

NORTH DEVON COUNCIL

Minutes of a meeting of Strategy and Resources Committee held at Barum Room - Brynsworthy on Monday, 17th May, 2021 at 10.00 am

PRESENT: Members:

Councillor Worden (Chair)

Councillors Lane, Pearson, Prowse, L. Spear, Wilkinson and Yabsley

Officers:

Chief Executive, Head of Resources, Senior Solicitor/Monitoring Officer, Property Manager, Senior Regeneration Officer, Solicitor and Data Protection Officer, Estates Officer, Regeneration Manager, Sustainability Officer and Parks, Leisure and Culture Officer

Also Present:

Councillors Hunt, Leaver, D. Spear and Walker

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Knight, Lofthouse and Patrinos.

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

There were no items brought forward, which in the opinion of the Chair, should be considered by the meeting as a matter of urgency.

21. DECLARATIONS OF INTERESTS.

The following declaration of interest was announced:

Councillor L. Spear – item 5 personal interest as Chair of Braunton Parish Council.

22. ORDER OF AGENDA

The Leader advised that part of item 9 would be considered in Part A of the agenda.

The Committee agreed to consider item 9 before item 8 on the agenda.

23. APPROVAL AND RELEASE OF S106 PUBLIC OPEN SPACE FUNDS - BRAUNTON

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 projects in Braunton.

The Committee noted a typographical error in paragraph 2.2, which should have stated “2.2.1 and 2.2.2 above”.

RESOLVED that section 106 public open space funds be allocated as follows:

(a) £26,992.57 to Braunton Parish Council towards the enhancement of Chaloners Road Play Area.

(b) £28,498.58 to Braunton Cricket Club towards the provision of an artificial grass training facility and nets.

RECOMMENDED:

(c) Subject to approval of (a) and (b) above, that Council be recommended to vary the capital programme by £55,491.15 and that funds be released, subject to a Funding Agreement upon such terms and conditions as may be agreed by the Senior Solicitor, for external projects.

24. BRAUNTON BURROWS SPECIAL AREA OF CONSERVATION VISITOR IMPACT STRATEGY

The Committee considered a report by the Sustainability Officer (circulated previously) regarding the finalised Visitor Mitigation Strategy for Braunton Burrows Special Area of Conservation (SAC).

Councillor Lane declared a personal interest as a builder and a developer.

In response to questions from the Committee, the Sustainability Officer advised the following:

- The Conservation of Habitats and Species Regulations 2017 sets out a duty to maintain and restore European Designated Sites. Local authorities were required to have regard to the implications of plans or projects on the integrity of protected site’s conservation objectives.
- Evidence produced since the adoption of the North Devon and Torrington Local Plan (the “Local Plan”) concluded that, as a result of increasing visitor pressure, adverse effects on the integrity of the SAC could not be ruled out and development which contributed to the harm of the SAC should not be granted without appropriate mitigation measures being in place.
- Natural England had advised that a formal mitigation strategy must be produced to provide certainty on what mitigation measures are required and the cost of delivery.
- In 2019, the Council commissioned Footprint Ecology, who were national experts, to assess potential impacts on Braunton Burrows SAC as a result of further non plan-led development in-combination with that allocated for within the Local Plan. The Braunton Burrows SAC – An Assessment of the Potential

Recreational Impacts Linked to Non Plan-Led Development report was finalised in March 2019. Footprint Ecology assessed visitor behaviour, type of impact and origin of impact.

- Natural England had responded to the report produced by Footprint Ecology and advised that the appropriate assessment to accompany all new applications would need to address measures for mitigation.
- The developer contributions sought could only legally be used for Branton Burrows SAC and could not be transferrable to another area. In accordance with the Habitat Regulations, only potential impacts on Branton Burrows SAC were perceived to be significant and warrant further assessment and mitigation.
- The costs included within the action plan of the Mitigation Strategy were estimates to mitigate impacts for the remainder of the Joint Local Plan. The Strategy was provided by a reputed consultant. The figures would be kept under constant review.

RESOLVED:

(a) That the Local Authority commence collection of developer contributions at a revised rate of £190 per unit (including administration fees) on any development resulting in a net gain in temporary or permanent residential or holiday accommodation within the identified Zone of Influence (Zoi);

(b) That the rate of contributions be placed under constant review to ensure that the delivery of development within the ZOI was sufficient to fund the strategy's capital costs and recurring costs as set in Table 1 of the Strategy;

(c) That the Branton Burrows SAC Mitigation Strategy action plan be reviewed in two years time;

RECOMMENDED:

(d) That Full Council be recommended to amend the Scheme of delegations to provide delegated power to the Senior Solicitor to enter into undertaking and obligations under section 106 Town and County Planning Act and/or section 111 Local Government Act 1972 to secure contributions;

(e) That Full Council be recommended to amend the Scheme of delegations to provide delegated power to the Senior Solicitor to develop a legal agreement with Christie Estates for developer contributions collected for the purpose of Branton Burrows SAC mitigation to fund a Christie's appointed 60% full time equivalent Engagement Officer.

25. LAND AT WESTACOTT - PUBLIC CONSULTATION

The Head of Resources provided an update to the Committee on the areas of the Land at Westacott – Public Consultation report which were not confidential or commercially sensitive.

The Head of Resources highlighted the following:

- North Devon Council owned the freehold of the land at Westacott, Westacott Road, Barnstaple.
- The owner of the adjacent land had approached the Council for permission to access their site over the Council's land at Westacott in accordance with the outline planning consent. The land consisted of 2.5 acres and was currently used as Public Open Space.
- Within the North Devon and Torridge Local Plan 2011 – 2031 the land was identified as a site for a secondary access to BAR1.
- BAR1 was a site comprised of numerous plots of land with various owners and had been identified in the local plan to deliver 950 homes, with its main access from proposed roundabout at the Landkey junction.
- The Council had been successful in securing Housing Infrastructure Fund monies to help deliver the Landkey roundabout which formed the primary access to BAR1.
- The existing park covered an area of approximately 12,000 square metres. The plans showed that 1400 square meters of the existing park would be taken up by the road. An equivalent amount of informal open space would be replaced around the site of the proposed Multi Use Games Area (MUGA) and it was proposed that an additional informal open space would be provided in the form of a hill top park. It was proposed that a MUGA and junior sports pitch would be provided. A minimum of 10 pieces of play equipment would be provided (5 to replace the existing and 5 additional pieces). This would result in an overall net gain and increase of open space to approximately 27,000 square metres.
- Under section 123 of the Local Government Act 1972 the Council had the power to dispose of land held by them but this was limited by subsection 2A "That the council may not dispose of Open Space unless before disposing of the land they cause notice of their intention to do so to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them".
- If the Committee agreed to go out to public consultation it was intended to advertise the potential disposal in the Gazette and North Devon Journal on the 20th and 27th May 2021 with closure for responses on 18 June 2021.
- The consultation responses together with all of the facts would be presented to the Committee at its meeting in July 2021 to consider.

In response to a question, the Estates Officer confirmed that the area of land consisted of 2.5 acres. The public open space would be managed by a management company and not owned by the Council.

Councillor Hunt (in her capacity as Ward Member) addressed the Committee.

Councillor Leaver (in her capacity as Devon County Councillor) addressed the Committee.

In response to questions, the Head of Resources advised the following:

- The advertisement was prescribed, however a separate press release would be issued setting out the facts and the reasons for the consultation. The draft press release could be shared with Ward Members prior to publication. The proposals for the public open space would be made clear and that the park would not be lost.
- 2 weeks consultation period was considered to be adequate as it was anticipated that the majority of consultation responses would be submitted promptly. This would allow 2 weeks for officers to collate the results.

In response to a question, the Chief Executive advised that it was a public site and that Members could visit the public open space, however Members needed to remember that the committee was not determining a planning application. If Members wished to visit, it should not be an organised visit.

26. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED:

(a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items as they involved the likely disclosure of exempt information as defined in Paragraph 3, Part 1 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); and

(b) That all documents and reports relating to the items be confirmed as “Not for Publication”.

27. LAND AT WESTACOTT - PUBLIC CONSULTATION

The Committee considered a report by the Head of Resources (circulated previously) regarding land at Westacott – public consultation.

The Head of Resources and Estates Officer provided responses to questions raised by the Committee.

RESOLVED:

(a) that the Head of Resources be authorised to undertake the appropriate advertisement of the potential disposal of the land at Westacott and call for public consultation in accordance with section 123 of the Local Government Act 1972;

(b) That a report be presented back to the Committee with the responses of the public consultation so that Members are able to consider the responses received and whether or not to agree to the disposal of the land in accordance to the offer received.

28. EV CHARGING - SUPPLIER RESOLUTION

The Committee considered a joint report by the Senior Regeneration Officer and Solicitor/Data Protection Officer (circulated previously) regarding securing a supplier resolution for the procurement of rapid Electric Vehicle Charging points.

The Senior Regeneration Officer and Solicitor/Data Protection Officer provided responses to questions raised by the Committee.

RESOLVED that the Council collaborate with Osprey to ensure proposed amendments to the Concession and Lease agreements were suitable to both parties for the procurement of rapid Electric Vehicle Charging points.

Chair

The meeting ended at 11.30 am

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