

**NORTH DEVON COUNCIL**

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 7th March, 2022 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Lane, Lofthouse, Patrinos, Pearson, L. Spear and Wilkinson

Officers:

Chief Executive, Director of Resources and Deputy Chief Executive, Senior Solicitor and Monitoring Officer, Head of Customer Focus, Service Lead Housing Market Balance, Head of Environmental Enhancement and Head of Place, Property and Regeneration

Also Present:

Councillors D. Spear

**114. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Knight and Prowse.

The Senior Corporate and Community Services Officer advised that Councillor Yabsley would be joining the meeting later virtually via Microsoft Teams.

**115. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7 FEBRUARY 2022 (ATTACHED).**

RESOLVED that the minutes of the meeting held on 7 February 2022 (circulated previously) be approved as a correct record and signed by the Chair subject to it being noted that Councillor Lane was not present at that meeting.

**116. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.**

**(a) Informal Briefing for Members of the Committee**

The Chair advised that an informal briefing would be held for Members of the Committee following the conclusion of the formal meeting regarding Seven Brethren.

**117. DECLARATIONS OF INTERESTS.**

There were no declarations of interest received.

**118. APPROVAL AND RELEASE OF SECTION 106 PUBLIC OPEN SPACE FUNDS - MORTEHOE**

The Committee considered a report by the Project, Procurement and Open Space Officer (circulated previously) regarding the allocation of section 106 public open space funds towards a project in the community of Morteheo.

The Head of Environmental Enhancement highlighted the following:

- The scheme was for the replacement of the shutter windows at the Meadow Playing Field Pavilion and it was recommended that £3,175 be allocated to Morteheo Parish Council towards the enhancement of the pavilion at Meadow Playing Field.

RESOLVED:

- (a) That £3,175 be allocated to Morteheo Parish Council towards the enhancement of the pavilion at Meadow Playing Field;

RECOMMENDED:

- (b) That Council vary the capital programme by £3,175 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor and Monitoring Officer, for external projects.

**119. ALLOCATION OF AFFORDABLE HOUSING COMMUTED SUMS - BEECHFIELD ROAD, FREMINGTON**

Councillor Lane declared a personal interest as his son worked for North Devon Homes.

The Committee considered a report by the Service Lead – Affordable Housing (circulated previously) regarding the allocation of affordable housing commuted sums to gap fund two affordable homes for social rent at Beechfield Road, Fremington.

The Service Lead – Affordable Housing highlighted the following:

- It was recommended that £20,000 of commuted sums be allocated to gap fund two affordable homes (£10,000 each) for social rent at Beechfield Road, Fremington.
- North Devon Homes had applied for planning permission for two open market houses on an existing garden area fronting onto Beechfield Road, Fremington.
- North Devon Homes had applied for funding from Homes England to convert the approved open market houses into social rents. In addition, as opposed to the affordable rent that in the past had been the grant option from Homes England, these were to be grant aided as social rent. This would require substantial grant per unit of £92,500/unit from Homes England and following

discussions with Homes England this was reliant on a contribution of £10,000/unit from North Devon Council as well as financial input by North Devon Homes.

- Options as detailed in paragraph 4.5 of the report.
- It was proposed that the grant would be funded from aggregating 4 small amounts of commuted sums as detailed in paragraph 5.1 of the report.

In response to questions, the Service Lead – Affordable Housing advised the following:

- The amenity of adjoining properties would be considered as part of the planning process.
- The relevant Parish Councils had been consulted on the proposed allocation of commuted sums from within their parish. Some Parish Councils had not responded to the consultation despite reminders being sent.
- Any profit that North Devon Homes made was required to be used for the provision of affordable housing within North Devon.
- If schemes arose from within any of those parishes in the future and the same amount was required to benefit the affordable housing offer, this does not stop officers taking the scheme to Committee for support using other pots of commuted sums.
- A claw back clause would be included within the grant agreement showing the value of £10,000 expressed as a percentage of its current open market value. If in the future, either property was sold on the open market, that same fixed percentage of the open market value at the point of sale would be returned to the Council.
- The properties would be 2 bed social rents.

RESOLVED:

- (a) That £20,000 of commuted sums be allocated to secure two affordable homes for social rent at Beechfield Road, Fremington.

RECOMMENDED:

- (b) That Council vary the Capital Programme by £20,000 and that funds be released to North Devon Homes, subject to a Grant Agreement upon such terms and conditions as may be agreed by the Proper Officer and Senior Solicitor and Monitoring Officer

**120. BARNSTAPLE ENVIRONMENT AGENCY FLOOD IMPROVEMENT DEFENCES**

The Committee considered a report by the Head of Property, Place and Regeneration (circulated previously) regarding an update on the provision of Environment Agency (EA) flood defences for Barnstaple.

The Head of Property, Place and Regeneration highlighted the following:

- The Barnstaple Flood Defence Improvements Study and the Phase 2 Advanced Design Studies for Mill Road/Pilton Park were completed in 2016. This covered improvements to flood defences to protect Cells A and B which extend from Bradiford Water down to the River Yeo, including the Mill Road and Pottington areas of Barnstaple. The work to improve the existing flood defences would make Barnstaple more resilient and help protect the town against the effects of climate change.
- This work was included in the EA project pipeline with detailed design work due to commence in 2021 and construction in 2023. The scheme had an estimated cost of £7m, with £5.5m coming from Government Flood Defence Grant in Aid. The funding gap of £1.5m still needed to be found from other sources, which was being investigated by the Council with EA support.
- The EA and NDC have worked in partnership for some time to explore the upgrading of flood defences in Barnstaple. This has resulted in the delivery of new defences at Anchorwood and identified what was required on the opposite bank.
- To refine the data contained in their capital programme, the EA carried out some analytical work and an outline cost benefit assessment was conducted in June 2021. This interrogated the 2016 model data, and used their understanding of the underlying flood risks and climate change guidance to examine the current condition and expected lifespan of flood defence assets in Barnstaple.
- This review revealed that the current defences offer a better standard of protection to existing residential properties and have a longer residual life than originally thought. The defences should be able to handle current and future climate change flood risk (sea level rise and increased river flows) until the 2050s and with only minor works the lifetime of the existing defences can be extended to meet these demands.
- As such, the Barnstaple flood defence programme was no longer an immediate priority for the EA. As a result the upgraded flood defences have been removed from the EA pipeline programme and the monies are no longer available. DEFRA funding was based on protecting existing properties and does not take into account the release of land for additional housing.
- This of course had significant implications for the regeneration of Barnstaple, the housing crisis and five year housing land supply as when allocating sites and determining planning applications, sites must show that they were protected from flood risk for the life time of the development (or 100 years for residential development). The models show that the current defences would need upgrading in the next 30 years.
- Ongoing discussions have taken place with the EA in relation to both how we consider existing applications and those that will come forward before the realisation of the defence work.
- If a planning application was received for residential development in an area at risk of flooding it must first pass the sequential test (i.e the Local Planning Authority must be satisfied that the development cannot be located elsewhere, or that when applying the sequential test, the wider sustainability benefits outweigh the ability to relocate it). If development can pass the sequential test then the exception test must be applied and show that the

development would be safe for its lifetime and won't increase flood risk elsewhere.

- Historically the Council as Local Planning Authority had resisted applications that have relied on evacuation plans and safe refuge to meet the exception test and have insisted that if development would be affected by flood risk over the course of its lifetime that the finished floor level of residential accommodation must be built above the anticipated flood level and that safe access and egress must be achieved.
- Officers have met on a number of occasions to consider the acceptability of evacuation and refuge and consider that each case would need to be determined on its individual merits in terms of risk and the planning balance. If mitigation plans were accepted by the emergency services and appropriate evacuation, refuge and mitigation measures can be identified then taking into account, social, economic and other environmental benefits, officers consider we should be supporting proposals rather than delaying the opportunity to boost housing supply and support the regeneration of the town. The mitigation measures might include safe refuge, an emergency evacuation plan across all accommodation, agreement with the emergency services etc.
- Alongside this, officers and the EA have been discussing the delivery of the flood defences with Homes England to see if they were able to assist in helping with funds and accelerating their delivery, as it would release land for the delivery of housing. These discussions were ongoing.
- This work would continue, however, development that was permitted in advance of any funding being secured would not contribute to the number of homes released. This does reduce the Council's ability to obtain funding for the defences and was a risk of permitting development to come forward early but that was for Members to balance against the benefits of doing so, in their decision making. At present there was no guarantee as to the availability of this funding and officer's would continue to work with colleagues to seek a solution in this regard.

In response to questions, the Head of Property, Place and Regeneration advised the following:

- A briefing paper providing an update had been sent to the MP for North Devon.

In response to questions, the Chief Executive advised the following:

- The Council had a co-operative relationship with the EA and were currently in discussions.

RESOLVED:

- (a) That a revised strategy for safe development in terms of flood risk be agreed, to enable officer's to consider applications on a case by case basis, taking into account, mitigation and other social, economic and environmental benefits;

- (b) That the Council continue to have discussions with the Government, Environment Agency and other appropriate agencies on flooding and modelling taking into account the recent Intergovernmental Panel on Climate Change (IPCC) report regarding modelling and financing.

**121. TEAM DEVON DEVOLUTION DISCUSSIONS**

The Chief Executive provided an update to the Committee on the Team Devon Devolution discussions.

He highlighted the following:

- The Government had recently published a Levelling Up White Paper which set out a new devolution framework for England. This White Paper made it clear that it did not relate to the re-organisation of local government.
- This extended devolution beyond metropolitan areas and set out pathways to a devolution deal for every area of England.
- Devon had been invited to start formal negotiations to agree a new County Deal.
- Over the past 2-3 years, the relationship between Local Authorities and Devon County Council had built up as a result of working together to provide a community response to Covid. During this time a substantial amount of trust and understanding of each other developed.
- The White Paper made it clear that Mayoral arrangements were not a requirement for a County Deal to be approved.
- The devolution framework was underpinned by four principles: effective leadership, sensible geography, flexibility and appropriate accountability.
- Team Devon Leaders and Chief Executives had agreed to submit an expression of interest for a County Deal, which had been approved to enable further negotiations to take place. The collaborative working had now been expanded to include Plymouth and Torbay.
- Team Devon had agreed 8 priorities theme areas to form part of its negotiations. Following Government approval of the expression of interest, further discussions had started to take place.
- Two calls had been held with Ministers to date. The Government had requested the completion of a pro-forma to detail what Team Devon would like to be included in the County Deal by 25 March 2022 which would then form the basis of further negotiations with Government.
- The three levels set out in the devolution framework were: Level 3 – a single institution or County Council with a directly elected mayor (DEM), across a functional economic area (FEA) or whole county area; Level 2 – A single institution or County Council without a DEM, across a FEA or whole county area; and Level 1 – Local authorities working together across a FEA or whole county area e.g. through a joint committee. Level 3 represented the Government's preferred model of devolution, but they have been clear that this will not suit all areas at present, and that the framework would instead allow areas to deepen devolution at their own pace.
- Unlike in some areas, the district councils would also be represented at and play an active role in those discussions.

- Team Devon had agreed to proceed with Level 2 with Level 3 powers. This approach had been adopted in other areas. There was now a requirement for Team Devon to formulate its governance arrangements; to demonstrate how it would meet the four principles; and to build upon its collaborative approach.
- All parties involved have agreed that they were not interested in any discussions about local government reorganisation or the formation of a unitary council for Devon.
- In all likelihood, the structure would take the form of a Combined Authority headed up by a Leader. That Combined Authority would be created to administer the new powers only. District Councils, Unitary Authorities and Devon County Council would continue with its current functions.
- At present the Chair of the Devon District Councils Forum, Leader of Devon County Council and Leaders of Plymouth and Torbay Unitary Authorities would be appointed to the Combined Authority Joint Committee. Negotiations were taking place regarding the appointment of representatives from District Councils to the Combined Authority.
- If Devolution arrangements were not in place, the UK Shared Prosperity Fund would be allocated to either Unitary Authorities or District Councils. If Devolution arrangements were in place, the Prosperity Fund would be allocated to the Combined Authority to administer based upon the investment places that had been put in place. There was a requirement for further discussions to take place across Devon as a collaborative approach would be required to deliver some projects.

In response to questions, the Chief Executive advised the following:

- Combined Authorities that had been set up previously had the same powers as principal authorities. However, under the Devolution deal, separate legislation would be passed setting out the legal status of the Combined Authority. Shadow arrangements maybe put in place for a short period of time.
- A briefing paper was in the process of being prepared on behalf of Team Devon. This would then be circulated to all Councils forming part of Team Devon.
- The Combined Authority would only administer new powers. The White Paper had made it clear that the Government's preference was to deal with Unitary or Combined Authorities.
- As Northern Devon had experienced a greater impact as a result of Covid, there was a need to continue to lobby to ensure that there was representation on the Combined Authority Joint Committee.

Chair

The meeting ended at 11.05 am

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.