with any consequent increases in Allowances being backdated to 10 May 2023.

29/23

MEMBER APPOINTMENTS

The Council considered a report that recommended some revisions to the size and membership of the Licensing Committee for the remainder of the 2023/24 Municipal Year. The report also recommended an appointment to the role of the Council's Armed Forces Covenant Champion for the remainder of this Council term.

With no debate ensuing, it was then:

RESOLVED

1. That the size of the Licensing Committee be increased from 8 to 10 Members, with the Quorum being set at 6 Members;
2. That Cllr N Dommett (Lib Dem Group) and Cllr A Presswell (Green Party Group) be appointed to serve on the Licensing Committee and that Cllr Lawford (Lib Dem Group) be appointed as a Substitute Member for the Licensing Committee for the remainder of the 2023/24 Municipal Year; and
3. That Cllr A Dewynter be appointed to serve as the Council's Armed Forces Covenant Champion for this Council administration (i.e. until the date of the Annual Council meeting in May 2027).

30/23

REPORTS OF BODIES

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-.

(a) Development Management Committee - 28 June 2023

(b) Executive - 28 June 2023

(c) Audit & Governance Committee - 6 July 2023

(d) Overview & Scrutiny Committee - 20 July 2023

(e) Development Management Committee - 26 July 2023

(f) Audit & Governance Committee - 27 July 2023

(g) Licensing Committee - 31 August 2023**(h) Executive - 21 September 2023****E.22/23 Supporting Our Care Leavers: Council Tax**

Members noted that this recommendation had already been considered at agenda item 6 (Minute 27/23 above refers).

E.28/23 Review of Capital Programme (Capital Programme Monitoring) and Review of Earmarked Reserves

Specifically with regard to the Shadycombe Car Park proposals, a local Ward Member stated the consequent economic benefits that would be generated. It was therefore his hope that a fully costed proposal would be brought back to Members in due course.

It was then:

RESOLVED

- 1) That the following three capital projects be withdrawn from the current Capital Programme: Whitestrand Replacement of Toilets and Showers (£659,993); the Currently Unallocated Residual Housing Capital Budget (£85,157) and the Contingency Capital Budget (£268,184). (NB. this would free up capital resources of £1.013m, which is potentially available for future corporate priorities and can be re-purposed);
- 2) That Shadycombe Car Park and Sherford Commercial Land Acquisition be withdrawn from the Capital Programme and it be noted that this would not free up any capital resources;
- 3) That all other capital projects, be progressed in line with the existing capital projects within the overall Capital Programme;
- 4) That the content of the Capital Programme Monitoring Report (as set out in Appendix B of the published agenda report) be noted which highlighted current expenditure on capital projects between April 2023 and July 2023 of £1.400m, being 13% of the profiled budget for 2023/24 (the first four months of the financial year); and
- 5) That the outcome of the review of revenue reserves be approved, releasing revenue reserves of up to £1.541m which were potentially available to support the delivery of the emerging Corporate Strategy.

QUESTIONS ON NOTICE

It was noted that no Questions on Notice had been received in accordance with Council Procedure Rules.

32/23 **MOTIONS ON NOTICE**

It was noted that no Motion on Notice had been received in accordance with Council Procedure Rules.

33/23 **CHAIRMAN'S CONCLUDING REMARKS**

Prior to formally closing the meeting, the Chairman wished to put on record his thanks to those Members and officers who had attended his recently held Civic Service, extending particular thanks to those who had generously supported his chosen charity, the RNLI Dartmouth Lifeboat Station Appeal.

(Meeting commenced at 2.00 pm and concluded at 2.30 pm)

Chairman

PUBLIC QUESTIONS AT COUNCIL MEETINGS

There is a period of 15 minutes at meetings of the Full Council (excluding the Annual Meeting) during which members of the public can ask questions about items on the agenda.

Any member of the public who wants to ask a question should ensure that the question:

- a) is no more than 50 words in length;
- b) is not be broken down into multiple parts;
- c) relates to an item included on the agenda; and
- d) is suitable to be considered. A question will not be suitable if, for example, it is derogatory to the Council or any third party; relates to a confidential matter; it is about a specific planning matter; or it is substantially the same as a question asked in the past six months.

Questions should be sent to Democratic Services (Democratic.Services@swdevon.gov.uk) by 1.00pm on the Monday before the meeting (the deadline will be brought forward by a working day if affected by a bank holiday). This will allow a detailed response to be given at the meeting. If advance notice of the question cannot be given the Chairman of the meeting has the discretion to allow questions on matters that are felt to be urgent;

For any further advice on questions to Full Council, or to request a copy of the full Public Questions Procedure Rules, please contact Democratic Services (Democratic.Services@swdevon.gov.uk)

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Report to: **COUNCIL**

Date: **14 December 2023**

Title: **Plymouth and South Devon Freeport: Report of Task & Finish Group**

Portfolio Area: **Economic Development**

Wards Affected: **All**

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

Date next steps can be taken: N/A

Author: Task and Finish Group Role:

Contact: email: chris.brook@swdevon.gov.uk

RECOMMENDATIONS:

That Council be RECOMMENDED to support the 17 recommendations set out by the Task and Finish Group in section 2 of the published agenda report and be RECOMMENDED to accept each of these recommendations.

1. Executive summary

- 1.1 The Task and Finish Group arising from the Audit and Governance Committee conducted an investigation into the costs, opportunities, risks and governance of the Plymouth and South Devon (PASD) Freeport. This report to the Executive is a conclusion from that investigation and sets out recommendations for the Executive to consider. Given the current situation, the Task and Finish Group feel that it is important that all Members have a chance to understand the opportunities and risks that the Freeport represents and have an opportunity to consider and debate the topic.
- 1.2 The Task & Finish (T&F) Group feel that the complex Freeport project has been well managed and that a great deal of work has been done by officers. The T&F Group has appreciated the information provided by Council officers and Members upon which this report is based.

- 1.3 The following aspects were investigated by the T&F Group:
- i. Costs & financial returns
 - ii. Benefits and opportunities
 - iii. Risk management
 - iv. Governance and engagement
- 1.4 The Council has published Frequently Asked Questions and Answers regarding the Plymouth and South Devon Freeport on its website at the link below:
<https://www.southhams.gov.uk/ferry-and-harbour/plymouth-and-south-devon-freeport>

Executive Meeting – 30 November 2023

- 1.5 A version of this report was also considered by the Executive at its meeting held on 30 November 2023 (Minute E.36/23 refers).
- 1.6 Since this Executive meeting took place, the Council's Head of Legal Services and Monitoring Officer has produced a Supplemental Paper to be read in conjunction with this report. This paper is attached to this report at Addendum 1;
- 1.7 At the Executive meeting, Members will recall that a question arose in relation to the responses that had referred to the Freeport project during the recent public consultation exercise into the draft 'Council Plan'. Officers can now confirm that the public consultation on the Council Plan commenced on Monday, 25 September 2023 and ran for a period of ten weeks (closing on 30 November 2023). The consultation included a range of ways to seek views on the draft Plan that included:
- a. An online public consultation platform with survey;
 - b. A dedicated email address to send 'free-text' responses;
 - c. Two online Parish Council briefings;
 - d. Face-to-face meetings between the Executive Lead for Economy and each Town Council – with a primary focus on economic support and alignment; and
 - e. Resident engagement at Ivybridge, Kingsbridge and Totnes markets;

In total, the Council has received a total of 118 consultation responses on the Plan – out of which 21 are in relation to the Freeport and these are set out in Addendum 2 to this report;

- 1.8 Following a lengthy debate, the Executive proceeded to **RESOLVE** that:
1. *the Task and Finish Group be thanked for their considerable and in-depth work reviewing the risks and opportunities of the Freeport; and*

Council be **RECOMMENDED** to:

2. support the 17 recommendations set out by the Task and Finish Group in section 2 of the published agenda report and **RECOMMEND** their acceptance by Full Council; and
3. consider the Executive's recommendations on the report at its meeting due to take place on 14 December 2023.

Task And Finish Group Report of the Audit and Governance Committee

2. Summary Recommendations

1. That the Executive considers the recommendations in this report and presents an update on the Freeport to Full Council, including a copy of this report, at an early opportunity.
2. That the Council works to simplify the land acquisition plan and separate the two transactions. The purchase of Sherford can go ahead as approved by the Council; but the Langage purchase should be put on hold and be subject to a later approval by the Council if and when necessary.
3. If land values or the situation changes, the Council may want to update any valuation as required.
4. That the Council strives to achieve best value in any land sale, balanced against best outcomes in employment and economic investment.
5. That the latest financial projections, showing best estimates of business rates income, interest rate payments and the worst-case scenario (as reviewed by the T&F Group) is set out in a report to the Executive with any recommendations being presented to the Full Council.
6. The Executive takes a close look at the current finance projections, as well as the worst-case scenario, to ensure that costs and financial risks are understood and acceptable to the Council. We suggest a stage gate process so that a future explicit investment decision (such as Langage) is made using the most up to date information.
7. That the Director of Place reports every three months on the progress of the that part of the development of the Freeport in South Hams to the Executive, comparing actual progress of the development and occupancy to the plan; and that mitigating actions are put in place where necessary.
8. That the Monitoring Officer provides a report to the Executive on the strength of the legal agreements entered into by the Council and in particular those parts relating to the land assets and income stream.
9. The Council encourages the Freeport company to investigate the possibility of the Gateway policy being strengthened, or other controls

could be put in place to ensure that the land is only used for suitable purposes that are consistent with the Freeport principles.

10. That the Council works with and/or encourages the Freeport company to develop clear outcomes and tangible delivery plans for the benefits to the environment, the green economy, skills, well-paid jobs, small business, and social outcomes in the South Hams area of the Freeport, through which progress can be monitored and evaluated so that these wider benefits can be realised. The T&F group see these wider benefits crucial to long-term legitimacy of the Freeport.

11. That the Council works with and/or encourages the Freeport company to enhance the focus on net zero and the green economy as a priority objective for the Freeport. This objective should be supported through the establishment of a net zero Advisory Board to deliver this part of the mission.

12. The Council seeks to encourage the Freeport company to ensure that all construction at Sherford and Langage should explicitly consider net zero targets, an environmental impact assessment should be done, and mitigation should be carried out if needed.

13. That the Council requests the Freeport company to publish its risk management framework and update it on a six-month basis.

14. That the Council develops and publishes its own risk policy and risk register for its involvement in the Freeport, so that each risk can be managed and so that the plan can be reviewed by Audit and Governance and others.

15. That the Freeport company be encouraged to monitor the movement of businesses into the Freeport to ascertain any possible localised economic displacement and produce such a report with possible remedial measures should such displacement becomes apparent SHDC should consider the use of a proportion of retained business rates generated through the Freeport to mitigate any localised economic damage, such as through localised stimulus spending.

16. That the Executive reviews the delegated powers and authority related to the Freeport and determines if any changes are needed.

17. That the Council together with the Freeport company instigates a communication and engagement programme to publish information explaining the benefits of the Freeport to the local parish and the wider South Hams region, to inform public opinion and help answer any questions that might arise.

2.1 Background

- 2.2 The T&F Group recognises the potential benefits that the Freeport offers for residents of the South Hams. However, there are a number of costs and risks which we wish to highlight and will need to be well managed going forward.
- 2.3 As of September 2023, SHDC has entered into legal agreements relating to the Freeport. Costs incurred by SHDC so far have been £75,300 (Appendix B). Additional anticipated costs for SHDC are in the order of £5 million in the early years of the project, raised from PWLB borrowing and paid for by business rates generated from the Freeport over the life of the project. Therefore the Freeport is projected to be self-financing, in that the business rates generated will pay for the borrowing costs.
- 2.4 The Council has signed an MoU (Memorandum of Understanding) with Government along with a partnership agreement with Devon County Council and Plymouth City Council both of which impose legal obligations on the Council. Any unilateral withdrawal from the Freeport will result in the Council being in breach of its obligations. Furthermore, we believe it makes sense to continue to pursue the Freeport project for the following reasons:
- i. The Freeport will bring new investment, projected to be over £300 million, and an estimate of 3,500 jobs across Plymouth and South Hams, together with enhancements to skills and infrastructure.
 - ii. 100% of the business rates paid by businesses operating in that part of the Freeport within South Hams will be retained in a South Hams District Council ringfenced business rates account, rather than the 14% normally retained by the Council, to be used for the delivery of Freeport objectives¹. This results in a potential fund of £24m (see 3.4 for how this is allocated) over 25 years (after the deduction of expenses) for investment in the South Hams area for Freeport-related investments.
 - iii. Although there are risks within the project there are also very grave risks from withdrawing at this stage, in reputational, legal and cost terms. **The T&F Group believes that on balance the benefits of the Freeport outweigh the costs and risks involved, so long as these are understood and continue to be well managed.**

¹ The expenditure of retained business rates is set out in the business rates sharing agreement between SHDC and DCC, as outlined in section 3.4 of the report

- 2.5 Furthermore, if the Council proceeds with the Freeport project there is an opportunity for SHDC to shape the goals and the work of the Freeport to align it more closely to the priorities of the Council. In particular, we see an opportunity for clearer and stronger Freeport outcomes that would help the environment, the green economy, local skills, well-paid jobs, small business, and social outcomes, and **we recommend more focus on these desirable outcomes.**

3. Cost and Financial Returns

- 3.1 Total capital investment in the Freeport is predicted to reach £314m over 25 years with £25m of seed capital (Government grant) from the Government, £29m from local council funding and up to £250m from business (private sector investment).
- 3.2 Around £5m of the investment would come from SHDC and most of this investment will be used to purchase land, as the Council is responsible for making land at Sherford available for the Freeport. To enable this SHDC intends to borrow funds from the Public Works Loan Board (PWLB) for the investment. In March 2022 the Council approved borrowing up to £5m (this was increased to £5.5million in March 2023). Other Freeport funding will come from the SHDC Business Rates reserve.
- 3.3 This investment will be recouped as a capital receipt through the sale of land (which is the intent at the current time), and in addition the PWLB loan will be repaid by business rates income from Langage and Sherford from the retained business rates fund.
- 3.4 Of the £40m projected surplus after 25 years, 20% is to be allocated to Devon CC, and 20% for SHDC specific priorities, leaving £24m for spending in the South Hams area. This spending will be on Freeport related projects guided by the three Councils, with priorities being on skills, innovation, and carbon net zero projects, and to reduce and mitigate and displacement of jobs.
- 3.5 Borrowing was originally intended for the purchase of the Langage site, and the Council agreed in September 2022 to make a CPO (Compulsory Purchase Order) application. A decision was then made in March 2023 to reallocate the Langage funds to be used for either the same purpose or for the acquisition of land at Sherford instead.
- 3.6 Some members of T&F Group feel that decisions like this, close to the May 2023 election, were not ideal and heightened a sense of

cynicism and public doubt around the project. The T&F group is concerned about the public perception of the project and hopes that more open information and accountable decision-making will restore confidence.

- 3.7 The business case submitted by the Council and approved by government was to purchase land at Sherford, which would then be sold on to an appropriate developer / occupier. In this way, releasing seed funding (Government grant funding) for investment in Langage, if needed.
- 3.8 However, the flow of money and approvals is complex (as set out in Appendix A) and it is important to clarify that there is no obligation nor approval in place for the Council to acquire both Sherford **and** Langage.
- 3.9 **We recommend that the Council works to simplify the land acquisition plan and separate the two transactions. The purchase of Sherford can go ahead as approved by the Council; but the Langage purchase should be put on hold and be subject to a later approval by the Council if and when necessary.**
- 3.10 We understand that officers have land valuations from one valuer following the red book process. **We recommend that if the land values or the situation changes, the Council may want to update any valuation as required.**
- 3.11 We also understand that if any losses on the sale of land are made (after deduction of SHDC's selling costs) these would fall proportionately on SHDC, in accordance with the ratio of seed funding to match funding. A lower sale value would mean that the capital receipt which is retained by SHDC is lower in value.
- 3.12 This would not cause a loss to SHDC's finances as the borrowing on the land would continue to be paid for from the business rates income generated by the Freeport. The T&F Group highlight this risk, but also the mitigation that the land sale capital receipt is not required to repay the PWLB borrowing, as this will continue to be repaid from the business rates generated in the Freeport. **We recommend that the Council strives to achieve best value in any land sale, balanced against best outcomes in employment and economic investment.**
- 3.13 The income stream to fund interest and capital payment is dependent on retained business rates income from occupiers of the Freeport. We recognise that the financial success depends on a number of factors such as on-time delivery of the land, the occupancy rates, and inflation (which increases business rate income).

- 3.14 The financial viability is also affected by the interest rate to be paid on the £5.5m borrowing, which has increased since the initial plans were made. **We recommend that the latest financial projections, showing best estimates of business rates income, interest rate payments and the worst-case scenario (as reviewed by the T&F Group) is set out in a report to the Executive with any recommendations being presented to the Full Council.**
- 3.15 **We recommend that the Executive takes a close look at the current finance projections, as well as the worst-case scenario, to ensure that costs and financial risks are understood and acceptable to the Council. We suggest a stage gate process so that a further explicit investment decision (such as the purchase of Langage) is made using the most up to date information.**
- 3.16 The report to Council in March 2022 stated that “The assumptions used within the financial model for business rates income are that there will be 16% occupancy of the light industrial business park by 2024/25 and 90% occupancy of the warehouse; other industrial sites will be between 11% and 90% occupancy by 2024/25”. The most up to date assumptions used within the September 2023 financial modelling are 25% occupancy at Langage in 25/26, 46% occupancy in 2026/27 and 60% occupancy by 27/28. Occupancy at Sherford is projected to commence in 2027/28.
- 3.17 If development is delayed and the tenant occupies the sites late, then the retained business rate income stream is delayed and net income would be reduced. Information provided to the T&F Group suggest that some aspects of the Freeport timescale, planned in January 2023, are already up to five months late by August 2023.
- 3.18 Slippage of the infrastructure development has mitigated this and positively impacted the cash flow in the early years, as shown in Appendices C and D which compares the net income model shown to Council in March 2022 with the latest one provided to the T&F Group in late August 2023. In these 18 months the net income in the first 5 years of operation has changed from net positive projection of £2m to a net deficit of £288,000. This cashflow impact is because of the delay in occupancy and due to the fact that business rate income from both Langage and Sherford has moved back approximately 2 years. Overall, it can be seen from the graphs in Appendices C and D that the total forecast for business rate income is greater than was previously forecast.
- 3.19 In the event that SHDC and DCC borrowing is fully drawn down and there was no business rate income from any tenant, it would result in a maximum of £366,000 cost per year for South Hams

District Council (£5.125m borrowed over 23 years at 4.5% fixed interest costs). Therefore, it is essential that the development and borrowing costs stay synchronised so as to mitigate this risk.

- 3.20 **We recommend that the Director of Place reports every three months on the progress of that part of the development of the Freeport in South Hams to the Executive, comparing actual progress of the development and occupancy to the plan; and that mitigating actions are put in place where necessary** and phasing the payment for the land purchase at Sherford to be the most favourable for the Council (for example, in the case of stage payments, using the Government seed funding first and the Council's borrowing in the latter stage payments). This then delays the borrowing costs until later years when there is more business rates income to meet the costs.
- 3.21 However, it should also be noted that the latest projection and modelling **shown in Appendix D** shows an increase in the amount of residual business rates income building up over the 25 years due to the higher business rates income, as a result of higher projected inflation. In March 2022, the residual business rates income was projected to be £27.32million over the 25 years, with a 41% risk sensitivity. The latest modelling in September 2023 shows the residual business rates income is projected to be £40.989million over the 25 years, with a 47% risk sensitivity. This means that the projected business rates income would have to fall by 47% (roughly half) before the costs within the ringfenced business rates account (such as the borrowing costs) would not be covered by the business rates income generated by the Freeport and not be self-financing.
- 3.22 If, for any reason, the Freeport is wound up or its conditions varied by a future Government, the expected benefits and income might be lost. **We recommend that the Monitoring Officer provides a report to the Executive on the strength of the legal agreements entered into by the Council and in particular those parts relating to the land assets and income stream.**

4. Benefits and Opportunities

- 4.1 It is claimed that the Freeport will supercharge the local and regional economy by building on our nationally unique capabilities in marine, defence and space, including low carbon applications.
- 4.2 Expected benefits of the freeport include: the attraction of new businesses; the creation up to 3,500 new jobs paying at or above the national average (with an average wage level of at least £13.92 per hour); skills development, innovation, and the support of climate goals.

- 4.3 To ensure that the Freeport attracts businesses that are consistent with Freeport principles it has put in place a Gateway policy. This ensures that business rates relief are only applied to businesses that meet the criteria. However, some organisations, which may not be compliant, are interested in acquiring the Sherford site. The current plan is for SHDC to purchase the site to ensure that we have full control and therefore can preserve the integrity of the Freeport and ensure land is used aligned to its strategic purpose.
- 4.4 This scenario highlights that Gateway policies, however robust can only levy financial sanctions, rather than place an absolute barrier to non-aligned use in the Freeport and reinforces the policy of the Council acquiring the site.
- 4.5 **We recommend that the Council encourages the Freeport company to investigate the possibility of the Gateway policy being strengthened, or other controls could be put in place to ensure that the land is only used for suitable purposes that are consistent with the Freeport principles.**
- 4.6 There are a number of other potential benefits to our region including training, skills, cycle tracks, innovation and zero carbon commitments. However, the action plans to deliver these benefits for the region are still at an early stage in planning. We see an opportunity for clearer and stronger Freeport outcomes in line with SHDC priorities, by using the retained business rates surplus.
- 4.7 **We recommend that the Council works with and/or encourages the Freeport company to develop clear outcomes and tangible delivery plans for the benefits to the environment, the green economy, skills, well-paid jobs, small business, and social outcomes in the South Hams area of the Freeport, through which progress can be monitored and evaluated so that these wider benefits can be realised. The T&F group see these wider benefits crucial to long-term legitimacy of the Freeport.**
- 4.8 The Langage site includes the proposal to build a 10MW green hydrogen hub, the first of its kind in Devon and Cornwall. In March 2023 the Government announced financial support to the project through its Hydrogen Business Model. The Freeport has an ambition to act as an exemplar to deliver net zero for the wider region significantly ahead of 2050, but there is no Advisory Board in the Freeport company tasked with making sure this goal is met, unlike for other areas such as skills and innovation.
- 4.9 **We recommend that the Council works with and/or encourages the Freeport company to enhance the focus on**

net zero and the green economy as a priority objective for the Freeport. This objective should be supported through the establishment of a net zero Advisory Board to deliver this part of the mission.

- 4.10 **We recommend that the Council seeks to encourage the Freeport company to ensure that all construction at Sherford and Langage should explicitly consider net zero targets, an environmental impact assessment should be done, and mitigation should be carried out if needed.**

5. Risk Management

5.1 In addition to the points noted above, the project raises a number of strategic, financial, operational and reputational risks for SHDC. Although risks for the Freeport body have been identified, and some initial risks are outlined in the Council paper of March 2022, we believe there is no full risk analysis or management plan in place for the Council itself. We see the following as some of the potential risks for the Council arising from this project and the *mitigations* discussed with the T&F group:

- i. Risk that a new Government changes the way the Freeport operates, or the way that retained business rates can be used.
- ii. Risks that costs escalate, or that the projected income stream fails to meet its target so that income does not cover the loan repayments costs. This could be caused by a lack of tenants, delays in the developments or other factors beyond the control of the Council.
The break-even point needs to be monitored and the synchronising of borrowing against income maintained, so that the costs of borrowing do not exceed the ability to repay the loan. Income would need to drop by nearly half before the income and costs break-even point is breached.
- iii. Risk that land values decline after an SHDC purchase, leading to a reduced capital receipt.
The current valuation and historic land values do not suggest this would be the case, but it is a possibility.
- iv. Risks that the operational or other costs increase.
The costs of operating the Freeport are set by the annual business plan, which is a reserved matter and therefore in the control of the Council.
- v. Risk of land contamination or environmental or carbon impact from the works on the sites.
Each land parcel is subject to its own due diligence undertaken by the appropriate promotor / developer / land owner.

- vi. Risk that there are fewer Freeport jobs created than projected, or that the jobs are lower paid, leading to reduced economic or social benefits for residents.
- vii. Risk that firms from other parts of the South Hams relocate into the Freeport, displacing jobs and reducing the net benefit for the region. This may be particularly the case for small and medium sized companies.
The gateway policy is specifically drafted to prevent this and needs to be applied robustly.
- viii. Risk that the Freeport body becomes unmanageable due to political or other differences between the Members (Councils) and the other Directors and / or the landowners, leading to lack of progress and success.
Strong relationships are in place between the three local authorities, which are underpinned by tripartite agreements.
- ix. Risk that any delay or cost escalation leads to a reputational impact on the Council.
- x. Risk that local training infrastructure cannot meet the skills needs of businesses locating to the Freeport thus adding inward migration pressure and associated impacts to the housing market, whilst also blocking local people from the economic opportunities offered.
The Freeport programme includes skills and training, delivered through a formal collaboration of the universities and colleges to mitigate this risk.

5.2 We recommend that the Council ask the Freeport to publish its risk management framework and update it on a six-monthly basis.

5.3 We recommend that the Council develops and publishes its own risk policy and risk register for its involvement in the Freeport, so that each risk can be managed and so that the plan can be reviewed by Audit and Governance and others.

5.4 We recommend that the Freeport company be encouraged to monitor the movement of businesses into the Freeport to ascertain any possible localised economic displacement and produce such a report with possible remedial measures should such displacement becomes apparent SHDC should consider the use of a proportion of retained business rates generated through the Freeport to mitigate any localised economic damage, such as through localised stimulus spending.

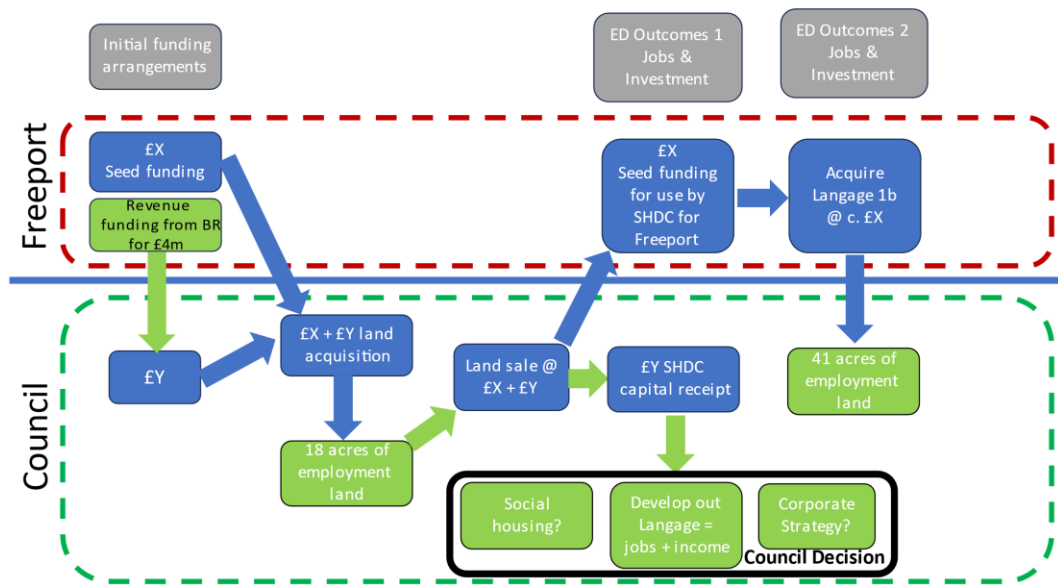
5.5 There were also some risks identified at an earlier stage of the project relating to weakened planning controls and the extension of the Freeport (or enterprise zone) to a much wider area. This risk now seems not to be real as we understand that traditional

planning rules still apply to the Freeport and the enterprise zone applies to Plymouth Oceansgate only. However, the Council should keep a watch on this potential risk.

6. Governance & Engagement

- 6.1 In March 2022 the Council gave authority to the Director of Place and Enterprise, in consultation with the Leader of the Council, Executive Member for Economy and S151 Officer to purchase land at Langage (later amended to include Sherford.). **We recommend that the Executive reviews the delegated powers and authority related to the Freeport and determine if any changes are needed.**
- 6.2 While the planning policy around Sherford and Langage has been through normal planning consultation, the Freeport investment and the decision by SHDC to proceed has not had any public consultation, either in the relevant parishes or across the region.
- 6.3 **We recommend that the Council together with the Freeport company instigates a communication and engagement programme to publish information explaining the benefits of the Freeport to the local parish and the wider South Hams region, to inform public opinion and help answer any questions that might arise.**

Appendix A: Funding Flow Chart



Appendix B: Expenditure to September 2023

FREEPORT EXPENDITURE		£		
COST CENTRE S1037/3677				
Financial Year 2022-23				
Legal Fees for the Compulsory Purchase		43,764	paid	
Financial Year 2023-24				
Legal Fees for the Compulsory Purchase		3,036	paid	
Subsidy control advice at Sherford		3,500	not yet paid	
Land Valuation of Sherford		25,000	not yet paid	
TOTAL		75,300		
Business Rates - Memorandum Account				
Plymouth and South Devon Freeport				
Annual Landowner contribution for 2022-23 to the Freeport		50,000		
Funded by the Business Rates Retention fund.				
TOTAL		50,000		

Appendix C: Net Business rates projections for PASD Freeport

South Hams and Devon County Council ringfenced Business Rates Account – Original financial forecasting as set out within the Council report on 31st March 2022

South Hams ringfenced Business rates account	22/23 £'000	23/24 £'000	24/25 £'000	25/26 £'000	26/27 £'000	Yrs 6-10	Yrs 11-15	Yrs 16-20	Yrs 21-25	Total £'000
						27/28 - 31/32 £'000	32/33 - 36/37 £'000	37/38 - 41/42 £'000	42/43 - 46/47 £'000	
Retained Business Rates - Langage	0	7	600	1,224	1,564	10,817	12,190	13,456	14,862	54,719
Retained Business Rates - Sherford	0	0	0	420	428	2,272	2,508	2,768	3,058	11,454
Total South Hams Retained Business Rates	0	7	600	1,644	1,992	13,089	14,698	16,224	17,919	66,173
Total debt charges - Langage DCC	0	0	(96)	(339)	(629)	(4,434)	(4,434)	(4,434)	(4,434)	(18,800)
Total debt charges - Langage SHDC	(6)	(63)	(267)	(267)	(267)	(1,334)	(1,334)	(1,334)	(1,334)	(6,206)
Total debt charges - Sherford	0	0	0	0	0	0	0	0	0	0
Total South Hams Debt Charges (Langage)	(6)	(63)	(363)	(606)	(895)	(5,768)	(5,768)	(5,768)	(5,768)	(25,006)
Lifecycle costs - Langage	0	0	(38)	(37)	(45)	(569)	(962)	(1,133)	(1,757)	(4,541)
Lifecycle costs - Sherford	0	0	0	(1)	(7)	(169)	(333)	(388)	(394)	(1,291)
Total South Hams Lifecycle Costs	0	0	(38)	(38)	(52)	(738)	(1,295)	(1,521)	(2,151)	(5,832)
Freeport operating costs - Langage	0	0	0	0	0	(1,145)	(1,264)	(1,395)	(1,540)	(5,343)
Freeport operating costs - Sherford	0	0	0	0	0	(572)	(632)	(697)	(770)	(2,672)
Total South Hams Contribution to Freeport Operating Costs	0	0	0	0	0	(1,717)	(1,895)	(2,092)	(2,310)	(8,015)
Residual Business Rates - Langage	(6)	(57)	199	581	624	3,334	4,196	5,160	5,796	19,829
Residual Business Rates - Sherford	0	0	0	419	421	1,531	1,543	1,683	1,894	7,491
Total South Hams Residual Business Rates	(6)	(57)	199	1,001	1,044	4,865	5,739	6,844	7,690	27,320
<i>Risk sensitivity</i> (% that business rates income would need to fall so that residual business rates income would be Nil)			33%	61%	52%	37%	39%	42%	43%	41%

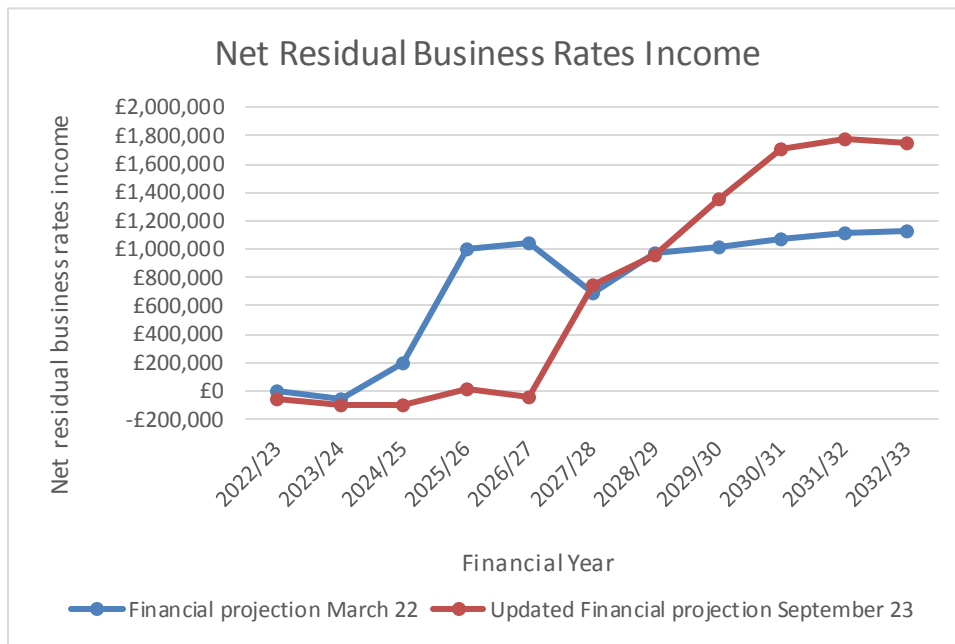
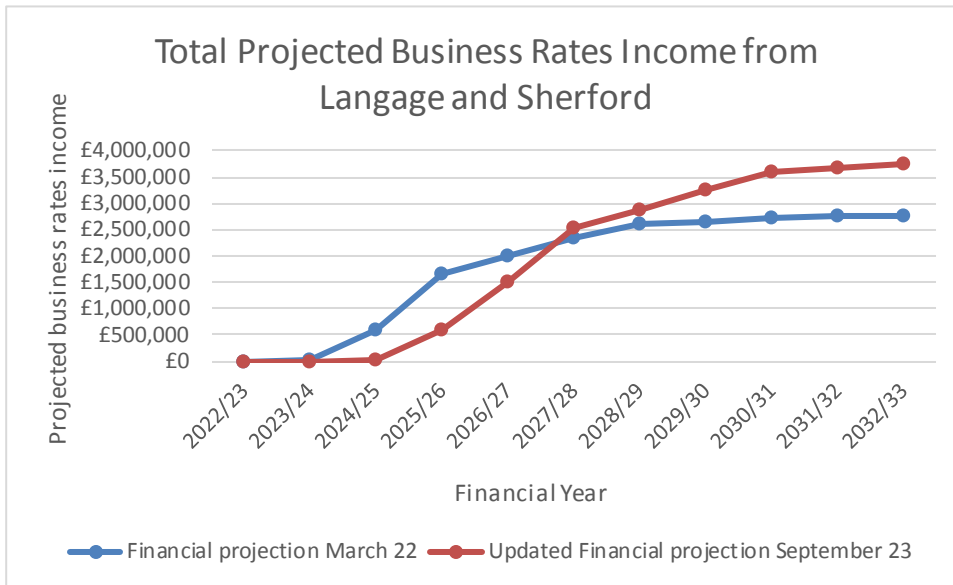
Appendix D: South Hams and Devon County Council ringfenced Business Rates Account

Latest (September 2023) financial forecasting

South Hams	0	1	2	3	4	5	Yrs 6-10	Yrs 11-15	Yrs 16-20	Yrs 21-25	Total
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	28/29 - 32/33	33/34 - 37/38	38/39 - 42/43	43/44 - 47/48	£'000
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Retained Business Rates - Langage	0	0	8	600	1,505	1,961	14,043	16,466	18,181	20,074	72,838
Retained Business Rates - Sherford	0	0	0	0	0	589	3,126	3,451	3,811	4,207	15,184
Total South Hams Retained Business Rates	0	0	8	600	1,505	2,550	17,169	19,917	21,992	24,281	88,022
Total debt charges - Langage DCC	0	0	0	(322)	(1,021)	(1,021)	(5,105)	(5,105)	(5,105)	(5,105)	(22,784)
Total debt charges - Langage SHDC	0	0	0	(25)	(80)	(80)	(400)	(400)	(400)	(400)	(1,785)
Total debt charges - Sherford	0	0	0	(90)	(286)	(286)	(1,430)	(1,430)	(1,430)	(1,430)	(6,382)
Total Debt Charges for SHDC and DCC	0	0	0	(437)	(1,387)	(1,387)	(6,935)	(6,935)	(6,935)	(6,935)	(30,951)
Life Cycle costs - Langage	0	0	0	(42)	(41)	(49)	(625)	(1,060)	(1,248)	(1,931)	(4,996)
Life Cycle costs - Sherford	0	0	0	0	(1)	(8)	(184)	(365)	(426)	(434)	(1,418)
Total South Hams Lifecycle Costs	0	0	0	(42)	(42)	(57)	(809)	(1,425)	(1,674)	(2,365)	(6,414)
Freeport operating costs - Langage	0	0	0	0	0	(237)	(1,257)	(1,392)	(1,532)	(1,695)	(6,113)
Freeport operating costs - Sherford	0	0	0	0	0	(119)	(631)	(696)	(768)	(848)	(3,062)
Total South Hams Contribution to Freeport Operating Costs	0	0	0	0	0	(356)	(1,888)	(2,088)	(2,300)	(2,543)	(9,175)
Landowner Contribution SHDC	(50)	(104)	(109)	(113)	(117)	0	0	0	0	0	(493)
Total Landowner Contribution - Langage - SHDC	(50)	(104)	(109)	(113)	(117)	0	0	0	0	0	(493)
Residual Business Rates - Langage	(50)	(104)	(101)	98	246	574	6,656	8,509	9,896	10,943	36,667
Residual Business Rates - Sherford	0	0	0	(90)	(287)	176	881	960	1,187	1,495	4,322
Total South Hams Residual Business Rates	(50)	(104)	(101)	8	(41)	750	7,537	9,469	11,083	12,438	40,989
<i>Risk sensitivity - South Hams</i>				1%	-3%	29%	44%	48%	50%	51%	47%

	Net Residual Business rates per year; £ '000					Next 20 years	25-year Total
	2022-23	2023-24	2024-25	2025-26	2026-27		
Original plan (March 2022)	-6	-57	199	1,001	1,044	25,138	27,320
Current plan (August 2023)	-50	-104	-101	8	-41	41,277	40,989

Appendix E: Comparison of Financial Projections between March 2022 and September 2023



7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>As part of the Audit and Governance Committee's Workplan for 2023/24, the Committee agreed to establish a task and finish group to consider the governance and other arrangements relating to the creation of the Freeport (Min AG.8/23 refers)</p> <p>Although the task and finish group was to report back to the Audit and Governance Committee, with the view that the Committee would make any recommendations to the Executive, at the meeting of the Audit and Governance Committee on 28 August 2023 it was agreed that the Task and Finish Group would make any recommendations directly to the Executive.</p>
Financial implications to include reference to value for money		<p>The latest projection and modelling shown in Appendices C, D and E shows an increase in the amount of residual business rates income building up over the 25 years due to the higher business rates income, as a result of higher projected inflation. In March 2022, the residual business rates income was projected to be £27.32million over the 25 years, with a 41% risk sensitivity. The latest modelling in September 2023 shows the residual business rates income is projected to be £40.989million over the 25 years, with a 47% risk sensitivity. This means that the projected business rates income would have to fall by 47% (roughly half) before the costs within the ringfenced business rates account (such as the borrowing costs) would not be covered by the business rates income generated by the Freeport and not be self-financing.</p>
Risk		See Risk Management (Section 5).
Supporting Corporate Strategy		Economy

Consultation & Engagement Strategy		<p>How are stakeholders engaged?</p> <ol style="list-style-type: none"> 1) Built on the extensive public consultation through the Plymouth and South Devon Joint Local Plan 2) Held two major stakeholder events with the chamber of commerce, local MPs and 100+ other delegates prior to submitting the Full Business Case to Government 3) Secured formal political decisions from each of the three local authorities ensuring democratic accountability. <p>Going forward the Freeport plans to:</p> <ol style="list-style-type: none"> 1) Deliver stakeholder event to cover cross cutting issues, such as clean growth and CNZ 2) Continue to be subject to joint scrutiny by the local authority partners and government 3) Publish board meetings on the website (complete) 4) Adopt Freeport company policies covering feedback and FOI and Nolan requirements 5) Follow normal local authority statutory processes
Climate Change - Carbon / Biodiversity Impact		Decarbonisation and green economy are a golden thread running through the Freeport requirements (as set out by Government). This report makes further recommendations that can be acted upon to further these benefits.
Comprehensive Impact Assessment Implications		
Equality and Diversity		
Safeguarding		
Community Safety, Crime and Disorder		
Health, Safety and Wellbeing		
Other implications		

Supporting Information

Appendices:

Appendix A: Funding Flow Chart

Appendix B: Expenditure to September 2023

Appendix C: Net Business rates projections for PASD Freeport

Appendix D: South Hams and Devon County Council ringfenced Business Rates Account

Appendix E: Comparison of Financial Projections between March 2022 and September 2023

Background Papers: N/A

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Plymouth and South Devon Freeport: Report of Task and Finish Group Supplemental Paper from the Head of Legal Services and Monitoring Officer

1.0 Background - designation

1.1 Section 113 of the Finance Act 2021 allows the Secretary of State to make regulations designating freeports as special tax sites. For these purposes, a freeport is an area which is identified as such in a document published by, or with the consent of, the Treasury for the purposes of section 113 (and not withdrawn). The Plymouth and South Devon Freeport area (“the Freeport”) was identified with the consent of the Treasury on 12 May 2022 and designated as a special tax site by the Designation of Freeport Tax Sites (Plymouth and South Devon Freeport) Regulations 2022. The Freeport therefore will exist until Treasury consent is withdrawn and/or Parliament revokes the Regulations.

2.0 Governance

2.1 As part of the process leading to the Freeport being designated the three authorities, Plymouth City Council, Devon County Council, and the Council, were required to show that they had appropriate governance arrangements in place so that the Government could be confident of capacity to deliver and appropriate measures of accountability and transparency are in place for the effective management of public funds. After taking external legal advice, the authorities settled upon a company structure that was underpinned by an agreement between the three authorities as the founding members and the company (“the Members’ Agreement”) (see <https://pasdfreeport.com/governance/>).

2.2 The Freeport Company is a company limited by guarantee and the three authorities are each a person with significant control in that each holds between 25% and 50% of the voting rights in the company. The objects of the Freeport Company are “the promotion and delivery of programmes and initiatives which are capable of establishing and maintaining the [Freeport] and/or anything ancillary to or related to the [Freeport].”

2.3 Under the terms of the Members Agreement, the three authorities agree to remain members for a minimum initial period of five years. The initial period will expire on 20 May 2027. Each member has the right to appoint a director. Cllr John Birch is the Council’s appointed director.

3.0 Operation

3.1 In terms of the operation of the Freeport Company, the Board is required to prepare an Annual Delivery Plan for the approval of the members. The plan is to include:

- set out the context of the Freeport strategy and vision.
- business objectives, key performance indicators, resourcing plan and financial plan over a rolling three-year timetable.
- measures to support implementation of our Innovation Strategy, Trade and Investment Strategy and Skills plan highlighting opportunities for and/ or implementation of any secured additional public funding and initiatives.

- any proposals to utilise surplus retained business rates to deliver the Annual Delivery Plan and appropriate business cases.
- evidence of compliance with Department for Levelling Up, Homes and Communities requirements on monitoring and evaluation.
- outcomes of the annual audit of the security measures in place, any breaches, and remedies.
- Risks Strategy.
- Recruitment plans and proposals as appropriate, and staff remuneration in accordance with the Full Business Case.

3.2 Generally, decisions are to be made by the Freeport Company Board. However, there are important safeguards for the three authorities in that specified matters are reserved to them (“Reserved Matters”). Reserved Matters require the consent of the three authorities (unless the authority is an interested party or otherwise prevented from voting or giving consent). Reserved Matters are set out in Schedule 3 of the Members Agreement.

David Fairbairn
Head of Legal Services and Monitoring Officer

5 December 2023

Response 1:

Freeports are a low regulation environment which is the opposite of what is needed for high wage jobs and worker's right and the environmental controls. Also a Low tax area "so the District Council and government will get less revenue to do the work it wishes to. It is tying your planning dep's freedom, and brings immense threats. Also borrowing money to set it up mortgages our future and will prevent much spending on desirable outcomes, and add to inequality

Just to stress that the freeport is likely to impede most of these aims and ambitions, even if your current political process will not be to be low regulation and low tax, then the next administration is likely to take that route and undo everything you do.

Response 2:

I am extremely concerned that South Hams District Council has committed considerable sums of money towards the objective of the South Hams being part of a Freeport zone. Surely this money could be better spent on all of the priorities you identify in question 8 above.

It looks to me like you're using my money to prop up private businesses which can well afford to stand on their own feet at the expense of our many wonderful local small businesses.

It seems to me that any jobs created by being in a Freeport zone are at risk of being low paid, non-unionised and lacking in basic workers' rights. I'd rather see the creation of secure work paying a decent wage and giving workers the dignity they deserve in the form of unions and rights.

I also worry for our Area of Outstanding Natural Beauty in a Freeport zone which is potentially exempt from environmental protections. If South Hams District Council is serious about having declared a climate emergency and about protecting biodiversity, aren't there better ways of spending our money?

I'm also alarmed that South Hams Council decided to use our money to back such a financially risky scheme and we weren't even consulted - what happened to transparency?

My understanding is that this does not need to be a "done deal" because, amongst other things, the zone being much larger than is considered normal for a Freeport zone. I would urge you to think again about taking this route - it was voted in by the Tory administration. Aren't the Liberal Democrats better than this?

Response 3:

I am very concerned that the Freeports will have a detrimental effect for South Hams. Too much financial risk for the council, too much freedom for unelected corporations. The freeport is a ticking bomb. Can you be certain that it does not have the potential to bankrupt the council some time in the future?

Response 4:

Very little commentary regarding Freeports and SEZ. Why is information so hard to find? Why were residents not consulted about freeport adoption? Teeside is enduring ecoside as it's freeport is developed. We live in AONB, what protections are in place given that it also incorporates a huge swathe of Dartmoor NP

Vaguw detail in your strategy on page 11 about working with the freeport. Elaborate. Does this include more CPO's as per Langage? How will we be protected?

Distinct concerns about the Freeport and the lack of transparent information regarding it. Why is it the biggest out of 74 ports?

Will sovereign law be maintained or will corporate law be adopted?

What does it mean to be adopted in a "host country"?

What links to Gov do Carlton Power have and why in the IOW have residents been forcibly moved to Hydrogen where Carlton Power is already at work?

Why were Devon County Council denied a vote about Devon's Freeport by Central Government.

How will workers rights be protected given DP World, they sacked 800 PO workers.

Response 5:

Mostly but it's not easy to see how all of the aims will be achieved. Also it's not possible to see how the Freeport will benefit residents of the south Hams situation

Response 6

The Freeport will endanger the whole planning and environmental infrastructure and make these aims much harder. It has not been thought out properly.

Response 7:

Poor road communications anywhere except the A 38 and being a coastal area will ever be a challenge because effectively South Hams only has half a hinterland. Good luck, but not having control over most of the Freeport area in the District was a missed chance.

Response 8:

Yes but rationale for Freeport not clear why and how it supports other aims. Supporting Freeport seems to undermine encouraging local economy and environmental protection. Allowing corporate profit and tax breaks at expense of local services, jobs and security (risks of increasing drug and organised crime imports)

Response 9:

Yes, but doesn't explain some of the terminology or implications (like the Freeport). I feel the idea of furthering the "Freeport" contradict the primary aims of biodiversity and climate. I have grave concerns about the Freeport. It has not been widely discussed among the public. Most people I speak to don't even know what a freeport is, let alone that we're in one. Elsewhere freeports have seen reduction of workers rights and planning regulation and a rise in money-laundering, organized crime, drug trafficking and terrorist finance. Is this the kind of South Devon you want? And the cost of freeports is picked up by the British taxpayer via the cut to the Exchequer.

Response 10

Concerns have been raised about the Council borrowing £6m for the Freeport scheme, and about the scheme itself. Julian Brazil criticised "ill-conceived projects" across the South Hams (Totnes Times 19.8.22) which collapsed and cost the taxpayers considerable sums of money. What guarantee is there that the Freeport scheme will not have a similar outcome?

Response 11

I welcome the ambition to move towards business decarbonisation. I'm not sure how the Plymouth Freeport actually relates to the South Hams - what are the benefits exactly? I am not well briefed in this area so I can't really speak to the other priorities ambitions etc

Response 12:

I meant to add to my survey response that I am alarmed by Totnes being included in the Plymouth Freeport. In my view, Freeports are a nightmare, a playground for unregulated capitalism to do its worst. So I would advocate that the council not just revoke their cooperation but actively campaign against Freeports.

Response 13

Whatever your economic priorities, I don't believe that a commitment to participation in the Plymouth Freeport is likely to help achieve them. I had hoped, with the change in overall control of SHDC, that the brakes would have been applied to this ill-advised initiative. Any proposal which puts more power and more public money into the hands of unaccountable corporations, whose sole purpose is the creation of shareholder returns, should be resolutely resisted. Freeports are just another Tory trick to privatise and disempower the public realm for the benefit of their funders and cronies.

I am aware that local authorities have been systematically starved of funding for the last 13 years, and that this makes it difficult to do anything very bold, risky, or innovative. Whatever problems we face, however, I would like to reiterate that the solution to none of them lies with participation in a freeport initiative. There will clearly be a new government in power within the next 18 months, and the sensible strategy at this point would be to sit tight and

wait to see what changes that may bring. Giving away local democratic control of processes like planning and economic development to the board of a freeport would be to create both a foolish and an unnecessary hostage to fortune.

Response 14

The council should immediately withdraw from the freeport initiative. The whole concept of freeports is nothing but a charter for vested interests and corporate businesses to make use of public funding and assets to enhance their own profits and influence.

I appreciate that local government has been poorly served by national government in recent years and that funding is a real problem, but I do feel that this strategy document lacks sufficient ambition. I had hoped that the change in control would lead to significant improvement, but am seriously disappointed that you are falling for the Conservative confidence trick that is the freeport initiative. What we need is more local control, not less; more local democracy, not less. Putting our local governance future into the hands of faceless corporations, which are motivated only by profit would, in my view, be a serious mistake.

Response 15:

I do not think the Freeport is a sensible economic plan, its reach is too wide (particularly geographically speaking), and £5.5 million is a lot of tax payer's money to be "borrowing". I think that money could be far better invested in the community.

Response 16:-

Very concerned that the Freeport will not provide the right kind of growth or align with the stated ambition of sustainability etc. Needs the right kinds of businesses - not ones that put profit over community benefits. If we have to have it why can't it be the first "ECO Freeport" open only to businesses that share our values?

Response 17

My two main comments concern housing and freeports. I have addressed the former in Q5 and the latter in Q65. I am deeply concerned about the Freeport areas extending from Plymouth. The ability to circumvent planning restrictions is deeply troubling. This administration may have good intentions, but there are no safeguards for future administrations who may not be well intentioned and have carte blanche to damage the environment with no accountability. This is very dangerous. The fact that an outer boundary has been set without a compelling economic case for such a huge area is far outside the guidance for such a scheme. How has this been allowed? Is it a case of take the money and to hell with the consequences?

Response 18

Not explicitly structuring objectives around Doughnut Economics (<https://doughnuteconomics.org/about-doughnut-economics>) and fundamental human

needs (Max Neef) seems like a missed opportunity. My understanding is the freeports are a neoliberal tool for wealth extraction, so I'd like to see an approach to containing its damage, rather than maximising so-called "benefits". Thanks for your work on this.

Response 19

I am not sure that freeports have any real value for our community. How do they contribute to sustainability or to the character of the South Hams?

Response 20

I cannot find clear and full information about the proposed Freeport which seems to offer commercial interests funding, ease of planning and more which we are not fully informed. Why does the Freeport extend to South Hams and the Moor? Dartmoor, particularly, should be out of bounds. Will the new National Landscape have any authority in the Freeport area?

Response 21

Good to see climate and biodiversity at the top. However, take issue with the freeport. No information on this and what it means for us. Why are we even in it when it's supposed to be for Plymouth?

I am very unhappy with the lack of information around the Freeport. Why is the South Hams within this? Serious concerns about its possible impact (and disagree with them at a fundamental level anyway). This should be going out for consultation. What would be the cost of breaking any contracts already signed?

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Report to: **COUNCIL**

Date: **14 December 2023**

Title: **MEMBER APPOINTMENTS**

Portfolio Area: **Council – Cllr Brazil**

Wards Affected: **All**

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

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: email: Darryl.White@swdevon.gov.uk

RECOMMENDATIONS:

That Council is RECOMMENDED to:

- 1. appoint, for the remainder of the 2023/24 Municipal Year, the Members set out in paragraph 2.2 to the existing pool of Committee Substitutes;**
- 2. disapply the political balance provisions that are set out in the Local Government and Housing Act 1989 and amend Appendix E: 'Arrangements for the Appointment of Substitute and Co-Opted Persons to Committees, Panels and Boards' of the Council Constitution accordingly;**
- 3. approve, with effect from 31 December 2023, the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee; and**
- 4. note that the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee' have been re-titled to the: 'South Devon National Landscapes Committee' and the 'Tamar Valley National Landscapes Committee' respectively.**

1. Executive summary

Committee Substitute Members

- 1.1. To provide additional resilience to the Audit & Governance; Development Management; Licensing; and Overview & Scrutiny Committees, this report seeks to increase the pool of Substitute Members that are able to serve on these Committees;

Heart of the South West (HotSW) Joint Committee

- 1.2 Following a clear steer from Council Leaders and Senior Members of several Constituent Local Authorities, a proposal is being brought forward to this meeting that seeks the consideration of Full Council to the withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee.

AONB Partnership Committees

- 1.3 The Council has been advised that, with effect from Wednesday, 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales have become '*National Landscapes*';
- 1.4 Given that the Council makes formal appointments at its Annual meeting each May to the South Devon AONB Partnership Committee and the Tamar Valley AONB Partnership Committee, these will now need to be re-titled accordingly.

2. Background

Committee Substitute Members

- 2.1 In recent months, Committees of the Council have experienced several near misses whereby meetings were almost declared 'inquorate' (and therefore unable to meet formally) due to a number of appointed Members having sent their respective apologies;
- 2.2 Whilst there is an existing appointed pool of Committee Substitutes, Group Leaders have been consulted and, in an attempt to provide additional resilience, have expressed a wish for the pool to be increased as follows:

Audit & Governance Committee	Development Management Committee	Licensing Committee	Overview & Scrutiny Committee
Cllr Abbott	Cllr Birch	Cllr Birch	Cllr Allen

Cllr Allen	Cllr Cooper	Cllr Bonham	Cllr Carson
Cllr Birch	Cllr Dennis	Cllr Brazil	Cllr Hancock
Cllr Brazil	Cllr Dewynter	Cllr Cooper	Cllr Long
Cllr Cooper	Cllr Hopwood	Cllr Hancock	Cllr Oram
Cllr Dewynter	Cllr Jackson	Cllr Hawkins	Cllr Pannell
Cllr Edie	Cllr Munoz	Cllr Hodgson	
Cllr Hawkins	Cllr Yardy	Cllr Hopwood	
Cllr Hodgson		Cllr Jackson	
Cllr Hopwood		Cllr Long	
Cllr Jackson		Cllr McKay	
Cllr Long		Cllr Munoz	
Cllr McKay		Cllr O'Callaghan	
Cllr Munoz		Cllr Nix	
Cllr O'Callaghan		Cllr Steele	
Cllr Pannell		Cllr Taylor	
Cllr Penfold		Cllr Yardy	
Cllr Steele			
Cllr Thomas			

2.3 In making these substitute nominations, consideration has been given to the following Constitutional requirements:

Development Management Committee

- Neither the Leader of the Council nor the lead Executive Member for Planning can be Members of the Development Management Committee; and

Overview & Scrutiny Committee

- No Member of the Executive can be a Member of the Overview & Scrutiny Committee.

2.4 To be able to serve on the Council's Regulatory Committees (Development Management and Licensing), there is not only a requirement to attend ongoing training, but newly appointed Members are also required to attend at least one related training session before they can take part in the debate and vote at Committee meetings;

2.5 In the upcoming months, Development Management and Licensing training sessions will be convened and officers are committed, as part of an adopted Member Learning & Development Plan, to holding regular refresher sessions;

2.6 It is a requirement of the Local Government and Housing Act 1989 for appointments to formal Committees of the Council to be proportionate to the political composition of the Council ('politically balanced');

- 2.7 Having sought additional Substitute Member nominations from Group Leaders, both the Leader of Council and the Leader of the Main Opposition Group have expressed their strong wish that every able Member should be added to the pool irrespective of political grouping, with substitutes appointed not necessarily always on a like-for-like political group basis;
- 2.8 In order for this wish to be enacted (i.e. that political balance is waived in respect of the substitute protocol), it is a requirement of the Act that **NO MEMBER CAN VOTE AGAINST THIS PROPOSAL AT THIS FULL COUNCIL MEETING;**
- 2.9 Assuming that this proposal is approved (with no Members voting against it), then it will be a consequent requirement to amend Appendix E 'Arrangements for the Appointment of Substitute and Co-Opted Persons to Committees, Panels and Boards' of the Council Constitution accordingly.

Heart of the South West (HotSW) Joint Committee

- 2.10 Appendix A to this report presents a generic report produced by Somerset Council colleagues that sets out the reasons for the recommendation to dissolve the Heart of the South West Joint Committee;
- 2.11 It is being proposed that the Joint Committee be dissolved on 31 December 2023. Importantly, even if the Council does not support this recommendation, if at least eight of the other Constituent Authorities are in agreement, then it will still be dissolved;
- 2.12 Since the Committee is currently one of our recognised Outside Bodies to which we annually appoint (Cllr Brazil is our 2023/24 representative, with Cllr Thomas being his substitute), this Committee will be removed from the list if it is ultimately dissolved.

AONB Partnership Committees

- 2.13 The Council is asked to note that the 'South Devon AONB Partnership Committee' and the 'Tamar Valley AONB Partnership Committee' have been re-titled to the: 'South Devon National Landscapes Committee' and the 'Tamar Valley National Landscapes Committee' respectively.

3. Options available and consideration of risk

Committee Substitute Members

- 3.1 In the event of a Member voting against the wish to disapply the political balance rules, then the Council will simply revert to

its statutory requirements to appoint Substitute Members from within the same political group.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		As set out in the report.
Financial implications to include reference to value for money		Substitute Members are able to claim for travel and subsistence in accordance with the adopted Scheme of Members' Allowances.
Risk		Section 3 above refers.
Supporting Corporate Strategy		N/A
Climate Change - Carbon / Biodiversity Impact		None
Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

Supporting Information

Appendices:

A – generic report produced by Somerset Council on the proposed withdrawal and dissolution of the Heart of the SW Joint Committee

Background Papers:

The Council Constitution

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Proposed withdrawal and dissolution of the Heart of the South West Joint Committee

Summary

1. This report follows a steer from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee (the Joint Committee).
2. The proposals in this report specifically relate to the Joint Committee's governance arrangements only and do not cover the HotSW Local Enterprise Partnership or the associated HotSW Joint Scrutiny Committee.

Background

3. In 2015 the HotSW partnership (17 local authorities, two National Parks, the LEP and three clinical commissioning groups) submitted a devolution "statement of intent" to Government and began negotiations about a devolution deal. However, following the EU referendum in 2016, devolution was no longer a government policy priority and the HotSW partnership developed a Productivity Strategy. In March 2018 the partnership formalised the arrangements to establish the HotSW Joint Committee. Following the establishment of Somerset Council, the HotSW Joint Committee Constituent Authorities are now:
 - Dartmoor National Park Authority
 - Devon County Council
 - East Devon District Council
 - Exeter City Council
 - Exmoor National Park Authority
 - Mid Devon District Council
 - North Devon Council
 - Plymouth City Council
 - Somerset Council
 - South Hams District Council
 - Torbay Council
 - Teignbridge District Council
 - Torridge District Council
 - West Devon Borough Council

The Heart of the SW LEP and the NHS are co-opted members of the HotSW Joint Committee.

4. The Joint Committee was seen a partnership vehicle to provide a single forum for local authority engagement with the Heart of the South West Local Enterprise Partnership and Government.

The specific objectives of the HotSW Joint Committee in its Terms of Reference are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
 - (b) Increase our understanding of the economy and what needs to be done to make it stronger;
 - (c) Improve the efficiency and productivity of the public sector;
 - (d) Identify and remove barriers to progress and maximise the opportunities / benefits available to the area from current and future government policy.
5. Since its inception, the Joint Committee's work has worked on issues covering the HotSW area as a whole such as: Local Industrial Strategy, Coastal Productivity Plan, Housing Task Force and regional imbalances.
 6. The Joint Committee currently has a meeting cycle of two formal meetings a year and it is directly supported by Somerset Council.

The case for change

7. Changes in Government policy over the last five years, the development of the Devon, Plymouth and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the Joint Committee has largely been superseded and other partnership arrangements between the Constituent Authorities can deliver their aims with reduced duplication.
8. In relation to withdrawal from/dissolution of the Joint Committee, the inter-authority agreement states that:

- *A Constituent Authority wishing to withdraw from the Joint Committee shall give a minimum of 6 months' notice in writing to the other Constituent Authority via the Administering Authority. The Constituent Authorities shall co-operate with any such request.*
 - *If two or more Constituent Authorities give notice of withdrawal from membership of the Joint Committee in the same Financial Year, the Joint Committee shall consider and make recommendations to the remaining Constituent Authorities as to the future operation of the Joint Committee and, if appropriate, recommend any necessary amendments required to the Joint Committee's functions and operating arrangements.*
 - *Where a majority of the Constituent Authorities at any time agree (via formal resolutions) that the Joint Committee should be dissolved or terminated on a specified date then the Joint Committee shall cease to exist from that date.*
9. In December 2022, the scheduled meeting of the Joint Committee was adjourned as it was not quorate due to low attendance by Constituent Authorities. On 27 October 2023, the scheduled meeting of the Joint Committee was also not quorate and able to proceed due to only four of the fourteen Constituent Authorities attending the meeting.
10. It is likely that proposals will be brought forward during November and December 2023 by a majority of the Constituent Authorities for their councils to agree to serve notice and recommend the dissolution of the Joint Committee on 31 December 2023.
11. **Recommendations**

That the Executive recommends to the Council that it agrees to serve notice of its withdrawal and that the Heart of the South West Joint Committee be dissolved on 31 December 2023.

Reasons for recommendations

- 12 Changes in Government policy over the last five years, the development of the Devon, Plymouth and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the HotSW Joint Committee has largely been superseded and other existing partnership

arrangements between the Constituent Authorities can deliver their aims. The HotSW Joint Committee is therefore considered to be superfluous and not adding value to the Constituent Authorities.

Other options considered

- 13 The alternative option is that the Council does not agree to serve notice and continues to be a member of the Joint Committee. However, if the majority of Constituent Authorities serve notice then the Joint Committee will be automatically dissolved. As stated previously it is considered that the Joint Committee is superfluous and adds duplication to existing arrangements.

Financial and Risk Implications

- 14 The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme. Joint Committee members' costs and expenses are funded and administered by each respective Constituent Authority.
- 15 The Administering Authority (Somerset Council) holds the balance of contributions from the Constituent Authorities. The current unallocated balance is £ 43,009. If the Joint Committee is dissolved, then any outstanding balance would be returned proportionally to each of the Constituent Authorities on the same percentage basis that they made contributions.
- 16 The key risk is continuing with the Joint Committee and duplicating the work of existing partnership arrangements without adding any value. The recommendations in this report mitigate that risk.

Likelihood	4	Impact	3	Risk Score	12
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Legal Implications

- 17 The HotSW Joint Committee is established under Sections 101 to 103 of the Local Government Act 1972.
- 18 The review of the role and functions of the Joint Committee has taken account of the legal framework within which the Joint Committee operates. The

proposed recommendations are in accordance with the Inter-Authority Agreement.

HR Implications

19 There are no HR implications in agreeing these proposals.

Other Implications:

Equalities Implications

20 No specific equalities implications have been identified in relation to the proposed recommendations.

Community Safety Implications

21 No specific implications have been identified in relation to the proposed recommendations.

Climate Change and Sustainability Implications

22 No specific implications have been identified in relation to the proposed recommendations.

Health and Safety Implications

23 No specific implications have been identified in relation to the proposed recommendations.

Health and Wellbeing Implications

24 No specific implications have been identified in relation to the proposed recommendations.

Social Value

25 The decision is not related to a procurement process.

Scrutiny comments / recommendations:

- 26 The proposed decision has not been considered by a Scrutiny Committee but all elected members will have the opportunity to consider the proposals if the Executive recommend them to Full Council for approval.

Background Papers

Heart of the South West Joint Committee – establishment report to all Constituent Authorities in November and December 2017

Heart of the South West Joint Committee Governance Arrangements – 27 September 2019 and Budget Update report in October 2020

Heart of the South West Constitution and Inter-Authority Agreement

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 13 September 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
∅	Cllr L Bonham	∅	Cllr D O'Callaghan
∅	Cllr J Carson	*	Cllr G Pannell (for 6(b),(c),(d),(e) and (f) only (Minute DM.22/23 refers)
*	Cllr J M Hodgson	*	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chairman)

Other Members also in attendance:

Cllr D Thomas, Cllr L Bonham (on MS Teams), Cllr Tom Edie (on MS Teams), Cllr Brazil, Cllr Lawford and Cllr Dennis

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principal Planning Officers; relevant Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer; landscape specialist, DCC Highways Officers

DM.19/23

MINUTES

The minutes of the meeting of the Committee held on 26 July 2023 were confirmed as a correct record by the Committee.

DM.20/23

DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(a) and (b) (minute DM.22/23(a) and (b) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of these applications.

DM.21/23

PUBLIC PARTICIPATION

The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.22/23

PLANNING APPLICATIONS

The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils,

together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

6a) 0915/22/FUL "Land off Bantham Beach Road", Bantham Parish: Thurlestone

Development: READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, and ANPR system on the beach road and car park.

Case Officer Update: The Case Officer summarised the key issues, namely that:

Principle/justification for the development in the AONB, Undeveloped and Heritage Coast and outside the settlement boundary identified in the Neighbourhood Plan (NP):

- TTV26, DEV24, DEV25 of the JLP. TP2 of the NP.
- Section 1.0 of the Officers Report considers the principle of development and concludes that Officers consider such to be acceptable.

Landscape character and appearance within the Undeveloped Coast and South Devon AONB:

- DEV20, DEV23, DEV24, DEV25 of the JLP and TP1 and TP22 of the NP.
- Following revisions to the proposals to ensure that the development provides both landscape mitigation and enhancement measures, no objections were raised from the Landscape Officer, subject to conditions to secure full landscape details and levels. It was considered that the proposed development would conserve and enhance the character and appearance of the area.
- AONB Unit agree with comments from the Landscape Officer.

Heritage Impacts – including impacts on the setting of heritage assets, including Listed Buildings and areas of archaeological interest, including Bantham Ham Scheduled Ancient Monument:

- DEV 21 of the JLP and TP21 of the NP.
- Historic England raised no objections.
- DCC Historic Environment Officer and SHDC Heritage Officer raised no objections, subject to conditions being imposed.

Following matters were also considered as set out in the officer's reports. It was considered that the impacts of the proposed development were acceptable in relation to such matters subject to conditions being imposed:

- Neighbour amenity
- Highways impacts
- Drainage
- Ecology/Trees
- Low Carbon Development

In response to questions, the Officer reported that:

- The sewage treatment plant would serve the village, the estate office and the Sloop Inn;
- The car park includes 42 spaces and privately owned;
- The Committee could consider a light reduction condition on the toilet block;
- The landscaping scheme included trees and hedges that would be retained;
- The car park was currently used by local residents, mooring holders and estate office;
- It was difficult to calculate the number of informal parking spaces along the verge.

Speakers were: Objector – None, Supporter – Mr Philip Frithz, Parish Council – Cllr Lewis, Ward Members – Cllrs M Long and S Dennis.

In response to questions raised, the supporter reported that:

- Cycle racks could be considered;
- The car park was for use by the residents, mooring holders and the estate office but was unsure on how many permits had been issued;
- The toilet block would be locked on closure and lighting turned off;
- The pay stations would be well distributed across the entirety of the car park;
- They would ensure all previous conditions would be addressed;
- They were unable to respond to whether a management strategy would cover the loss of verge parking that was currently used by members of the public;
- The car park would be for residents only and not for use by members of the public;
- The removal of the verge side parking mitigated the increase in car parking spaces.

Highways reported that there were parking restrictions in place on the road leading to the private land.

In response to questions, the Parish Council reported that:

- The verge side has been used for parking for 50 years;
- They support the need for a refurbished toilet block but questioned whether internal showers were required and the increase in size of 66%.

The Ward Member asked Members to give serious consideration to the policies in place, Neighbourhood Plan and comments received and the potential impact to the area and the village.

During the debate, Member raised concerns on parking in particular the loss of verge parking for members of the public and the impact this would have on village and local businesses. Another Member felt that because

this was a private estate would go with the officer's recommendation. Another Member saw the need for improvements to the toilet block, however the Parish Council raised concerns on size and the need for internal showers, they also felt dissatisfied with the 4 applications bundled together and car parking a major issue and went against policies such as Better Lives for All.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management to agree the reasons for refusal with the Chair, Vice-Chairman, Cllr Long (Proposer) and Cllr Hodgson (Seconder), contrary to DEV25, does not protect the landscape and DEV15, potential impact to local businesses, surfers and visitors.

**6b) 2227/23/HHO 16 Meadcombe Road, Thurlestone
Parish: Thurlestone**

Development: Householder application for removal of part first floor balcony & replace with proposed first floor master bedroom extension & reinstate existing integral garage (resubmission of 1608/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Potential overbearing,
- Neighbour amenity,
- Loss of visual gap within the streetscene.

A further letter of representation was received but did not raise any new material considerations.

In response to questions raised, the Officer reported that:

- the objections from neighbours related to overbearing and dominance;
- the report included comparisons with the previous schemes.

Speakers were: Objector – Mr M Hodges, Supporter – Mr P Thomas, Parish Council – Cllr G Stone, Ward Member – Cllr M Long.

The Ward Member brought this to Committee following objections from the neighbours and Parish Council. They did not have anything further to add and asked the Committee to ascertain whether this was acceptable.

During the debate, Members were mindful of the comments from the Parish Council and neighbours, however the officer made valid points regarding the extension and balcony. Another Member felt this would be overbearing.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Materials to match existing
4. Adherence to ecological mitigation
5. EV charger to be installed prior to usage of garage
6. Obscure glazing to balcony
7. No additional windows to west elevation
8. Landscaping condition (prior agreement with applicant obtained)
9. Flat roof not to be used as a terrace
10. Removal of PD rights for garage conversions

**6c) 1933/23/HHO "Sea Haven", Ringmore Drive, Bigbury
On Sea
Parish: Bigbury**

Development: Householder application for proposed renovations & extensions to dwelling, construction of a replacement garage & a new games room (resubmission of 0104/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Scale of garage;
- Front planting scheme;
- Inadequate parking/turning;
- Scale/overlooking of/from games room;
- Overlooking from dormers/balcony;
- Raising ridge height (views/over dominance);
- Increase in footprint.

The Officer reported that:

- The image of the garage was not to scale however, the measurements met the requirements for a double garage;
- The Games Room would have an on-suite shower room to be used for incidental use and no overnight accommodation;
- Removal of any asbestos would be covered by building regulations;
- The replacement of lost planting in the front garden could be dealt with by a landscape condition;
- The distance between road and boundary road was 2 meters.

Speakers were: Objector – None, Supporter – Mr R Baird, Parish Council – Cllr V Scott, Ward Councillor – Cllr B Taylor.

The Ward Member brought this to Committee following concerns from neighbours on the utility and scale of the garage.

During the debate, some Members were happy to support this application as this was modernisation of an old property. Other Members had concerns on the impact and size of the garage and closeness to the road. Another Member felt that the garage did appear large but having viewed from the northern property could view from a low level the Pilchard Inn.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management to include a revised plan showing EV charging points.

Conditions:

1. Standard time limit
2. Adherence to plans
3. Prior to Commencement: Construction Management Plan
4. Materials to match
5. Adherence to ecological mitigation
6. Games room be used incidental to main house
7. Garage to be retained for parking of motor vehicles
8. Landscaping strategy to be agreed with LPA prior to construction of garage
9. Boundary Planting to be retained
10. Adherence to surface water drainage plan
11. No additional openings to games room
12. No additional openings to garage
13. No external lighting
14. Natural Slate

**6d) 3993/22/FUL "Briar Hill Farm", Court Road, Newton Ferrers
Parish: Newton and Noss**

Development: Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle/justification for the development;
- Landscape character and appearance with the Undeveloped Coast and South Devon AONB;
- Demand vs need;
- Policies require proposal to meet an “essential local need” in “exceptional circumstances”;
- Viability of existing business;
- No landscape objection on the basis the proposal meets the above policy tests.

The officer read out a statement from the agent, however this did not change the overall view.

In response to questions, the officer reported that:

- It was quite common for the landowner to sell the lodges and the council could not prevent this;
- The water drainage scheme would be delegated to the officer to seek to resolve matters;

Speakers were: Objector – Mr R Forrester, Supporter – Mr M Evans, Parish Council – Cllr P Hinchliffe, Ward Councillor – Cllr D Thomas.

In response to questions, the supporter reported that:

- The lodges would not necessarily be sold off and letting was more financially viable;
- The waste on the site if permission granted would be used in a sustainable way for the new lodges;
- They were not aware of a construction management plan being in place;
- The lodges would be located behind the dark green hedges.

In response to questions, the Parish Council reported that:

- They would be reviewing the neighbourhood plan and review the settlement boundary;
- They were aware of the need to support local businesses but were mindful of the boundary position;
- The Parish Council undecided on this application.

The Ward Member reported this was unique and looking at 2 things: supporting local businesses versus the settlement boundary. Already exists outside the settlement boundary and needs further support to make more viable. The Parish Council were reviewing their Neighbourhood Plan and asked the Committee to make a determination.

During the debate, Members referred to what was seen as exceptional and refers to whether they have seen a good demonstration of building meeting sustainable needs and could not see that this was adding anything beneficial.

Recommendation: Refusal

Committee Decision: Refusal

**6e) 2215/23/FUL "Western Barn", Manorick Farm, Hooe Lane, Staddiscombe
Town: Wembury**

Development: Conversion of barn to dwelling including rebuild of stone wall (part retrospective)

The Case Officer: The Case Officer summarised the key issues, namely that:

- Previous application 3490/18/FUL was no longer extant;
- Historical value has been lost and no historical justification for new building on site;
- Location was contrary to strategic policies of JLP – has poor accessibility and occupiers would be reliant on a car;
- Contrary to policies SPT1, SPT2, TTV1, TTV2, DEV24 and TTV26;
- Drainage Officers have objected to the scheme due to insufficient information, contrary to DEV 35.

In response to questions, the officer reported that:

- A structural survey were submitted as part of previous work undertaken, however there were complications on site during the conversion;
- The service water and drainage information not discharged and new strategy would be submitted as part of this scheme.

Speakers were: Objector – None, Supporter – Miss W Veale, Parish Council – statement read by the Clerk, Ward Member – Cllr A Nix.

The Ward Member reported on the inconsistencies between the previous approval and this report which now states this building being isolated. Wembury Parish Council do not have a local plan but do support whole heartedly the bringing back of this building for local people to live in the local area. The building was well known landmark and a heritage asset. This was a historical asset to the area and ecology concerns would be addressed and was a sustainable development that met local housing need.

During the debate, one Member had concerns for people wanting to preserve historical building and risks involved. Other Members felt that it was important to support builds like this.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management on the basis principle of development in this location, the

development does not cause material harm and unilateral undertaking, Tamar Estuaries contribution and subject of receipt drainage scheme and conditions agreed with Chairman and Vice-chairman.

**6f) 1522/23/FUL Land At Sx 776 496 Higher Poole Farm",
East Allington
Parish Council: Allington and Strete**

Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

The Case Officer: The Case Officer summarised the key issues, namely that:

Agricultural Need:

- 3.65 acres of pastureland – 40 pigs, 42 sheep, 270 chickens;
- Original application reviewed by Council's Agricultural Consultant;
- Accepted building was needed for 'husbandry requirements and welfare management of livestock on site';
- Noted expressed location and potential for extreme weather;
- Supportive of need for the building, noted siting would be better closer to the access.

Visual Impact:

- Building has modern agricultural character;
- Fairly typical structure in agricultural setting;
- Sited alongside boundary hedging to reduce impact;
- Not significantly more elevated than approved location.

Summary:

- Principle of building and agricultural need had been established;
- New location more in keeping with advice from agricultural consultant;
- Design acceptable given use of building;
- Conditions can restrict use and landscape impact;
- S106 ensures only one building would be on site.

In response to a question raised at the site visit, it was reported that public footpaths were quite some distance from the application site.

Speakers were: Objector – None, Supporter – Mrs K Parsons, Parish Council – None, Ward Member – Cllr L Lawford.

In response to questions raised the Supporter reported that the increased rooflights in the barn provided more natural light for the chickens.

The Ward Member reported that the Parish Council had concerns with the application and had opposed the previous application. They raised concerns on the size and the visual impact of the barn on the higher

ground. Sympathetic planting may mitigate this and if Members were to support this application to include conditions to remove the other buildings on site and a Landscape Management Plan.

During the debate, one Member raised that the Agricultural Consultant felt the position of the barn was in a better location and to include conditions on landscaping and the removal of outbuildings. Another Member felt that it was important to make the process easier for future applications.

Recommendation: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission.

Committee decision: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission and to include the submission of a Landscape Plan and confirmation of existing buildings on site.

Conditions:

1. Accord with plans
2. Agricultural use only
3. Remove when no longer required
4. No external lighting
5. Drainage

DM.23/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.24/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.03 am with a break at 13.45 pm and 15.47pm. Meeting concluded at 17.24pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 13 September 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0915/22/FUL	"Land off Bantham Beach Road", Bantham	Refused	Cllrs Allen, Hodgson, Nix, Pannell, and Taylor (5)	Cllrs Abbott and Rake (2)		Cllrs Bonham, Carson, McKay, O'Callaghan and Pannell (5)
2227/23/HHO	16 Meadcombe Road, Thurlestone	Conditional Approval	Cllrs Abbott, Hodgson, Nix, Pannell, Rake and Taylor (6)	Cllrs Allen and Long (2)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
1933/23/HHO	"Sea Haven", Ringmore Drive, Bigbury On Sea	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell and Rake (7)	Cllr Taylor (1)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
3993/22/FUL	"Briar Hill Farm", Court Road, Newton Ferrers	Refused	Cllrs Hodgson, Long, Pannell and Taylor (4) Chair used casting vote	Cllr Abbott, Allen, Rake and Nix (4)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
2215/23/FUL	"Western Barn", Manorick Farm, Hooe Lane, Staddiscombe	Approved	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell, Rake and Taylor (8)			Cllrs Bonham, Carson, McKay and O'Callaghan (4)
1522/23/FUL	Land At Sx 776 496 Higher Poole Farm", East Allington	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell, Rake and Taylor (8)			Cllrs Bonham, Carson, McKay and O'Callaghan (4)

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD**

HELD AT CLIFF HOUSE, SALCOMBE, ON MONDAY, 18 SEPTEMBER 2023

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr L Bonham	*	Ms K Allen
∅	Cllr S Dennis	∅	Mr P Brown
*	Cllr M Long (Chairman)	*	Mr A Owens
*	Cllr J McKay	∅	Mr C Plant
		∅	Mr I Shipperley
		*	Mr I Stewart

Other Members in attendance and participating:

None

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Director of Place & Enterprise; Salcombe Harbour Master; Head of Finance; Principal Civil Engineer; Deputy Harbour Masters; and Democratic Services Manager

SH.1/23 WELCOME AND INTRODUCTIONS
 Since this was the first Board meeting following the May 2023 local elections, the Chairman welcomed Cllrs Bonham and McKay and Ms Allen to their first formal meeting following their respective appointments.

SH.2/23 APOLOGIES FOR ABSENCE
 It was noted that apologies for absence for this Board Meeting had been received from Cllr Dennis and Messrs Owens, Plant and Shipperley.

SH.3/23 MINUTES
 The minutes of the Salcombe Harbour Board meeting held on 20 March 2023 were confirmed as a true and correct record.

SH.4/23 URGENT BUSINESS
 There were no items of urgent business raised at this meeting.

SH.5/23 CODE OF CONDUCT DISPENSATIONS
 In accordance with the adopted Members' Code of Conduct, it was noted that the payment of Harbour Dues constituted a contract with South Hams District Council. As a result, this matter should be declared by Members as a 'Disclosable Pecuniary Interest' (DPI).

Since a number of Board Members were in the position of paying Harbour Dues, it was noted that the Council's Monitoring Officer (Chief Legal Officer) had granted a dispensation to each of these Members to enable them to take part in the debate and vote on related matters at Board meetings (in accordance with Paragraph 8.1(c) of the Members Code of Conduct). The granting of this dispensation would ensure that Board meetings were quorate and able to proceed and these would be in place until the date of the South Hams District Council Annual Council meeting to be held on 16 May 2024.

SH.6/23 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following was made:

Cllrs Bonham, Ms Allen and Mr Stewart each declared a Disclosable Pecuniary Interest in all related agenda items by virtue of paying harbour duties. As set out earlier in this meeting (Minute SH.3/23 above refers), the Monitoring Officer had granted each of these Members a dispensation and they were therefore able to take part in the debate and vote on any related matters.

SH.7/23 **PUBLIC QUESTION TIME**

In accordance with the Public Question Time Procedure Rules, there was no questions raised at this Meeting.

SH.8/23 **FEEDBACK FROM HARBOUR COMMUNITY FORUMS**

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

Whilst the composition of the Board had changed, the Board Chairman confirmed that he was happy to remain as its SKECF representative.

South Devon & Channel Shellfishermen

The representative advised that the Shellfishermen were generally content and the industry had experienced a good summer season.

Kingsbridge and Salcombe Marine Business Forum

It was agreed that Ms Allen would become the Board representative on the Business Forum.

By way of a general update, it was noted that, largely because of the poor summer weather, tourism footfall in Salcombe had been as much as 40% lower than in previous years.

Kingsbridge Estuary Boat Club (KEBC)

It was noted that the Club and the Harbour Authority enjoyed a very positive working relationship and the Harbour Master put on record how much he valued the support that was given by the Club.

East Portlemouth Parish Council

The lack of recent feedback from the Parish Council was highlighted and the merits of retaining it as a 'Community Forum' were therefore questioned. As a result, it was agreed that contact would be made with the Parish Council before a view was taken over whether or not it should be retained.

SH.9/23

2022/23 YEAR END FINANCIAL REPORT

The Board considered a report that advised of the Harbour's final trading position in 2022/23 together with details outlining the main variations from the originally approved Budget. The report also set out a summary of Harbour Reserves and an analysis of the payments that were made between Salcombe Harbour and the District Council during 2022/23.

In discussion, particular reference was made to:

- (a) the 'miscellaneous' heading in the Revenue Outturn. For clarity, the Head of Finance advised that examples of expenditure that fell within this heading were: conference expenses; legal fees; contributions to the Area of Outstanding Natural Beauty (AONB) unit; and the Special Responsibility Allowance that was entitled to be claimed by the Board Chairman;
- (b) inclusion of published appendix 3: 'Payments between Salcombe Harbour and South Hams District Council'. Members welcomed inclusion of published appendix 3 and felt that this added value to the Year End report.

It was then:

RESOLVED

1. That the income and expenditure variations for the 2022/23 Financial Year and the overall trading surplus of £156,524 be noted, with the surplus being allocated to the Harbour's General (Revenue Account) Reserve; and
2. That the payment of merit pay to the Harbour Staff of up to £8,000 (to be funded from the Harbour's General (Revenue Account) Reserve) be supported.

SH.10/23

2024/25 BUDGET

The Board considered a report that proposed the Salcombe Harbour Authority budget for 2024/25 and provided a budget forecast for 2023/24.

In discussion, particular reference was made to:-

- (a) the proposed Fees & Charges Workshop. Due to being interlinked, a Member questioned as to how the Council could recommend approval of its Budget for 2024/25 at this meeting without making a series of recommendations on its Fees and Charges at the same time.

In response, officers advised that, once the Budget was set, it would then be a matter for the Board to consider its Fees and Charges to fund the identified budget deficit for 2024/25 (£77,000) and thereby achieving the overall objective of a balanced budget.

To provide greater clarity, an amended recommendation 1 was therefore **PROPOSED** and **SECONDED** to read as follows:

'That the proposed 2024/25 Budget (as set out within the published agenda report) be approved, with it being noted that the detailed means of closing the Budget deficit (identified as being £77,000) will be considered by the Board at its next meeting (to be held on 13 November 2023).'

Regarding the date (and time) for the Board Workshop to be held, it was agreed that this should take place during week commencing 16 October 2023 and the Harbour Master was tasked with establishing the most convenient date and time following this Board meeting;

- (b) the total cost of replacing the moorings barge. When questioned, the Harbour Master estimated that a replacement moorings barge would cost in the region of up to £750,000. Once the Batson Project had been completed, the Harbour Master stated that it would be then his intention to produce a report for consideration at a future Board meeting.

It was then:

RECOMMENDED

That the Board **RECOMMEND** that the Executive **RECOMMEND** to Full Council that:

1. the proposed 2024/25 Budget (as set out within the published agenda report) be approved, with it being noted that the detailed means of closing the Budget deficit (identified as being £77,000) will be considered by the Board at its next meeting (to be held on 13 November 2023); and
2. £150,000 be transferred from the Harbour's General (Revenue Account) Reserve to the Renewals Reserve as part of closing the 2023/24 Accounts, with this funding being earmarked to support the cost of replacing the moorings barge.

SH.11/23

HARBOUR MASTER'S REPORT

The Harbour Master presented a report that provided an update on a number of recent issues that had affected the Harbour. In particular, the report provided specific updates on service performance, major projects and any other issues that impacted upon the Harbour.

In discussion, the following points were raised:-

- (a) Given the number of fuel thefts from the overflow pontoon, the Harbour Master confirmed that potential preventative measures would be given further consideration over the winter months;

- (b) With regard to water quality monitoring, Members noted the intention for a standalone agenda item on this issue to be included on the agenda for the Harbour Board meeting to be held on 13 November 2023;
- (c) Members welcomed receipt of the incident log (as detailed at Appendix 3 of the published agenda report). In emphasising its particular importance, Members asked that safety be given consideration at the Board Workshop during week commencing 16 October 2023 and, for future incident logs, these be divided between 'human' and 'vessel' safety and placed at the top of the document;

It was then:

RESOLVED

That the Board note and endorse the contents of the Harbour Master's report.

SH.12/23

PROJECTS UPDATE – VERBAL REPORT

In providing an update to the Board, the Principal Civil Engineer advised that:

- we were reaching the conclusion of what had been a prolonged (and particularly resource intensive and testing) process to deliver the Commercial Units and Harbour Depot projects;
- having been completed in May 2023, five tenants had signed up for the Commercial Units, three of which were already in their units and content with their premises;
- the handover date of the Depot was envisaged to be 28 September 2023. The Engineer thanked the Harbour Authority and Board for their patience and was of the view that the completed facility looked excellent and, whilst there had been significant project delays, it had been finalised within the approved project budget. The Engineer also confirmed that financial penalties had been applied to the Contractor;
- there had been a number of lessons learned through the progression of both projects;

Following the update, the Board wished to put on record its thanks to all lead officers who had been so instrumental in delivering these projects.

SH.13/23

MARINE DECARBONISATION – VERBAL UPDATE

In providing an update, the Board noted that:

- a Marine Decarbonisation Officer was now within the employ of the Council;
- representatives from the University of Plymouth had undertaken water and ecology tests in the Harbour;
- a Marine Economy Study was intended to be carried out during February 2024;
- works being underway to establish the carbon footprint of the Harbour;
- an electric vessels project also being underway.

In conclusion, given both the amount of work ongoing and the global emphasis on the Climate Change and Biodiversity agenda, officers committed to providing regular progress updates to the Board.

(Meeting commenced at 2:30 pm and concluded at 4.20 pm)

Chairman

**MINUTES OF A MEETING OF THE AUDIT AND GOVERNANCE COMMITTEE
 HELD IN THE COUNCIL CHAMBER, FOLLATON HOUSE, PLYMOUTH ROAD,
 TOTNES ON THURSDAY, 28 SEPTEMBER 2023**

Members in attendance			
* Denotes attendance			
Ø Denotes apology for absence			
*	Cllr L Bonham (Chairman)	*	Cllr C Oram
*	Cllr S Dennis	*	Cllr A Presswell
*	Cllr D Hancock	*	Cllr S Rake
*	Cllr A Nix (Vice-Chairman)	Ø	Cllr G Yardy

Member(s) also in attendance:
Cllrs Abbott, Brazil, Hopwood, Pannell and Thomas

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Director – Strategy & Governance; Head of Finance; Senior Democratic Services Officer; Internal Audit Manager; Grant Thornton – Key Audit Manager

AG.14/23 MINUTES

The minutes of the Audit and Governance Committee meeting held on 27 July 2023 were confirmed as a true and correct record.

Reference was made to Totnes Market, Kingsbridge Market and Dartmouth Market to be included as part of the Audit Report.

AG.15/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

AG.16/23 GRANT THORNTON (EXTERNAL AUDIT) REPORT

The Committee considered a paper from Grant Thornton that provided a progress update on delivering their responsibilities as the Council’s External Auditors.

In discussion, particular reference was made to:

- (a) Backlog of auditing of accounts across local government and it was reported they were on track to review the SHDC accounts in November and report back to Committee in March 2024; This revised earlier timescale was welcomed by the Chairman.
- (b) The introduction of statutory deadlines for accounts and audits or “backstop” requires legislative changes and would come into effect end of September 2024. Grant Thornton confirmed that previous

years' audits had all been signed off for South Hams with unqualified audit opinions and therefore there would be no backstop arrangements in South Hams (and previous years' audits would not be qualified as there is no backlog of Accounts to be signed off in South Hams).

It was then:

RESOLVED

That the contents of the Grant Thornton (External Audit) Report be noted.

AG.17/23 UPDATE ON THE 2023-24 INTERNAL AUDIT REPORT AND INTERNAL AUDIT CHARTER AND STRATEGY

The Leader presented a report which sought to provide Members of the principal activities and findings of the Council's Internal Audit Team.

It was highlighted that the Internal Audit Charter and Strategy were not included in the agenda pack and would be re-submitted at the next meeting.

In discussion, particular reference was made to:

- (a) The grant scheme related to the £150 energy rebate support for residents and undertook a post payment assurance on our procedures;
- (b) They were aware of the issues with the contractor at the Batson Development but would need to investigate this further to provide more detail;
- (c) Devon Building Control Partnership (DBCP) have been made aware that there was no process in place to make a complaint or comment;
- (d) Food Standards backlog following post covid and staff focussed on other areas of work. An additional officer recruited, and further officer trained to address the high-risk food premises by the end of this financial year and was supported by the FSA;
- (e) The higher insurance was predominately related to bringing the waste service back in-house. The claims mainly related to the waste vehicles and SHDC also has responsibility for the harbour and higher level of assets and buildings than WDBC. They were looking to renew the current arrangements in December and would be undertaking a fuller retender in the summer. Also looking at cyber insurance cover which was extremely expensive or to self-insure;
- (f) Regarding travel claims, the employee has to self-certify and attach a petrol VAT receipt – further checking of whether a receipt has been attached to every claim;
- (g) Members have direct access to the internal audit team – The Leader highlighted a specific change on a S106 agreement which he felt was of concern. Changes will be made to the process and the constitution is already being looked at.

It was then:

RESOLVED

Progress made against the 2023/24 internal audit plan, and any key issues arising are noted and approved.

It was **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED** that:

The Committee request Internal Audit to investigate the processes around S106, in particular to review the delegated authority and to provide recommendations.

AG.18/23 **INTERNAL AUDIT RECOMMENDATIONS TRACKER**

Members considered a report that sets out the update on progress against Internal Audit recommendations since 2021.

In discussion, it was raised whether any consideration would be made into writing off the 38 recommendations in progress from 2021? It was reported that this Committee would be asked to agree an extension or challenge officers on the status of these recommendations. A report in 6 months to include the reduced number of higher risks and older risks that were either implemented and following a further audit could become redundant and therefore removed.

It was then:

RESOLVED

The Audit and Governance Committee noted the progress against implementation of Internal Audit Recommendations as set out in this report, and

Internal Audit Recommendations Tracker Report to be brought to the Committee in March 2024, which should exclude older risks that have been superseded or resolved by subsequent action, but should include a target completion date where actions have not been started or are in progress and late.

AG.19/23 **FREEMPORT TASK AND FINISH GROUP**

The Chair reported that two meetings had taken place and a further meeting for officers and members of task and finish to provide feedback on the draft report. The report would go to the Executive on 30th November.

AG.20/23 **ANNUAL TREASURY MANAGEMENT REPORT 2022/23**

Members considered a report that set out the Council's annual Treasury Management performance for 2022/23. In addition, the report sought approval of the actual 2022/23 prudential and treasury indicators.

In discussion, Members sought reassurance that investments supported

the council's priorities and the importance of attending the Treasury Management training. It was also highlighted that the treasury management strategy is considered first by the Audit and Governance Committee, who make a recommendation to Full Council.

It was then:

RESOLVED

That the Audit Committee:

1. Approved the actual 2022/23 prudential and treasury indicators in this report.
2. Noted the Annual Treasury Management report for 2022/2023 and the additional investment income generated in the year of £1.02m as shown in 1.1.

AG.21.23 SUNDRY DEBT

Consideration was given to a report that provided Members with an update of the position with regard to Sundry Debt.

In discussion, a Member raised the debt outlined in agenda item 8 and it was highlighted that this related to Sundry Debt only. The Committee requested that Members receive a report on overall debt levels.

It was then:

RESOLVED

That the position in relation to Sundry Debt be noted and that Members receive a report on overall debt levels in due course.

AG.22.23 BUILDING MAINTENANCE PROGRESS UPDATE

Lead Executive Member for Community Services, Operations and Leisure introduced the report which provided an overview of the key actions being undertaken to address the areas of concern highlighted in the previous internal audit reports.

In discussion, the following points were raised:

- (a) The team were working on the Estate Management IT system (Concerto) to make it more accessible for all Members;
- (b) Not all bins and memorial benches have been mapped;
- (c) That a training session be arranged for Members;
- (d) Internal audit follow up work would be deferred until work completed in quarter 1 next year.
- (e) The Leader stated the need for an Asset Management Plan to be considered by the Executive, as highlighted by previous internal audit reports.

It was then:

RESOLVED

That the Audit and Governance Committee:

1. Noted the work being undertaken to address the Audit reports.
2. Agreed to defer the follow up audit from 2023-24 to Quarter 1 of 2024/25 to allow this work to complete.

AG.23.23 **AUDIT COMMITTEE WORKPLAN AND DATES OF FUTURE MEETINGS**

Members were presented with the latest version of the Committee Work Programme and noted its contents.

In discussion, particular reference was made to:

- (a) Treasury Management agenda items to be moved to March to allow Members to attend the Treasury Management Training;
- (b) Freeport Task and Finish Terms of Reference to be amended to reflect the report to go direct to the Executive on 30 November 2023;
- (c) Terms of Reference for the St Anns Chapel Task and Finish Group to be agreed at the December Meeting for work to start in January onwards. Cllr Hancock, Cllr Nix, Cllr Oram and Cllr Presswell offered to be on the Task and Finish Group, with Cllr Hancock taking the lead.

It was then:

RESOLVED

That the Committee Workplan 2023/24 (as set out within the published agenda papers) be updated to include:

- A verbal update on Totnes Market – December;
- Internal Audit Charter and Strategy – December;
- Move Treasury Management agenda items to the March meeting;
- St Anns Chapel Terms of Reference – December;
- Informal meeting to review the format of the Annual Statement of Accounts – January; and
- December and March meetings moved and would now take place on 14 December 2023 and to 28 March 2024.

AG.24.23 **INVESTMENT PROPERTIES – UPDATE AND MONITORING REPORT**

The Committee was provided with the financial information in respect of the Investment Property portfolio to date.

In discussion, the following points were raised:

- (a) Any investment made would be agreed by Members at Full Council;
- (b) The strategy that supports this report would be helpful for Members as a background document – to be attached in future reports as an Appendix;

It was then:

RESOLVED

That the Committee note the 31 March 2023 valuation figures of the Council's two Investment Properties and the rental income being received.

(Meeting commenced at 9:30 am and concluded at 12.36 pm)

Chairman

**MINUTES of the MEETING of the
OVERVIEW & SCRUTINY COMMITTEE,
Held in the Council Chamber, Follaton House, Totnes, on
THURSDAY, 5 October 2023**

Panel Members in attendance:			
* Denotes attendance		Ø Denotes apology for absence	
*	Cllr B Cooper (Vice-Chairman)	Ø	Cllr S Jackson
*	Cllr S Dennis	Ø	Cllr L Lawford
*	Cllr A Dewynter	Ø	Cllr P Munoz
*	Cllr N Dommett	*	Cllr S Penfold
*	Cllr T Edie	*	Cllr A Presswell
*	Cllr J Hawkins (Chairman)	Ø	Cllr M Steele
*	Cllr G Yardy (substituting for Cllr Lawford)		

Other Members also in attendance either in person or via Teams:
Cllr Brazil and Cllr Steele (on MS Teams)

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Director of Strategy and Governance, Principle Housing Officer and Senior Democratic Services Officer

O&S.07/23 MINUTES

The minutes of the meeting of the Overview and Scrutiny Committee held on 20 July 2023 were confirmed as a correct record.

O&S.08/23 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

O&S.09/23 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.

O&S.10/23 HOMELESSNESS AND TEMPORARY ACCOMMODATION

Lead Executive Member for Housing, Environmental Health and Licensing reported on the shortfall in affordable housing and the increase in rent for rental properties. It was further reported that preventing homelessness was a statutory duty and need for temporary accommodation was rising and this was in line with national trends. SHDC owns 8 properties and looking to increase this to 11 properties.

In discussion, the following points were raised:

- The 8 properties owned by SHDC comprise of 1, 2 and 3-bedroom properties in across the district.
- They looked at the cohort and areas with the highest housing need when looking for suitable properties. Historically in Dartmouth properties were used the least.
- When people present as homeless and have health issues, they would inform the local GP to provide additional support. With regard to the individual in Dartmouth would have to investigate.
- The KPI on % of cases where homelessness was prevented meant avoid accepting the homelessness in some other way, such as mediating with landlord or remain with family. The national average was 40% and the remaining 37% of people not able to fix the problem before they left their existing address.
- We aim to prevent or relieve homelessness.
- That it was very usual for people to stay in temporary accommodation for over year, however the length of time was starting to increase.
- If a family made homeless, they would work with the family to achieve the best outcomes and undertake an assessment of their needs and the offer of accommodation has to be reasonable.
- There had been in an increase in the number of nights people in temporary accommodation and this pressure was increasing but was dealt with efficiently and promptly. They also have a social lettings enterprise who manage properties through SHDC and offer lower rents.
- They report on Government returns and the real focus was to stop people from becoming homeless and this was increasingly difficult to stop and the KPI was a good indicator for success rates.

It was then:

RESOLVED

The Committee noted the update on Homelessness and Temporary Accommodation.

O&S.11/23 TASK AND FINISH

The Chair reported that that the following task and finish groups would be convened, and membership sought via the Leaders of each of the political groups:

- SW Water - To establish SHDC's statutory powers and how they could be implemented and SW Water's capacity to service drains and homes adequately on new housing developments.
- Fusion – to identify any issues to be addressed prior to the February meeting.
- Planning Enforcement – request from the Executive.

O&S.12/23 **ANNUAL WORK PROGRAMME 2023/24**

The Committee agreed the following item to be added to the work programme:

- Executive Forward Plan as a standing agenda item.

The Committee also requested:

- An informal meeting to be set up on KPIs before next meeting in December.
- A list of outside bodies funded by SHDC.

(Meeting started at 2.00 pm and concluded at 3.15 pm)

Chairman

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 18 October 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
∅	Cllr L Bonham	*	Cllr D O'Callaghan
∅	Cllr J Carson	∅	Cllr G Pannell
*	Cllr J M Hodgson (Vice-Chair)	*	Cllr S Rake
*	Cllr M Long (Chairman)	∅	Cllr B Taylor

Other Members also in attendance: Cllr Brazil and Cllr Hopwood on (MS Teams)

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer (MS Teams); Senior Planning Officers IT Specialists, DCC Highways Officer and Senior Democratic Services Officer

- DM.25/23 MINUTES**
The minutes of the meeting of the Committee held on 13 September 2023 were confirmed as a correct record by the Committee.
- DM.26/23 DECLARATIONS OF INTEREST**
Members and officers were invited to declare any interests in the items of business to be considered and none were declared.
- DM.27/23 PUBLIC PARTICIPATION**
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.
- DM.28/23 PLANNING APPLICATIONS**
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

- 6a) 2412/22/OPA Land South of Dartmouth Road at SX 771 485, East Allington Parish: East Allington**

Development: READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle of residential development
- Highways access.

The Case Officer explained the Joint Local Plan policy framework and that East Allington was a sustainable village for the purposes of Policy TTV25 and the Plan provided for 30 dwellings as the indicative housing figure. New residential development within East Allington was therefore anticipated by the Joint Local Plan. She concluded that the site was well-related to the existing settlement and an acceptable development could be secured through the Reserved Matters consent process; the proposed access was acceptable to the Highway Authority; and planning obligations would be secured through a section 106 agreement.

A member raised a concern about how housing numbers were calculated and a concern that if a dwelling were not to be counted until completion, that could result in multiple planning permissions being granted, which if progressed to completion would result in the indicative number being exceeded.

Having heard from speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the District's housing emergency and more houses needing to be provided including affordable houses. In terms of the site, it was he said, an appropriate site, it was on the edge of the village, within walking distance of the village shop and school. He therefore agreed with the Officer's Recommendation. Another Member felt that planning obligations would be good for the village.

Committee decision: The Head of Development be authorised to grant approval subject to agreeing the wording of the conditions with the Chair and Vice-Chair: Condition 1 to include all reserved matters to be determined except access. Additional condition to address solar orientation for maximum solar gain and to support sustainable development.

Conditions:

- 1.Submission of Reserved Matters
- 2.Time Limit
- 3.Accord with plans
- 4.Highway details
- 5.Highways works required prior to construction of dwellings

- 6. Construction Management Plan (CMP) (pre-commencement, date agreed 05/10/23)
- 7. Details of pedestrian link to Lister Way (pre-commencement, date agreed 05/10/23)
- 8. Surface water drainage (pre-commencement, date agreed 05/10/23)
- 9. Construction Environmental Management Plan (CEMP) (pre-commencement, date agreed TBC)
- 10. Unsuspected contamination
- 11. Trees details (Reserved Matters stage)
- 12. Landscape and Ecological Management Plan (Reserved Matters stage)
- 13. Development in accordance with submitted Ecological Appraisal, Bat Activity Report, Dormouse Presence/Absence Report, Breeding Bird Survey and Biodiversity impact assessment: losses and gains
- 14. Lighting Strategy (Reserved Matters stage)
- 15. Repeat Hazel Dormouse with Reserved Matters (unless otherwise agreed with the LPA)
- 16. No vegetation clearance during bird nesting season
- 17. Boundary Plan with biodiversity enhancements (Reserved Matters stage)
- 18. Repeat badger survey (pre-commencement, date agreed 05/10/23)
- 19. Repeat Cirl Bunting surveys with Reserved Matters (unless otherwise agreed with the LPA)
- 20. Biodiversity Net Gain of no less than 10%
- 21. Housing mix (Reserved Matters stage)
- 22. Low carbon development (Reserved Matters stage)
- 23. Electric vehicle charging (Reserved Matters stage)
- 24. Waste Management (pre-commencement, date agreed 05/10/23)
- 25. Employment and Skills Plan (pre-commencement, date agreed 05/10/23)

6b) 1639/23/FUL

"Land At Sx 772 519, Three Corners Workshop", Halwell Parish: Halwell and Moreleigh

Development: Called to committee by Councillor Rake to allow members of the DMC to have the opportunity to consider the size of the proposed dwelling and whether this is acceptable.

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Granting of the Outline Planning Permission(4219/20/OPA) established the principle of a rural workers dwelling at this location, with a maximum floor area of 140sqm. Later confirmed that the condition stated 140sqm was a guideline and not a maximum.
- whether there was an essential need for a dwelling of the size proposed.

As to the size of any dwelling, the Case Officer explained that whilst there were no floorspace thresholds in the NPPF and JLP regarding the scale that would be appropriate for a rural workers dwelling, it is clear that dwellings should only be permitted in the countryside in exceptional circumstances, such as where there was an essential need for a rural worker to live permanently at or near their place of work in the countryside, and where the development responds to a proven agricultural, forestry, or other occupational need. A rural workers dwelling should be of a size commensurate with the established functional requirements of the enterprise rather than those of the owner or occupier. The Council's Agricultural Consultant considered there to be no special circumstances or specific requirements of the enterprise that would mean the dwelling should be as large as that proposed in this application. Their comments referred to two appeal decisions for agricultural workers dwellings on sites in North Dorset District Council Area. In both appeals it was considered 140sqm floor space was sufficient for 3-bedroom agricultural workers dwelling.

The Case Officer said that officers accepted that a modest sized, 3-bedroom dwelling would meet an essential need for the rural business. However, the size of the plot and dwelling proposed in this application was not considered to be commensurate with the functional requirements of the enterprise and therefore the principle of development was not considered to comply with Policy SPT1, SPT1 and TTV26 of the JLP.

In terms of the impact on the landscape, the Case Officer said that the submitted LVIA concluded that, whilst the receiving landscape was of Medium Value, the magnitude of development was low with a smaller number of localised receptor viewpoints. It is stated that with a sensitively designed residential property and the landscape mitigation measures proposed that there would be Neutral or Minor Beneficial landscape and visual effect. It was explained that Officers accepted that once the landscaping became established it may screen the development to an extent. However, even with the landscaping in place, due to the prominence of the site, the design and size of the dwelling, the changes to residential curtilage, it is considered that this proposal

would erode the open and rural characteristics of the site, failing to conserve or enhance the site and its surroundings and would result in an incongruous design more appropriate in a suburban context rather than this countryside location. The proposal was therefore considered to be contrary to TTV26(2v), DEV20, and DEV23 of the JLP and Paragraph 174(b) of the NPPF.

Finally, the Case Officer said that whilst a number of sustainability measures had been incorporated into the design of the proposed dwelling, including the provision of solar panels, insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 of the Local Authorities Climate Emergency Planning Statement. As such, the Council cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP.

Having heard from speakers on behalf of supporters and the Parish Council together with the Ward Member, Members debated the application. During the debate, one Member after hearing all the arguments felt that the scale of the ground floor was considerable and could be reduced whilst still providing a reasonable sized property. Another Member could see a justification in the rooms associated with the business and another Member felt that the business should be supported and not be penalised.

The Head of Development Management drew Members attention to Policy TTV26 which supports and protects the countryside from inappropriate developments.

Members however disagreed with the Officer recommendation because the application was supported by the Parish Council and acceptable to the local community, was of a design comparable to similar properties, increase in the size appropriate and supported an agricultural enterprise. They considered that SPT1 and SPT2 supported rural workers and the proposal was not contrary to the policies DEV20 and DEV23. DEV15 supporting local business and could be approved subject to conditions including an agricultural tie and ecology and landscape plan prior to approval with appropriate conditions and removal of permitted development rights.

Recommendation: Refuse

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Hodgson) and Seconder (Cllr Allen).

**6c) 2463/23/HHO 14 Butts Park, Newton Ferrers
Parish: Newton and Noss**

Development: Householder application for new 2 storey front extension, attic conversion, single storey rear extension & garage to existing 3-bedroom mid-terraced house (resubmission of 0824/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Scale, elevation, position, materiality and design.
- Protected landscape context: South Devon Area of Outstanding Natural Beauty.

The Case Officer explained that the property was within the AONB and the front elevations did not follow the high-quality design standards.

Having heard from the speakers on behalf of supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member felt that the gain from upgrading properties to better meet the needs of the residents should be encouraged. Another Member felt that front porches should be resisted because they changed the main structure of the original house and therefore the officer recommendation was correct. On the officer recommendation being proposed and put to the vote, it was declared lost.

It was then proposed that that the application should be approved because overall Members said that they had a difference of planning judgment to that of the Officer and felt that the proposal was not contrary to DEV25, SPT1 and TTV2. Also, the proposal would result in a more sustainable building.

The vote was then taken to approve the application.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Abbott) and Seconder (Cllr Rake).

**6d) 2304/23/VAR "Barn Adjacent Robins Nest", Diptford
Parish: Diptford**

Development: Application for variation of condition 2 (approved plans) of planning consent 4240/18/FUL

Case Officer Update: The Case Officer summarised the key issues,

namely that:

- Existing planning approval in place which current application seeks to vary.
- Impact of proposed changes.

The Case Officer explained that the distance between the side window to the neighbouring property was 27 metres. The bathroom window would have obscure glazing.

Having heard from the speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, Members felt the site had the potential for a new build and the increased footprint was no larger than what was previously there.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval with the inclusion an Ecology Report.

Conditions:

1. Accord with Plans
2. Drainage
3. Unexpected Contamination
4. Access & Parking
5. Highway Debris
6. Landscaping Scheme
7. Glazing
8. Ecology
9. Roof Materials
10. Elevation Materials
11. No External Lighting

DM.29/23 **PLANNING APPEALS UPDATE**
Refer deferred to the next meeting.

DM.30/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Report deferred to the next meeting.

DM.31/23 **ENFORCEMENT – LEGAL PROCEEDINGS**
Members noted the contents and agreed the recommendations as outlined in the report.

(Meeting commenced at 10.00 am with a break at 11.40 am. Meeting concluded at 14.51 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 18 October 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2412/22/OPA	Land South of Dartmouth Road at SX 771 485, East Allington	Conditional Approval	Cllrs Abbott, Hodgson, Long, O'Callaghan, Nix and Rake (6)	Cllr Allen (1)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
1639/23/FUL	"Land At Sx 772 519, Three Corners Workshop", Halwell	Approved	Cllrs Abbott, Allen, Hodgson and Nix (4)	Cllrs Long and O'Callaghan (2)	Cllr Rake (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
2463/23/HHO	14 Butts Park, Newton Ferrers	Approved	Cllrs Abbott, Allen, Hodgson, Nix and Rake (5)	Cllrs Long and O'Callaghan (2)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
20504/23/VAR	"Barn Adjacent Robins Nest", Diptford	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix and Rake (6)		Cllr O'Callaghan (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 9 NOVEMBER 2023

MEMBERS

- * Cllr S Rake - Chairman
* Cllr J Carson - Vice-Chairman

* Cllr V Abbott	∅	Cllr G Pannell
* Cllr G Allen	*	Cllr S Penfold
∅ Cllr N Dommatt	∅	Cllr A Presswell
* Cllr C Oram	*	Cllr D Thomas

- * Denotes attendance
∅ Denotes apology for absence

Officers in attendance and participating:
Monitoring Officer; Senior Licensing Officer; and Senior Democratic Support Officer

L.3/23 MINUTES

The minutes of the meeting of the Licensing Committee held on 9 March 2023 and minutes of the Licensing Sub Committee meetings held on 6 April 2023 and 22 June 2023 were confirmed as a correct record.

L.4/23 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – PROPOSAL TO DELAY IMPLEMENTATION OF THE EURO NCAP SAFETY RATING STANDARD

Consideration was given to a report that asked the Committee to review whether the postponement of the Euro NCAP requirement should be extended for another twelve months so that currently licensed vehicles would need to be compliant by 1 January 2025. It was further reported that seven currently licensed vehicles would only achieve the 3-star rating and therefore not eligible for renewal after 1 January 2024.

The Licensing Officer introduced the report followed by Members of the Committee asking a series of questions, which included:

- When the drivers of the licensed vehicles were informed.
- The impact of losing the seven currently licensed vehicles.
- The impact on public safety.
- How often licensed vehicles were checked.
- Which areas the seven licensed vehicles covered.

During the debate, Members wanted to ensure the safety of the public but were aware by the introduction of the Euro NCAP rating could result in the loss of jobs. One Member recommended an amendment to the recommendation to delay the implementation of the Euro NCAP and to write to the drivers.

Following the debate, it was **PROPOSED, SECONDED** and **RESOLVED**

that:

- (1) Section 18 of the Policy is amended to delay the implementation of the requirement for currently licensed vehicles to hold a Euro NCAP Safety rating of 4 or 5 stars (out of 5), from 1st January 2024 until 1 July 2024 and to write to the drivers affected by this.
- (2) If the policy is amended, recommends to Council that the Hackney Carriage and Private Hire Policy is adopted at the meeting on 14th December 2023.

L.5/23 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”

L.6/23 **DETERMINATION OF WHETHER TO GRANT A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

Consideration was given to an exempt report that asked the Committee to determine whether an individual was a ‘fit and proper person’ to hold a Hackney Carriage/Private Hire Driver Licence in accordance with Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report, and the individual was invited to make representations to the Committee. At the conclusion of his address, Members of the Committee asked a series of questions.

Once all parties were satisfied that they had no more questions or issues to raise, the Committee adjourned at 2.55 pm in the presence of the Solicitor.

Having fully considered the matter, the meeting was then re-convened at 3.37 pm and the Chairman read the decision as follows:

Members of the Licensing Sub-Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer’s report.
- We have also listened very carefully to what you have told us today.
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you remain a fit and proper person to hold a joint Private Hire and Hackney Carriage driver’s licence.

The Committee has decided to GRANT your Joint Hackney Carriage and Private Hire Driver Licence. This decision is based on:

The Committee considered that although the Council's policy would normally mean that an application for a PHV/Taxi Driver's Licence would not be granted, the Committee felt that having heard from the Applicant of his commitment to the success of his business would be likely to result in him taking greater care not to commit further speeding offences and therefore the licence should be granted.

You are warned however that if you commit any further speeding offences or your conduct falls below that which is expected, the Committee may not take such a tolerant view.

(Meeting commenced at 2:00 pm and concluded at 3:40 pm).

Chairman

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**MINUTES OF THE MEETING OF
THE SALCOMBE HARBOUR BOARD
HELD AT CLIFF HOUSE, SALCOMBE, ON MONDAY, 13 NOVEMBER 2023**

Members in attendance			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr L Bonham	*	Ms K Allen
*	Cllr S Dennis	*	Mr P Brown
*	Cllr M Long (Chairman)	*	Mr A Owens
*	Cllr J McKay	∅	Mr C Plant
		*	Mr I Shipperley
		*	Mr I Stewart

Other Members in attendance and participating:
None

Item No	Minute Ref No below refers	Officers in attendance and participating
All agenda items		Director of Place & Enterprise; Salcombe Harbour Master; Head of Finance; Deputy Harbour Masters; and Democratic Services Manager

SH.14/23 APOLOGIES FOR ABSENCE

It was noted that apologies for absence for this Board Meeting had been received from Mr Plant.

SH.15/23 MINUTES

The minutes of the Salcombe Harbour Board meeting held on 18 September 2023 were confirmed as a true and correct record, subject to the following amendment being made to Minute SH.2/23: ‘*Apologies for Absence*’ whereby Mr Brown had submitted an apology for absence (and not Mr Owens) as had been indicated in the published draft version.

SH.16/23 URGENT BUSINESS

There were no items of urgent business raised at this meeting.

SH.17/23 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, and the following was made:

Cllrs Bonham and Dennis and Ms Allen, Mr Owens and Mr Stewart each declared a Disclosable Pecuniary Interest in all related agenda items by virtue of paying harbour duties. As set out at the previous Board meeting (Minute SH.3/23 refers), the Monitoring Officer had granted each of these Members a dispensation and they were therefore able to take part in the debate and vote on any related matters.

SH.18/23 PUBLIC QUESTION TIME

In accordance with the Public Question Time Procedure Rules, there was no questions raised at this Meeting.

SH.19/23 FEEDBACK FROM HARBOUR COMMUNITY FORUMS

The Board received verbal update reports from those Members who attended the Harbour Community Forums. The updates were given as follows:

Salcombe Kingsbridge Estuary Conservation Forum (SKECF)

The representative did not provide a direct update to the Board but highlighted the relevance of the presentation on Water Quality Monitoring that was to follow this agenda item (Minute SH.20/23 below refers).

South Devon & Channel Shellfishermen

The representative advised that the Shellfishermen were generally content and the industry had experienced a good summer season.

Kingsbridge and Salcombe Marine Business Forum

The Board was informed that the Business Forum was currently assessing the performance over the summer season and would then look to establish its plans and preparation work for future years.

Since the representative had only recently been appointed to the role, she committed to providing further performance intelligence to future Board meetings and commented that it was already her impression that several local businesses were working very collaboratively with one another.

Kingsbridge Estuary Boat Club (KEBC)

It was noted that the Club and Harbour Authority continued to liaise on an almost daily basis and working relationships between the two remained very positive.

East Portlemouth Parish Council

In light of the views expressed at the last Board meeting (Minute SH.8/23), the Chairman informed that correspondence had been sent to all of the town and parish councils that adjoin the Estuary. This communication had highlighted the agenda for this Board meeting and specifically referenced the ability for members of the public to both attend and ask questions at Board meetings. It was intended that this practice would continue before future Board meetings and it was therefore felt that East Portlemouth Parish Council no longer needed to be a recognised standalone Harbour Community Forum.

SH.20/23 PRESENTATION ON WATER QUALITY MONITORING

The Chairman introduced Mr Nigel Mortimer (Estuaries Officer) and Ms Emma Magee (Environment Agency Officer) who conducted a presentation to the Board on Water Quality Monitoring in the Estuary.

In so doing, both speakers concluded that, whilst the Estuary was in relatively good health, there was plenty of room for improvements to be made.

Having been informed that there were some measures that could be taken by the Harbour Authority to further improve water quality (e.g. communications with resident harbour users, buoying off channels, vessels not anchoring in certain areas etc), it was agreed that a Working Group of Members should be appointed and tasked with considering the merits of each of these measures before reporting back to a future Board meeting.

It was then:

RESOLVED

That a Working Group (comprising of Cllrs Long and McKay and Messrs Owens and Shipperley) be established to consider potential measures that can be taken by the Harbour Authority to improve water quality, with the findings of the Group being reported back to a future Board meeting.

SH.21/23 REVENUE BUDGET MONITORING 2023/24

The Board considered a report that updated it on income and expenditure variations against the approved budget and forecasts the year end position.

In discussion, thanks were expressed to both the Harbour Master and the Head of Finance for producing such a comprehensive report.

It was then:

RESOLVED

That the forecast income and expenditure variations for the 2023/24 Financial Year and the projected surplus of £33,400 be noted.

SH.22/23 FEES AND CHARGES 2024/25

The Board considered a report that proposed the Fees and Charges for 2024/25 to ensure that the Harbour achieved a balanced revenue budget.

In discussion, particular reference was made to:-

- (a) the effectiveness of the recent Board Workshop. A number of Members commented on how useful the recent Workshop had been and recognised that the conclusions from this session had been reflected in the published agenda report;
- (b) the proposed increases to resident mooring charges. Whilst accepting the justification for the proposed increases that were set out in the published agenda report, a Member highlighted his slight reservations that residents would see larger proportionate increases in comparison to visitors;

- (c) the development of a Communications Strategy to underpin the revised Fees and Charges schedule. Having been informed that officers were intending to produce an 'end of season' newsletter for all berth holders that would include reference to the revised Fees and Charges, it was agreed that Ms Allen would contact the Harbour Master outside of this meeting to provide support in the production of this document.

It was then:

RECOMMENDED

That the Board **RECOMMEND** that the Executive **RECOMMEND** to Full Council that the proposed fees and charges (as set out at Appendix 1 of the published agenda report) be approved for implementation from 1 April 2024 in order to meet the 2024/25 Budget gap of £77,000.

SH.23/23

HARBOUR MASTER'S VERBAL REPORT

The Harbour Master presented a verbal update that made particular reference to:

- Brady Construction Services Limited having recently entered liquidation. Since the company had been responsible for the construction of the Harbour Depot, officers were currently in dialogue with the liquidators, however, at the time of this meeting, there was no further update that could be provided to Members. Nonetheless, since the project was so near to completion, officers were confident that it could be finalised by using in-house resources and expertise. As a general point, the Harbour Master was incredibly proud of the Depot and he looked forward to being in a position to be able to conduct a Board Member site visit of the final operating facility. In recognition of the many difficulties that had been experienced from the offset of this project, Members wished to put on record their thanks for the tireless work of lead officers in reaching this point;
- the lifting team and engineers having done a magnificent job in completing their winter storage works;
- contract divers currently being on-site to undertake vital work on the maintenance of the deep water moorings;
- a member of the team having expressed an interest in studying for the Harbour Master's Diploma accreditation. The Harbour Master stated his support for continual staff development and growing in-house talent and was fully committed to supporting the team member in his studies;
- an upcoming prosecution against an individual for their behaviour on the Harbour. Whilst the details could not be disclosed at a public meeting, Members hoped that this action would be seen as a deterrent and the Harbour Master committed to providing an update on the outcome of the court case at a future Board meeting.

(Meeting commenced at 2:30 pm and concluded at 4.15 pm)

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 15 November 2023

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	∅	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell
*	Cllr J M Hodgson	*	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice-Chairman)
*	Cllr N Dommett (substituting Cllr O'Callaghan)		

Other Members also in attendance: Cllr Brazil

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principle Planning Officer, Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.32/23 MINUTES
The minutes of the meeting of the Committee held on 13 October 2023 were confirmed as a correct record by the Committee.

DM.33/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and none were declared.

DM.34/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.35/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

6a) 2478/23/FUL "Land at SX 524 495", Ford Road, Wembury Parish: Wembury

Development: Detached garage with storage above

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Design amendment, when viewed as a whole, were considered to have addressed concerns from previous refusal.
- This development was now considered to accord with Policies DEV20, DEV23 and DEV25 of the JLP.
- It was not considered to be an unacceptable loss of amenity for the nearest residents in accordance with Policy DEV1 of the JLP.
- The development achieves a proportionate biodiversity enhancement and sufficiently low carbon design in compliance with DEV26 and DEV32.

The Case Officer explained that the garage would be for domestic use and would be marginally higher than the previous building. The site to be treated as a brownfield site.

Having heard from speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member felt that a garage of this size was acceptable in this location. Some Members felt the bird bricks were not adequate and more biodiversity was required. Another Member felt the height would impact the neighbours, however another Member raised that the residents had a clear view for the past 10 years. It was also felt that the applicant had made reasonable adjustments.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions: 1. Time 2. Accord w/plans 3. Use restriction domestic only 4. Construction Management Plan 5. Bird bricks 6. Velux to incorporate obscure glazing.

6b) 2268/23/VAR "The Cove Guest House", Torcross Parish: Stokenham

Development: Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR (resubmission of 2110/22/VAR)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Importance of considering the proposal against the impacts of the approved schemes
- Acceptability of the architectural design:
 - Reduced footprint
 - Removal of louvres
- Climate change matters:
 - Improvements over approved development

- Introduction of triple glazing
- Solar panels
- Battery storage
- EV charging
- Cliff and seawall
 - Dated Engineer Report
 - Works necessary to the cliff and/or sea wall beyond a straight repair would need planning permission
- Conclusions
 - The architectural appearance did not significantly change and generally accords with the principles in DEV20
 - The increase in the area of glazing was not significant and in terms of light emissions and climate change the current scheme offers improvements over the approved scheme and accords with DEV32
 - Climate change, cliff and seawall issues covered by condition.

The Case Officer explained that any matters related to the sea wall would be for the applicant to address. It was reiterated that this application was the same size as the previous application.

A Member raised concern on the duty of care to the natural environment with the amount of glazing on the property. Concerns were also raised regarding the sea wall and previously rejected applications.

Having heard from speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the need to look at the application before them and whether this was better than the previous design. Another Member felt that biodiversity was lacking in this proposal. Another Member raised the amount of glass on a conspicuous site was a material factor for refusal.

Officers highlighted that Members were comparing the previously approved scheme to what was before them today. There was a lawful fallback that could be implemented tomorrow and whether this application was better than what could be built tomorrow.

A proposal was put forward to refuse the application, the Chair adjourned the meeting to allow officers to prepare a recommendation.

Recommendation: Conditional Grant

Committee decision: Delegated refusal to the Head of Development Management in consultation with the Chair, Vice-Chair, Proposer (Cllr Hodgson) and Seconder (Cllr Allen) on the design quality and increased fenestrations.

DM.36/23 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.37/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.30 am with a break at 11.40 am. The meeting adjourned at 13.02 pm. Meeting concluded at 13.47 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 15 November 2023

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
2748/23/FUL	"Land at SX 524 495", Ford Road, Wembury	Conditional Approval	Cllrs Abbott, Bonham, Dommatt, Long, Pannell and Rake (6)	Cllrs Allen, Carson, Hodgson, Nix and Taylor (5)		Cllr McKay, (1)
2268/23/VAR	"The Cove Guest House", Torcross	Refused	Cllrs Allen, Bonham, Carson, Dommatt, Hodgson, Long, Nix, Pannell and Taylor (9)	Cllr Rake (1)	Cllr Abbott (1)	Cllr McKay, (1)

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD IN THE COUNCIL CHAMBER ON THURSDAY 30 NOVEMBER 2023**

Members in attendance:			
* Denotes attendance			
∅ Denotes apologies for absence			
*	Cllr V Abbott	*	Cllr N A Hopwood
*	Cllr J P Birch	*	Cllr J McKay
*	Cllr J Brazil (Chairman) (am only)	*	Cllr D M O'Callaghan
*	Cllr J M Hodgson	*	Cllr D Thomas (Vice Chairman)

Non-Executive Members also present either in person or remotely for all or part of the meeting:
Cllrs Allen (via Teams), Bonham, Carson (via Teams), Dennis, Dommett, Long, Nix (via Teams), Oram, Pannell (via Teams), Penfold, Presswell (via Teams) Steele (via Teams) and Taylor

Officers in attendance and participating:		
All items		Senior Leadership Team; Monitoring Officer; Head of Democratic Services; Assistant Director – Strategy; Head of Communications; Principal Climate Change Officer; Head of Housing; Head of Economy & Place; Community Digital Connectivity Officer; Head of Revenues and Benefits; Assistant Director – Planning; Senior Strategic Planning Officer; South Devon AONB Partnership Manager; Principal Natural Resources and Greenspaces Officer and Plymouth & South Devon Freeport representative (via Teams)

E.31/23 MINUTES

The minutes of the Executive meeting held on 21 September 2023 were confirmed as a true and correct record.

E.32/23 URGENT BUSINESS

The Chairman informed that he had agreed that one item of urgent business could be considered at this meeting that related to an exempt report (that had been circulated to Members in advance of this meeting) titled 'Woodland Creation'. This item had been deemed urgent in light of the associated time constraints and the Chairman proceeded to advise that it was his intention for this matter to be considered at the end of this agenda (Minute E.52/23 below refers).

E.33/23 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:

With regard to agenda item 7 ('Plymouth And South Devon Freeport: Report Of Task & Finish Group' (Minute E.36/23 below refers)), Cllr J Birch advised that, in his capacity as the Council's appointed representative on the Plymouth & South Devon Freeport Board, he had been granted a dispensation from the Monitoring Officer to be able to take part in the debate and vote on all matters related to the Freeport. At the invitation of the meeting, the Monitoring Officer confirmed that this statement was correct; and

Whilst a non-Executive Member, Cllr G Pannell declared a personal interest in Item 2 ('Urgent Business: Woodland Creation' (Minute E.52/23 below refers)) by virtue of his membership of organisations referenced in the exempt report. Cllr Pannell proceeded to remain in the meeting and take part in the debate thereon.

E.34/23 **PUBLIC QUESTION TIME**

It was noted that the one public question had been received in accordance with the Executive Procedure Rules for consideration at this meeting.

Prior to this question being formally asked, the Chairman exercised his discretion to enable for a resident to raise a question in relation to the adherence to planning conditions. Since this question did not comply with the adopted Executive Procedure Rules, the Chairman advised that a response would be provided to the resident outside of this meeting.

At this point, the meeting was advised that the compliant public question had been received from Mr Jim Funnell and was as follows:

"In September 2022, CPO was approved for Langage land because it was 'integral to success of the Freeport, could not be replicated anywhere else, and was policy compliant.' In the Task/Finish report this land is now optional, whilst financial projections still include Langage. What is the explanation for this discrepancy?"

In reply, Cllr Birch (the lead Executive Member for Economic Development, Commercial Strategy and Governance) stated that:

'The land, which is the subject of the question, forms part of the Language Tax site and, in September 2022 its availability for incorporation within the tax site was in doubt. This is no longer the case and thus there is no requirement for a Compulsory Purchase Order (CPO). The reference to policy compliant is in respect of the said land being zoned for employment purposes in the Joint Local Plan.'

Whilst the adopted Procedure Rules did not include the provision for Mr Funnell to ask a supplementary question, the Chairman exercised his discretion and permitted Mr Funnell to ask the following supplementary question:

'The financial projections for Langage are still included whilst the land is still optional, why is that?'

In reply, Cllr Birch committed to providing a written response to Mr Funnell on his supplementary question outside of this meeting.

E.35/23 **EXECUTIVE FORWARD PLAN**

Members were presented with the most recently published version of the Executive Forward Plan that set out items on the agenda for Executive meetings for the next four months, and the contents were duly noted.

E.36/23 **PLYMOUTH AND SOUTH DEVON FREEPORT: REPORT OF TASK & FINISH GROUP**

The Executive considered a report that set out the recommendations of the Plymouth and South Devon Freeport Task and Finish Group that had been established by the Audit and Governance Committee.

As part of his introduction, the lead Executive Member paid tribute to the excellent work that had been carried out by the Members of the Task and Finish Group. In addition, the Member advised that, at the appropriate time, it was his intention to **PROPOSE** an alternative part 2 to the report recommendation that read as follows:

*'2. That the Executive **RECOMMEND** to Council to support the 17 recommendations set out by the Task and Finish Group in Section 2 of the published agenda report and **RECOMMEND** their acceptance by Full Council.'*

During the ensuing debate, the following points were raised:

- (a) A number of Members echoed the comments of the lead Member in respect of wishing to record their thanks to the extensive review that had been undertaken by the Task and Finish Group. Members felt that the detailed report had addressed each of the key issues and summarised that the review had concluded that, whilst there were significant risks associated with the Freeport initiative, these were outweighed by the extent of the economic benefits that were likely to be realised;

- (b) In the event of the report recommendations being approved at this Executive meeting, it was recognised that it would then be considered further at the Full Council meeting to be held on 14 December 2023, with all Members having the opportunity to debate (and vote) on the matter at that time;
- (c) Some Members raised their concerns over the Freeport concept that included:
- both the lack of public consultation on the initiative when original approval was given and the fact that the public consultation on the Council's draft Corporate Strategy only closed on the day of this Executive meeting (30 November 2023);
 - the relevance of the issues raised in the Public Question (and Supplementary) that had been raised by Mr Funnell earlier in this meeting (Minute E.34/23 above refers);
 - their feeling that the Council's investment in the project could be better spent towards the declared Climate Change and Biodiversity Emergency and Housing Crisis;
 - the Task and Finish Group conclusion that a dedicated (i.e. just for this Council) Risk Register was currently lacking;
 - the financial challenges facing all tiers of local government; and
 - the lack of all Member access to the contractual details. In reply to the request for interested Members to be in receipt of the contractual details prior to the Council meeting on 14 December, the lead Member committed to discussing this matter with the Council's Monitoring Officer outside of this meeting.

In responding to these concerns, the lead Member attempted to counter them and expressed his deep frustrations over the content of a party political leaflet that he considered to have been, at best, misleading to the general public;

- (d) Some Members highlighted the importance of the Council now looking to the future as opposed to reflecting on what had happened to date. In addition, a number of Members expressed the view that, since the Freeport project would continue irrespective of the views of this District Council, then it was preferential to remain as a fully participating partner who was able to play an influencing and shaping role rather than being on the outside.

It was then:

RESOLVED

1. That the Task and Finish Group be thanked for their considerable and in-depth work reviewing the risks and opportunities of the Freeport; and

That Council be **RECOMMENDED** to:

2. support the 17 recommendations set out by the Task and Finish Group in section 2 of the published agenda report and **RECOMMEND** their acceptance by Full Council; and
3. consider the Executive's recommendations on the report at its meeting due to take place on 14 December 2023.

E.37/23

CORPORATE STRATEGY (THE COUNCIL PLAN) & OUTLINE DELIVERY PRIORITIES

The Executive was presented with a report that provided an update on the progress made in the preparation of the draft Corporate Strategy ('The Council Plan') which included information on the public consultation response to date, recommendations on any amendments to the draft strategy, outline delivery plans and the next steps.

During the ensuing debate, reference was made to:

- (a) the re-titling of the Strategy. Members welcomed the fact that the Strategy would now be known as 'The Council Plan';
- (b) the levels of responses to the public consultation exercise. Whilst recognising the continual challenges of public consultation and engagement, Members nonetheless felt that the number of responses were particularly disappointing given the ten-week opportunity to respond which had included: a dedicated web page, social media campaign, residents e-bulletin and face-to-face promotion. In addition, if any Members had any innovative thoughts or ideas about how to improve future public engagement, then they were encouraged to let officers know;
- (c) the consultation feedback received in relation to greater clarity and the need for SMART targets to be set. Members supported these feedback strands and recognised that it had always been the intention for the detailed actions to form part of the Annual Delivery Plans that would underpin the Council Plan when it was re-presented to the next Executive meeting and Full Council on 15 February 2024;
- (d) the differing roles and responsibilities in a three-tier local government area. A Member referred to the consultation responses that had misunderstood the roles and responsibilities of a three-tier local government area and asked that a previously produced leaflet that set this out clearly be included with the annual billing letters received by residents early next year. In reply, the Leader confirmed his support for this suggestion and requested that it be explored.

It was then:

RESOLVED

1. That the consultation responses (set out at Appendix A of the presented agenda report) be noted;
2. That the updated draft Corporate Strategy (now 'The Council Plan') (as set out in Appendix B of the presented agenda report) be approved;
3. That a further meeting of each Advisory Group (and an initial meeting of the Economy Advisory Group) be held to inform the final delivery plans alongside the budget for 2024/25 and the Medium Term Financial Strategy; and
4. That a further report be brought to the next Executive meeting seeking to make a recommendation to Full Council for the adoption of The Council Plan at its meeting due to be held on 15 February 2024.

E.38/23

DRAFT REVENUE AND CAPITAL BUDGET PROPOSALS FOR 2024-25

The Executive was presented with a report that outlined a series of draft revenue and capital budget proposals for 2024/25.

In discussion, the following points were raised:-

- (a) For the benefit of recently elected Members, it was noted that this report very much sought to kick-start the draft Budget Setting process. Also, it was proposed that all non-Executive Members would have an opportunity to give detailed formal consideration to the draft 2024/25 Revenue and Capital Budget Proposals at a Budget Advisory Committee meeting in January 2024 prior to further consideration at the next Executive meeting to be held on 25 January 2024;
- (b) The budgetary pressures resulting from Homelessness and Temporary Accommodation provision were highlighted. Specifically in respect of provision for Gypsy and Traveller sites, it was confirmed that officers would continue to work with their Devon County Council colleagues and that, at a point when potential site(s) could come forward, these would be fully costed prior to being formally considered by Members;

- (c) With regard to spending requirements generated from the emerging Delivery Plans that would underpin the Council Plan, it was intended that these would be considered in conjunction with both the draft Budget Proposals at the 25 January 2024 Executive meeting. This would enable for a holistic set of recommendations to be presented to the Council meeting to be held on 15 February 2024.

It was then:

RESOLVED

1. That the forecast budget gap for 2024/25 of £146,185 (1.1% of the projected Net Budget of £13.3million) and the position for future years be noted;
2. That the Senior Leadership Team work with Executive Members to provide further options on how to close the predicted budget gap for 2024/25, for Members' consideration as part of future budget reports in early 2024 (once more detail of the Local Government Finance settlement is known);

That Council be **RECOMMENDED**:

3. to fund the one-off cost of £450,000 of the roll out of the Devon Aligned Service for kerbside waste collection on 20 November 2023, from the Business Rates Retention Earmarked Reserve in 2023/24 (NB. further details are set out in sections 3.26 to 3.29 of the published agenda report);
4. to set up an Advisory Committee comprising of all Non-Executive Members to meet in January 2024, to consider the 2024/25 Revenue and Capital Budget Proposals and make recommendations to the Executive on the Budget Proposals (NB. meeting date proposed of Thursday 11 January 2024 at 1.00pm); and
5. that South Hams District Council continues to be part of the Devon Business Rates Pool for 2024/25, subject to there being no announcements within the Finance Settlement (expected to be announced in mid-December), which in the opinion of the Section 151 Officer (in consultation with the Leader of the Council), would change this recommendation.

E.39/23

ELECTRIC VEHICLE (EV) STRATEGY UPDATE

A report was considered that recommended the adoption by Council of an updated Electric Vehicle (EV) Strategy 2023-2025.

During debate, the following points were raised:

- (a) When questioned, officers confirmed their willingness to look at the scope for installing EV charging points at community centres and parish halls. In such instances, Members felt that such arrangements would only work if the Council was able to work in partnership with local parish councils and/or village hall committees;
- (b) Whilst recognising the cost differentials, Members advised that there was now greater demand for rapid charging points and there was a consequent risk (and budget implication) that parking spaces containing 'ordinary' charging points were being left unused.

It was then:

RESOLVED

1. That Council be **RECOMMENDED** to adopt the South Hams District Council Electric Vehicle Strategy 2023-2025 (as set out at Appendix B of the published agenda report); and
2. That officers be authorised to enter into a collaboration agreement with the Devon County Council Local Electric Vehicle Infrastructure Scheme for the installation of Electric Vehicle Charging Points and to enter into a lease with the appointed supplier for a 20-year period.

E.40/23

CLIMATE CHANGE AND BIODIVERSITY UPDATE

Members considered a report which provided an update on a range of actions currently in progress to assist the Council with delivery against its Climate Change and Biodiversity commitments. The report also contained proposals to support community energy initiatives.

In the ensuing debate, reference was made to:

- a) an amendment being tabled to the meeting. By way of an amendment, an additional recommendation was **PROPOSED** and **SECONDED** as follows:

'2. That, at the end of twelve months, the success of this Fund be formally reviewed by Members before any decision is taken to extend it.'

In introducing her amendment, the Member wished to stress that she was in no way suggesting that Members could not be trusted to spend their monies appropriately nor was she wishing to create an additional onerous task on already busy officers. However, the purpose of the amendment was to enable for best practice and good ideas to be shared amongst the wider membership.

In reply to a request, it was agreed that officers would produce a summary document setting out projects that had been previously supported via the previously established Member Climate Change Fund. It was stated that this document would be particularly useful for recently elected Members.

When put to the vote, the amendment was declared **CARRIED**;

- b) the ability to generate income through Climate Change and Biodiversity initiatives. As a general point, the lead Executive Member highlighted that there were income generation opportunities for the Council that were directly attributed to Climate Change and Biodiversity initiatives;
- c) the work of the Bioregional Learning Centre. Some Members described the excellent work being conducted by the Centre and encouraged all Members to attempt to attend their exhibitions and events in the local community.

It was then:

RESOLVED

1. That £62,000 per year be allocated to establish a new Members 'Green Fund' to support community-based climate and biodiversity projects for 2023/24 and 2024/25. (NB. this is to be funded from the Climate Change and Biodiversity Earmarked Reserve);
2. That, at the end of twelve months, the success of this Fund be formally reviewed by Members before any decision is taken to extend it;
3. That it be noted that the Bioregional Learning Centre has been commissioned as a partner to conduct learning and capacity building for local climate adaptation; and
4. That the Audit and Governance Committee be requested to review the merits of awarding Yealm Community Energy a grant in the order of £100,000 to further the Council's strategic ambitions around climate change and biodiversity.

E.41/23 HOUSING POLICY UPDATE

A report was considered that provided an update on a range of initiatives being considered by the Council to help address the current Housing crisis.

The lead Executive Member introduced the report and, in so doing, stated that funding associated with the proposed 'South Hams Housing Offer' was not without risk.

In the ensuing discussion, the following points were made:-

- (a) Officers and the lead Member were thanked for the great progress that was being made towards the delivery of affordable housing provision;
- (b) A Member hoped that a mechanism could be found to ensure that public monies could be protected in the event of a Community Land Trust (CLT) ultimately being unsuccessful. For clarity, the lead Member confirmed that the proposed Housing Offer would extend to providing support to those existing CLTs.

It was then:

RESOLVED

1. That the 'South Hams Housing Offer' be launched to communities to support affordable housing delivery;
2. That an initial budget of £100,000 per year be agreed to fund the South Hams Housing Offer, to be financed from the funding identified from the review of the Capital Programme and the review of Earmarked Reserves (Council Minute 30/23 refers);
3. That the Housing Management policies (as set out at Appendix A to the presented agenda report) be agreed and that authority be delegated to the Head of Housing to make any necessary minor amendments;
4. That the Housing Management policies be reviewed every 3 years, or sooner if major changes are required; and
5. That the update and progress on the two Council-owned sites in Kingsbridge be noted.

(At this point (1.05pm), the meeting was adjourned and was reconvened at 1.30pm, with Cllr Thomas chairing the remainder of the meeting).

E.42/23 INVESTING IN OUR LOCAL ECONOMY

The Executive considered a report that provided an update on the projects that had so far benefitted from the UK Shared Prosperity and Rural England Prosperity Funds

In discussion, the following points were raised:

- (a) The importance of supporting Active Travel initiatives was noted. Also, dual-hatted Members emphasised the importance of them continuing to lobby Devon County Council with regard to the need to improve district wide bus services. Officers also informed that discussions were taking place with colleagues at Plymouth City Council and it was intended that a suite of options would be presented back to Members to increase e-bike provision and capability for residents living in the western part of the South Hams;
- (b) In respect of the cascade of information, a Member highlighted the recent communications campaign that had begun and felt it would have been helpful for Members to have been made aware of the key messages prior to this campaign being started.

It was then:

RESOLVED

1. That an all Member Briefing session be arranged at the earliest opportunity so that Members can further explore the work being delivered through the UK Shared Prosperity Fund (UKSPF) programme;
2. That the work of the UKSPF programme be disseminated and promoted to the local communities; and
3. That the Rural England Prosperity Fund Grant Policies be supported.

E.43/23

WORKING WITH OUR COMMUNITIES – OUR FRAMEWORK FOR COMMUNITY DEVELOPMENT

Members considered a report that set out how the Council intended to support community development across the South Hams.

In discussion, reference was made to:

- (a) the cross-cutting nature of community development and engagement. Members were of the view that the published agenda report represented a good starting point in what was an important subject area that was linked to every service area of the Council;

- (b) the lack of emphasis being given to investing in communities. The point was made that Members were increasingly being approached for funding support by their local communities and the need to invest had been given very little reference in the proposals. In accepting the point, officers gave an assurance that one of the key next steps that they would be working on would be developing the Capacity Building area of this project. Nonetheless, the lead Executive Member also stressed that, as a Council, Members would soon need to determine how much funding they wished to allocate towards community investment;
- (c) widespread support was expressed over the aim to improve Youth Engagement initiatives;
- (d) the proposal relating to Community Action Awards. Members welcomed this proposal and were given assurances of the intention for a similar scheme to be rolled out for local businesses;
- (e) the proposed re-allocation of locality service resource. Officers confirmed that the proposed re-allocation of duties would not have any impact upon the excellent work that was undertaken by the Council's Mobile Locality Officers.

It was then:

RESOLVED

1. That the Community Development Framework (as set out in Appendix A of the presented agenda report) be endorsed;
2. That the establishment of a new Community Development Team be endorsed; and
3. That a cost pressure of £15,000 be added to the draft budget proposals for 2024/25 onwards.

E.44/23 CAR PARKING CHARGES – UPDATE

The Executive was presented with a report that provided an update on the Council's car parking charges.

During debate, particular reference was made to:

- (a) an amendment to part 2 of the recommendation. Given the current unknowns regarding the ability (or not) to implement a two-tier pricing structure for Council car parks, an amendment was **PROPOSED** and **SECONDED** as follows:

*'That, **in principle**, a charge to car parking tariffs be implemented at such time as it can be done under a two-tier pricing structure that reduces the burden of the change for local residents.'*

When put to the vote, the amendment was declared **CARRIED**;

- (b) any impact on the existing parking permits scheme. When questioned, officers confirmed that there were no proposed changes to the existing parking permits scheme;
- (c) the principal behind a two-tier pricing structure. Whilst car parking charges had remained fixed since 2021, it was now considered appropriate to revisit them and, if possible to implement, the intention of the two-tier system would be for resident charges to be at a lower level than the equivalent charges for visitors. A number of Members stated their support for what they considered to be a fairer system of charging;
- (d) the decision-making process. Officers confirmed that any proposed increases in car parking charges would require the ultimate determination of Full Council.

It was then:

RESOLVED

1. That car parking charges be held at their current level, as set in 2021; and
2. That, in principle, a change to car parking tariffs be implemented at such time as it can be done under a two-tier pricing structure that reduces the burden of the change for local residents.

E.45/23 PLANNING ENFORCEMENT: TASK AND FINISH GROUP REVIEW

Members considered a report that provided the recommendations of the Planning Enforcement Task and Finish Group

In discussion, the following points were raised:

- (a) Especially in light of the tight time constraints assigned for the review, Members extended their thanks to their colleagues who had served on the Task and Finish Group for completing such an excellent piece of work. In the event that the Executive approved the report recommendations, it was then intended that the draft Enforcement Plan would be subject to design work and a final proof check before being published and circulated to all Members and town and parish councils;
- (b) An amendment to recommendation part 3 was **PROPOSED** and **SECONDED** as follows:

- ‘3. *That authority be delegated to the Assistant Director of Planning, in consultation with the Lead Member for Planning and the Chair of the Task and Finish Group, to update the draft Enforcement Plan (as set out in Appendix A of the presented agenda report), to include relevant powers introduced by the Levelling-up and Regeneration Act 2023.*’

When put to the vote, the amendment was declared **CARRIED**;

- (c) Officers advised that, whilst the new planning system had only recently gone live, work was ongoing to explore how it could be best exploited to ensure that Members were kept informed of cases within their local Wards. In particular, a plea was made for Members to be able to see the current stage of the process for each Enforcement case and the importance of all Members being fully engaged in the enforcement process was emphasised;
- (d) It was noted that an additional range of Enforcement related powers had been introduced via the Levelling-Up and Regeneration Act 2003. Regardless of the range of powers available, officers reiterated that the Council was always required to take a proportionate approach to enforcement action;
- (e) Whilst often a cause of great concern, Members acknowledged that time delays in enforcement cases were often attributed to legal constraints.

It was then:

RESOLVED

1. That the Task and Finish Group be thanked for their considerable and in-depth work reviewing and developing the new approach to planning enforcement;
2. That the recommendations set out by the Task and Finish Group in section 2 of the presented agenda report be noted; and
3. That authority be delegated to the Assistant Director of Planning, in consultation with the Lead Member for Planning and the Chair of the Task and Finish Group, to update the draft Enforcement Plan (as set out in Appendix A of the presented agenda report), to include relevant powers introduced by the Levelling-up and Regeneration Act 2023.

E.46/23 **SOUTH DEVON AREA OF OUTSTANDING NATURAL BEAUTY (NATIONAL LANDSCAPE) PARTNERSHIP**

Consideration was given to a report that provided an update on key aligned projects being delivered by the South Devon AONB (Area of Outstanding Natural Beauty) (now the National Landscape Partnership). The report also contained recommendations regarding the funding position for the Council as a core funding partner and host organisation.

In discussion, particular reference was made to:

- (a) the recruitment challenges in employing an additional planning resource to join the AONB. Whilst previous recruitment attempts had proven to be unsuccessful, officers had worked closely with neighbouring colleagues in re-advertising the role and it was hoped that this would lead to a more successful outcome in the upcoming months;
- (b) the service provided by the AONB Unit. A number of Members stressed that the AONB Unit provided a fantastic resource for the Council and the published report highlighted just how many different roles the team were involved in;
- (c) financial contributions from the Council to the AONB Unit. Since the Unit received a core grant allocation from the Council of £20,700 per annum and would be required to pay rent on an office space wherever it was located, a Member felt it to be slightly disingenuous for the published agenda report to state that *'as such, SHDC does not in real financial terms contribute to the core costs of the AONB'*.

It was then:

RESOLVED

1. That the scope of core and project work being undertaken by the South Devon AONB Partnership and the alignment with Council priorities be noted;
2. That an update report on these programmes be considered by the Executive in a further six months' time;
3. That the underwriting of the Life on the Edge project, to maximum financial value of £96,000, (£18,000 per year over 5 years) against the £4.2m project programme be approved; and
4. That authority be delegated to the Director of Place and Enterprise to review and amend the hosting agreement to reflect this principle and agree the partnership status of the AONB for a further 5 years in order to provide surety of funding.

E.47/23 Q3 AND Q4 WRITE-OFF REPORT 2022/23

A report was considered that informed Members of the proposal to write-off a series of debts with a value of more than £5,000 for the period from 1 October 2022 to 31 March 2023.

In discussion, a Member felt that the proposed write-offs were comparatively high when reviewed against previous reporting periods. When responding, officers agreed that the figures were comparatively high and, since the main reason for write-off was insolvency, this did suggest that the impact of the cost of living crisis was being realised.

It was then:

RESOLVED

1. That, in accordance with Financial Regulations, it be noted that the Section 151 Officer has authorised the write-off of individual debts totalling £152,139.70 (as detailed in paragraph 3 of the presented agenda report); and
2. That the write-off of the individual debts totalling £83,564.08 (as shown in Appendix A of the presented agenda report) be approved.

E.48/23 TOTNES NEIGHBOURHOOD PLAN

The Executive considered a report that sought approval for the making (adoption) of the Totnes Neighbourhood Plan.

In discussion, the following points were raised:

- (a) Congratulations were extended to every individual who had been involved in the incredibly time consuming process of reaching this point;
- (b) A Member highlighted the particularly low turnout of Neighbourhood Plan Referendums in the market towns of the South Hams and questioned whether town clerks were incorrectly advising their town councillors that they were subject to pre-election ('purdah') constraints. The Member asked if this point could be followed up with clerks outside of this meeting;
- (c) Since a number of adopted Neighbourhood Plans were soon to be required to be subject to review, officers were tasked with considering how they could best support local Groups in this process.

It was then:

RESOLVED

That the Totnes Neighbourhood Development Plan be made (adopted).

E.49/23 SOUTH MILTON NEIGHBOURHOOD PLAN MODIFICATION

Consideration was given to a report that contained proposals to modify the South Milton Neighbourhood Plan.

In discussion, the benefits of a lead officer being based full-time in the South Hams area were highlighted and the officer support that had been provided to South Milton Parish Councillors had been both invaluable and very well received.

It was then:

RESOLVED

1. That the Examiner's report for the South Milton Neighbourhood Plan Modification (as set out at Appendix A of the presented agenda report) be received and noted;
2. That each of the recommendations made by the Examiner's report and the reasons for them has been considered;
3. That the South Milton Neighbourhood Plan as proposed to be modified meets the Basic Conditions and is compatible with the Convention Rights, subject to the amendments recommended by the Examiner;
4. That the South Milton Neighbourhood Plan modifications be made (adopted) as recommended by the Examiner (as set out in the full plan and attached at Appendix B of the presented agenda report); and
5. That the Assistant Director Planning be authorised to publish the Decision Statement (as set out at Appendix C of the presented agenda report).

E.50/23 REPORTS OF OTHER BODIES

That the minutes and recommendations of the undermentioned bodies be received and approved subject to any amendments listed below:-

(a) Salcombe Harbour Board Meeting – 18 September 2023

SH.10/23 2024/25 BUDGET

RESOLVED

That Council be **RECOMMENDED** that:

1. the proposed 2024/25 Budget (as set out within the agenda report presented to the Board meeting) be approved, with it being noted that the detailed means of closing the Budget deficit (identified as being £77,000) will be considered by the Board at its next meeting (to be held on 13 November 2023); and
2. £150,000 be transferred from the Harbour's General (Revenue Account) Reserve to the Renewals Reserve as part of closing the 2023/24 Accounts, with this funding being earmarked to support the cost of replacing the moorings barge.

(b) Salcombe Harbour Board Meeting – 13 November 2023

SH.22/23 FEES AND CHARGES 2024/25

RESOLVED

That Council be **RECOMMENDED** that the proposed fees and charges (as set out at Appendix 1 of the agenda report presented to the Board meeting) be approved for implementation from 1 April 2024 in order to meet the 2024/25 Budget gap of £77,000.

E.51/23 EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

E.52/23 URGENT BUSINESS: EXEMPT REPORT-WOODLAND CREATION

As highlighted earlier in the meeting (Minute 32/23 above refers), consideration was given to an exempt (and urgent) report that provided an update on opportunities in connection with delivery against the Council's emerging Corporate Plan, with regard to net zero and the declared Climate Change and Biodiversity Emergency.

In debate, since the Leader of Council was no longer in attendance, it was felt appropriate for part 4 of the report recommendation to be deferred at this time.

Members proceeded to express their support for the proposals that were contained within parts 1, 2 and 3 of the report recommendations and it was then:

RESOLVED

1. That land be acquired (as set out in exempt Appendices B and C of the published exempt agenda report) for woodland creation through the Plymouth and South Devon Community Forest programme;
2. That the proposed expenditure (as set out in Section 6.2 of the published exempt agenda report) be financed from the resources released from the review of the Capital Programme (Council Minute 30/23 refers); and
3. That a long lease be granted in accordance with Section 1.7 of the presented exempt agenda report.

(Meeting commenced at 10.00 am and concluded at 4.15 pm)

Chairman

(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES E.36/23 (Parts 2 & 3), E.38/23 (Parts c to e), E.39/23 (Part 1) AND E.50/23 (Parts (a)1& 2 and (b)) WHICH ARE RECOMMENDATIONS TO THE COUNCIL MEETING TO BE HELD ON 14 DECEMBER 2023, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 11 DECEMBER 2023 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULES)

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