



## Public Document Pack

North Devon Council  
Brynsworthy Environment Centre  
Barnstaple  
North Devon EX31 3NP

M. Mansell, BSc (Hons),  
F.C.P.F.A.  
Chief Executive.

### **SPECIAL EXECUTIVE**

A meeting of the Special Executive will be held in the Barum Room - Brynsworthy Environment Centre on **MONDAY, 1ST APRIL, 2019 at 10.00 am.**

**(NOTE:** A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

**NOTE :** Please note that following the District Council Elections on 2<sup>nd</sup> May 2019, paper copies of agenda for all Council and Committee meetings will no longer be produced. All Councillors will receive agendas and minutes electronically.

Members of the Executive

Councillor Brailey (Leader)

Councillors Barker, R Cann, Edgell, Jones, Lane, Luggar, Meadlarkin, Moores and Yabsley

### **AGENDA**

1. Apologies for absence
2. Leader's announcements
3. Declarations of Interests  
(Please complete the enclosed form or telephone the Corporate and Community Services Unit to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
4. To agree the agenda between Part A and Part B (Confidential Restricted Information)

### **PART A**

5. **Seven Brethren Gypsy and Traveller site** (Pages 5 - 10)  
Report by Head of Place (attached).

**6. Exclusion of Public and Press and Restriction of Documents**

RECOMMENDED:

- (a) That under the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended), as made under the Local Government Act 2000, the public and press be excluded from the meeting as it involves the likely disclosure of exempt information as defined by Paragraph 3 Part 1 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

**PART B (CONFIDENTIAL RESTRICTED INFORMATION)**

**7. Watersports Centre - Ilfracombe (Pages 11 - 18)**

Report by Head of Place (attached).

**If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253**

22.03.19



### **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

#### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:  
Brynsworthy Environment Centre (BEC), Roundswell,  
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



## NORTH DEVON COUNCIL

**Report To:** EXECUTIVE  
**Portfolio Holders:** LOCAL PLAN AND REGENERATION  
**Date:** 1 April 2019  
**Topic:** SEVEN BRETHREN GYPSY AND TRAVELLER SITE  
**Report By:** HEAD OF PLACE

### 1 INTRODUCTION

- 1.1 In November 2017 North Devon Council were awarded £2.2 million of Land Release Fund to bring forward 245 residential units on Council owned land at Seven Brethren, Barnstaple. £1 million was secured towards junction improvements and £1.2 million towards delivering flood defences/raising of site levels. The Council has received £200,000 of this funding and the remaining monies would be paid in two further tranches over the next two years providing the project is progressing as set out in the original bid. The Council's commitment to build a new leisure centre, frees up this land for its wider redevelopment. An indicative masterplan is appended to this report, which identifies the proposed distribution of land uses across the site.
- 1.2 The Land Release Fund is a government initiative to assist in unlocking sites and accelerating the delivery of housing. The Fund expects this land to be released for housing no later than March 2020. It has been acknowledged by the Local Government Association, who is administering the fund that this could be extended until December 2020.
- 1.3 There is a need for a Gypsy and Traveller transit site within North Devon as identified in the newly adopted Local Plan (The Devon Partnership Gypsy and Traveller Accommodation Assessment (2015) identified the need for a formal transit site provision for travellers within North Devon as well as within Torridge District). Currently there is only a single 'toleration site', and this is at Seven Brethren and forms one of the first phases of the wider development.
- 1.4 In the medium term a new transit site will need to be identified but a recent call for sites produced nothing suitable and further options, including acquiring a site, are being explored. In the short term an alternative toleration site could be provided on the proposed new long stay car park. A toleration site is not a formal site but is somewhere where unauthorised encampments can be directed and where planning enforcement action will not be undertaken. A transit site still only provides for temporary stays but will have planning permission and will provide hardstanding's, electric hook up and a bathroom and individual pitches will be clearly defined.

## **2 RECOMMENDATIONS**

### **2.1 That Executive agree officers:**

1. Subject to any necessary consultation relocate the Gypsy and Travellers 'toleration' site within the project masterplan for Seven Brethren, in the short term (to December 2020), and that design solutions are developed to mitigate the impact of the relocation of the toleration site within the site.
2. Within an agreed timetable, proceed to purchase or otherwise secure an alternative transit site for the long term provision of Gypsy and Travellers to meet the Council's obligations and obtain the relevant planning permission to allow use of the site. The aim will be to have an alternative site available for use by December 2020.
3. Bring a further report to the Executive Committee with progression on both options and details of how the Gypsy and Travellers site will be managed. This reporting could reflect the milestones set out at 4.9 of this report.

## **3 REASONS FOR RECOMMENDATIONS**

- 3.1 In order to develop Seven Brethren within an acceptable timescale to draw down the Land Release Fund of £2.2m the current toleration site needs to be released in June 2020. This is unlikely to be sufficient time to identify an alternative site and obtain the required consents to deliver it in this timeframe.
- 3.2 Planning permission will not be obtained for the redevelopment of Seven Brethren (for the land as defined by the Land Release Fund) if an alternative site for the travellers cannot be provided.
- 3.3 There are practical implications if NDC does not provide an alternative suitable site, in terms of the Equality Act 2010.

## **4 REPORT**

- 4.1 Development is being brought forward on the Seven Brethren site in Barnstaple, continuing the transformation of the town and utilising a key river side location. A procurement process to identify a development partner has begun, working with Homes England, and an appointment is anticipated in October 2019.
- 4.2 In order to draw down the remainder of the Land Release Fund of £2m the first phase of development (the toleration site) would need to be released in June 2020. This timescale is unlikely to give sufficient time to identify a formal transit site and obtain the necessary consents, bearing in mind the call for sites in 2016 drew a blank and NDC may need to acquire a new site.
- 4.3 If an alternative site is not found and the toleration site has to remain where it is then the Land Release Fund cannot be drawn down. The current site forms part of the development area set out in the Land Release Fund bid.
- 4.4 Given this, in the shorter term, the proposal is to relocate the toleration site to the proposed new long stay car park to the rear of the Seven Brethren site on a

temporary basis. Whilst some mitigation measures can be put in place, there are risks associated with relocating the Gypsy and Traveller site as identified on the appended master plan, as follows:

- The site is remote (away from natural surveillance) and could lead to increased anti – social behaviour. The existing site on Seven Brethren is already problematic. There is cost/officer time involved in terms of clean up and court action.
  - There are concerns regarding the relationship of the proposed long stay car park and the proposed temporary Gypsy and Traveller site and that it could lead to a loss of car park revenue, if people are put off using the car park as a result.
  - There is a cost to providing this temporary site both in terms of physical infrastructure and in terms of ecological mitigation – consultants are currently quantifying this. The costs of providing both the long stay car park and temporary toleration site would be subject to a business case for capital funding being submitted to Executive and Full Council to vary the Capital Programme.
  - There is a risk that we will be unable to find a suitable transit site (public feedback/cost etc.), which could result in the retention of this proposed toleration site in the longer term.
- 4.5 There are no obvious alternative sites within Seven Brethren; however, the Property team (Engineers and Estates) could again explore whether any existing tenants have appetite with regards relocation to understand whether a more favourable site could be found in the short term.
- 4.6 In the longer term NDC needs to identify a suitable transit site of a minimum of 0.5 hectares for five pitches. The call for sites associated with the Local Plan process produced nothing suitable. It is likely that NDC would have to acquire a suitable site for this purpose, apply for and secure any required consents and deliver any on-site facilities.
- 4.7 There is a requirement on the Council to provide Gypsy and Traveller accommodation regardless of the ‘toleration’ site at Seven Brethren.
- 4.8 Executive should therefore understand that if the recommendations are approved, the Council would need to commit to looking for and finding a permanent solution. If it does not do so, the integrity and viability of the wider regeneration scheme is likely to be affected.
- 4.9 An officer group will be set up to progress this and further reports brought to Executive to update Members on progress. The Joint Local Plan working group will also be involved in its role of overseeing the development and delivery of the Local Plan. The officer team, led by the Head of Place as Senior Responsible Officer, will be tasked to:
- develop a specification for the transit site to inform the site search, including revenue requirements and management options
  - site search
  - acquire the land/secure planning permission

- deliver the new transit site including any on-site facilities
- make financial provision within the capital programme for 2019/20.

4.10 The proposed officer group will include representatives from:

- Housing
- Development Management / Planning Policy
- Property Team (Engineers and Estates)
- Finance
- Legal

4.11 A full business case will be developed with the aim of the provision requiring no revenue subsidy.

## 5 RESOURCE IMPLICATIONS

- 5.1 Officer time from within existing Economic Development, Legal, Housing, Property Team (Estates and Engineers), Finance and Planning Services time budgets.
- 5.2 Potential cost of site acquisition and of managing the site, although this may also generate an income to balance costs.

## 6. CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
5.4 Article 7.12	Appendix 4, para 17	no

## 7 STATEMENT OF CONFIDENTIALITY

- 7.1 The report is not considered to contain confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 8 BACKGROUND PAPERS

- 8.1 Seven Brethren Executive Report 6.8.18

## 9 STATEMENT OF INTERNAL ADVICE

- 9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Executive Members: Councillor Barker / Councillor Yabsley / Councillor Lane / Councillor Edgell

Authors: Sally Nelson / Sarah Jane Mackenzie-Shapland

Date: 20 March 2019

References:










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North Devon Council Brynsworthy Environment Centre Roundswell Barnstaple Devon EX31 3NS		
PROPOSED LONG STAY CAR PARK AND TOLERATION SITE SEVEN BRETHREN, BARNSTAPLE		
CONCEPTUAL PLAN		
Scale		NTS
Date		FEB 2019
Drawn		MAR
Checked		
		
Drawing Number		ENG/A7800/100
Rev		A



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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